

Please ask for: Mrs. W. Rowe
Extension No: 4584
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31 January 2023

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 8 February 2023
Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged: -

Application Number	Application Location and Description	Start Time
CH/22/0106	Hagley Park Farm, Jones Lane, Slitting Mill, Rugeley WS15 2UJ - Demolition of existing Farmhouse and replacement with a “new” Farmhouse using existing access of Jones Lane. Demolition of existing two outbuildings to the rear and replacement with two new residential units	1:45pm
CH/22/0413	24 Bideford Way, Cannock WS11 1QD - Change of use from Sui Generis Council owned x2 car park spaces to Class C(3) to use as residential garden, extension of side boundary wall adjacent to car park	2:15pm

Members wishing to attend the site visits are requested to meet at Hagley Park Farm, Jones Lane, Slitting Mill, Rugeley WS15 2UJ at 1:45pm as indicated on the enclosed plan.

Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

Thompson, S.L (Chair)
Beach, A. (Vice-Chair)

Cartwright, S.M.	Kruskonjic, P.
Crabtree, S.K.	Muckley, A.M.
Fisher, P.A.	Pearson, A.R.
Fitzgerald, A.A.	Thornley, S.J.
Hoare, M.W.A.	Wilson, L.J.
Jones, V.	1 vacancy
Kenny, B.	

Agenda

Part 1

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

- 3. Disclosure of Details of Lobbying of Members**

- 4. Minutes**

To approve the Minutes of the meeting held on 11 January 2023 (enclosed).

- 5. Members' Requests for Site Visits**

- 6. Report of the Interim Development Control Manager**

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Interim Development Control Manager.

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Planning Applications (1 & 4 are Site Visit Applications)

Application Number	Application Location and Description	Item Number
1. CH/22/0106	Hagley Park Farm, Jones Lane, Slitting Mill, Rugeley WS15 2UJ - Demolition of existing Farmhouse and replacement with a "new" Farmhouse using existing access of Jones Lane. Demolition of existing two outbuildings to the rear and replacement with two new residential units	6.1 - 6.22
2. CH/22/0132	Wyrley Common, Land south of Watling Street, Norton Canes, Cannock WS11 9NA - change of use of land to mixed outdoor recreational including the construction of go karting circuit with associated infrastructure including erection of buildings, track, altered site access, entrance drive and parking, fencing and earth acoustic bund, parkland and habitat enhancement areas, diversion of 3 public rights of way, provision of cycleway, new drainage system and associated lighting	6.23 - 6.83
3. CH/22/0338	Youth and Community Centre, Burnthill Lane, Rugeley WS15 2HX - Proposed extension and layout improvements to existing car park	6.84 - 6.102
4. CH/22/0413	24 Bideford Way, Cannock WS11 1QD - Change of use from Sui Generis Council owned x2 car park spaces to Class C(3) to use as residential garden, extension of side boundary wall adjacent to car park	6.103 - 6.113

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 11 January 2023 at 3:22pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Thompson, S.L. (Chair)
Beach, A. (Vice-Chair)

Cartwright, S.M.	Kruskonjic, P.
Crabtree, S.K.	Muckley, A.M.
Fisher, P.A.	Pearson, A.
Fitzgerald, A.A.	Thornley, S.
Kenny, B.	Wilson, L.J.

(The start of the meeting was slightly delayed due to the site visits running over).

59. Apologies

An apology for absence was received from Councillor V. Jones.

60. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

Nothing declared.

61. Disclosure of Details of Lobbying by Members

Councillors P. Kruskonjic and S. Thornley declared that they had been lobbied in respect of Application CH/21/0476.

Councillors A. Beach, S. Crabtree, A. Fitzgerald, B. Kenny, P. Kruskonjic, A. Muckley and L. Wilson declared that they had been lobbied in respect of Application CH/22/0352.

62. Minutes

Resolved:

That the Minutes of the meeting held on 23 November 2022 be approved as a correct record.

63. Members Requests for Site Visits

(A) Councillor A. Pearson requested a site visit in respect of Application CH/22/0149 - 1 Brindley Heath Road, Hednesford, WS12 4DR, Demolition of existing buildings and

erection of 3 no. apartment buildings providing 15 dwellings. The reason for the site visit was to assess possible effects on the highway. This was seconded by Councillor S. Thornley.

Resolved:

That a site visit be undertaken in respect of Application CH/22/0149 - 1 Brindley Heath Road, Hednesford, WS12 4DR, Demolition of existing buildings and erection of 3 no. apartment buildings providing 15 dwellings for the reason outlined above.

- (B) Councillor B. Kenny requested a site visit in respect of Application CH/22/0413 - 24 Bideford Way, Cannock, WS11 1 QD, Change of use from Sui Generis Council owned x2 car park spaces to Class C(3) extension of side boundary wall adjacent to car park to use as residential garden. The reason for the site visit was to assess parking concerns in the area. This was seconded by Councillor P. Kruskonjic.

Resolved:

That a site visit be undertaken in respect of Application CH/22/0413 - 24 Bideford Way, Cannock, WS11 1 QD, Change of use from Sui Generis council owned x2 car park spaces to Class C(3) extension of side boundary wall adjacent to car park to use as residential garden for the reason outlined above.

64. Application CH/21/0476 - Land off Girton Road, Cannock, WS11 0ED, Erection of two apartment buildings to accommodate 24 no. apartments and associated development including access, parking and landscaping

Consideration was given to the report of the Interim Development Control Manager (Item 6.1 – 6.30) presented by the Interim Development Management Team Leader.

The Committee was provided with an update that had been circulated in advance of the meeting, advising that the correct application number was CH/21/0476 and not CH/22/0476 as indicated on the agenda.

The Interim Development Management Team Leader then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Paul Westwood, an objector and David Pickford, the applicant's agent, speaking in support of the application.

Resolved:

- (A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure
- a contribution for affordable housing provision equivalent to 1 unit for First Homes on site and a contribution towards 4 off-site units, and
 - a financial contribution to mitigate recreation impacts upon Cannock Chase Special Area of Conservation

(B) That, on completion of the Agreement, delegated authority be granted to the Head of Economic Prosperity to approve the application subject to the conditions contained in the report for the reasons stated therein.

(At this point in the proceedings the Committee adjourned for a comfort break.)

65. Application CH/22/0352 - 21 Stafford Road, Cannock, WS11 4AF, Redevelopment of site to provide 17 room House of Multiple Occupation

Consideration was given to the report of the Interim Development Control Manager (Item 6.31 – 6.59) presented by the Principal Development Control Planner.

The Committee was provided with an update that had been circulated in advance of the meeting (attached as Annex A to these minutes).

The Principal Development Control Planner then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Mr. Borg, an objector and Donna Savage, the applicant's agent, speaking in support of the application.

During the debate reference was made to the reasons for the Planning Inspectors decision to dismiss the two previous planning applications on appeal. The Principal Solicitor outlined the reasons for the Planning Inspectors decision on the appeals. The Interim Development Control Manager explained that the current application had overcome the appeal refusal reason relating to the design of the building. Additionally, the Inspector did not find any grounds for dismissal on lack of parking in relation to the application made in 2020.

Members discussed potential occupants of the HMO and considered that Anti-Social Behaviour may arise as a result of the proposal. The Interim Development Control Manager confirmed that the status of potential occupants of the proposed HMO was not a material planning consideration and Members should not assume who would reside in the property. All potential tenants would be vetted by the applicant. He confirmed that separate legislation was in place to deal with any ASB issues that may arise.

The meeting adjourned briefly so that the Principal Solicitor could clarify whether it was appropriate for a Member to ask a question in the meeting on behalf of a resident. She confirmed the specific question was not relevant to the determination of the application. However, the Member could still raise issues during the debate.

Members then sought clarification on the role of the caretaker referred to in the report. The applicant's agent was asked to clarify this, and she explained that a Management Plan had been submitted as part of the planning application. A housekeeper/caretaker would be appointed to live on the site to undertake general cleaning and maintenance duties, be available to liaise with tenants regarding issues such as lost keys and any other duties as necessary.

Following a lengthy debate Councillor Fisher moved the officer's recommendation to approve the application as detailed in the report. This was seconded by Councillor Crabtree. Following a vote, the motion fell.

Councillor Pearson then moved that the application be refused on the grounds of overdevelopment because of the number of proposed occupiers, and this was seconded by Councillor Thornley.

The Principal Solicitor reminded Members that the application should be determined on its planning merits and Members should not continue to debate who would reside in the property. She clarified that the motion to refuse the application had been moved and seconded and any debate should relate to this motion.

Prior to the vote being taken the Principal Solicitor reminded Members that the previous application was for 18 rooms, and the Planning Inspector had not cited this as a reason to dismiss the previous appeal.

The motion to refuse was then put to a vote and was carried.

Resolved:

That the application, which was recommended for approval, be refused for the following reason: -

The proposed development by reason of its number of rooms constitutes an overdevelopment of the site. As such, the proposed development fails to accord with policy CP3 of Cannock Chase Local Plan and paragraph 130(f) of the NPPF.

The meeting closed at 6.06 p.m.

Chair

Application CH/22/0352: Former Royal British Legion, 21 Stafford Road, Cannock, WS11 4AF - Redevelopment of site to provide 17 room House of Multiple Occupation

Following compilation of the report for the Committee agenda, the following additional representation was received:-

Further representation:

The appeal for the previous application was dismissed not only because of the height of the building, but it also refers to the closeness of the building to the pavement.

The passage below is taken from Planning Inspectorate report:

'Also, it would be adjacent to the pavement while other buildings in Park Road tend to be set of from the footway. As such the building would stand out as an overly prominent development in the street scene.'

Furthermore, a report entitled 'Cannock Chase Heritage Impact Assessment' commissioned by Cannock Council in 2020 compiled by AECOM concludes that the site could be enhanced and provides the recommendations below.

Cannock Chase Heritage Impact Assessment - 2020

MAXIMISING ENHANCEMENT AND MITIGATING HARM

Maximising Enhancement
The current building on the site is a 19 th century construction but of low significance. The gable end of the building presents an almost blank elevation to Park Road and the entrance on Stafford Road has been removed. The single storey extension on Park Road to the south of the original back addition of the building pushes forward onto the street, increasing impact on the grade II listed Congregational Chapel. Development on the site that included the demolition of the single storey extension and landscaping of the space, opening up of the blank gable end, reinstatement of the entrance on Stafford Road and removal of the building's render back to brick would enhance the setting of the conservation area, the Congregational Chapel and the Manse.
Mitigating Harm
Development involving the demolition of all structures on the site would be acceptable if it were moved back from Park Road and Stafford Road with landscaping introduced between it and the roads. Such development should only be considered at a height of two storeys in red brick in tune with the existing context further north on the west side of Stafford Road.

CONCLUSIONS AND RECOMMENDATIONS

The existing building on the site is of low significance but if it were partially demolished and restored it would have the potential to contribute to the significance of the conservation area and the grade II listed Congregational Chapel. New development on the site would have a low impact on these assets if it were moved back from the current building line, restricted to two storeys in height and carried out in the prevailing local material of red brick. The existing buildings on Stafford Road are well spaced apart and the site could accommodate a range of architectural styles. For the same reason, strict adherence to the existing roof line and window spacing would not be necessary.

All the buildings in Park Road stand back from the pavement, many with traditional style railings, we even have landscaping and trees, and this is not coincidental, but caring planning by a local developer familiar with Park Road (and previous buildings) who cared enough to incorporate the new buildings with their surroundings. Now is an opportunity to re-instate the character and setting of the original building as recommended in the council's own Heritage Impact Assessment and the closeness of the building to the pavement is also specifically referred to by the Planning Inspector. ' Policy CP3 of the Cannock Chase Local Plan aims amongst other things to ensure development is well related to its surroundings' (extract from the Planning Inspectors Report).

Not only does this site form part of the town's early agricultural roots, but the 19th Century residential building itself has contributed to the social history of our town over the years. The previous application had a condition to install a heritage board.

The condition read:

“The development hereby approved shall not be occupied until a scheme for the provision of an interpretive panel outlining the historical development of this part of Cannock, has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. Reason In order to better reveal the historical significance of this part of Cannock Town Centre in accordance with the NPPF.”

Why has a similar condition not been placed on this application?

This is an important site in a prominent position on the edge of the Conservation area and deserves proper consideration in respect of its appearance not only of the proposed building but the character of Park Road (formerly known as Simm Lane) and its history. This was reinforced by the Planning Inspector.

Residents in Cannock care about the history of our town and its appearance for future generations now is an opportunity to reinstate the original setting of a proposed new building to enhance the character of the area.'

Officer Response

Firstly, in order to appreciate the Planning Inspector's comments, they must be read from within the context stated in the appeal decision for CH/20/026 below:

'However, its Park Road elevation would have a 2-storey high double gable whereas the side extension to the rear of the existing building is single storey. Due to this increase in height, the proposal would be markedly more prominent and visually imposing than the existing building when seen from Park Road. Also, it would be adjacent to the pavement while other buildings in Park Road tend to be set off the footway. As such, the building would stand out as an overly prominent development in the street scene.'

The building line point is noted, however, the inspector dismissed the scheme due to the increased height of the two storey double gable design proposed by the scheme. At the time it was considered, the planning inspector did not refuse the scheme based on the footprint, building line, or siting of the proposed replacement building which is similar to that of the existing building.

With regard to the second point raised relating to the Cannock Chase Heritage Impact Assessment, these are recommendations suggested for mitigating harm to the Town Centre Conservation area, Grade II Listed Chapel, heritage assets. However, the Planning Inspector decided that the Town Centre Conservation Area and Listed building were located sufficiently far enough away from the application site, so as to not cause harm to the designated heritage assets. The appeal was dismissed on the impact of the double gable design and height of the scheme, which was found to be unacceptable upon the character and appearance of the street scene in Stafford Road and Park Road.

Furthermore, it is considered that setting back the proposed new building from both elevations on Park Road and Stafford Road would result in such limited application site area for development potential, that the site would become unviable and would be left to deteriorate for a number of years more, which on balance, would most likely cause an increased detrimental impact upon the character and appearance of the local area.

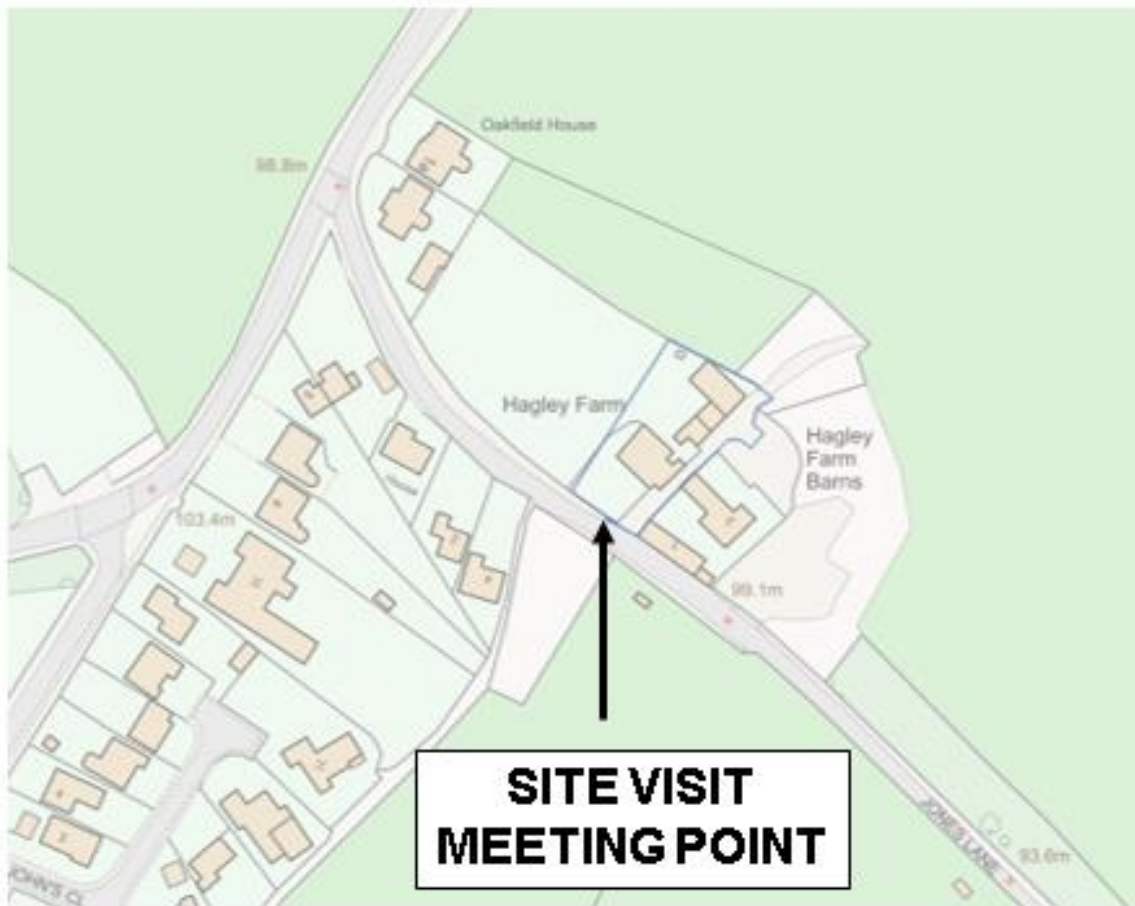
With regard to the final point made regarding a heritage board condition, this could be considered and applied, if Members and the applicant are agreeable at the Planning Committee Meeting.

As such, the information provided does not alter the officer's view and recommendation to approve, subject to the completion of a S106 legal agreement to secure a contribution to mitigate recreation impacts upon Cannock Chase Special Area of Conservation equivalent to 4 x No. dwellings, and the conditions as detailed within the report.

Application No: CH/22/0106

Location: Hagley park Farm, Jones Lane, Slitting Mill, Rugeley, WS15 2UJ

Proposal: Demolition of existing farmhouse and replacement with a new farmhouse using existing access of Jones Lane. Demolition of outbuildings to the rear and replacement with two new residential units

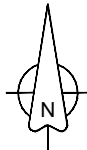
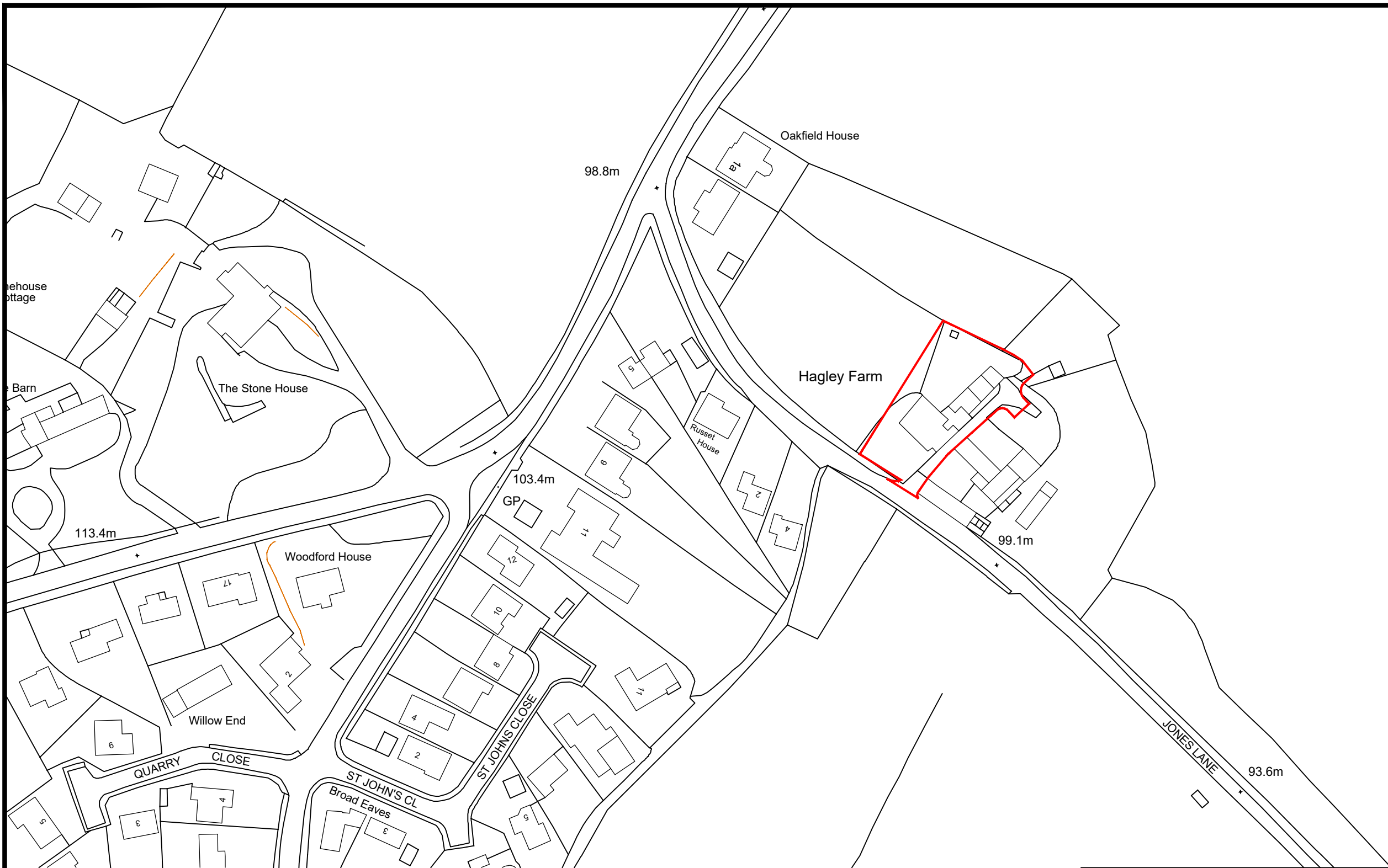


Application No: CH/23/0413

Location: Land adjacent 24 Bideford Way, Cannock, WS11 1QD

Proposal: Change of use from Sui Generis council owned x2 car park spaces to Class C(3) to use as residential garden, extension of side boundary wall adjacent to car park.





Site Location Plan

Scale - 1:1250

Project:

**Hagley Farm, Jones Lane,
Rugeley, WS15 2UJ**

Title:

Location Plan

Scale

1:1250 @ A3

Date

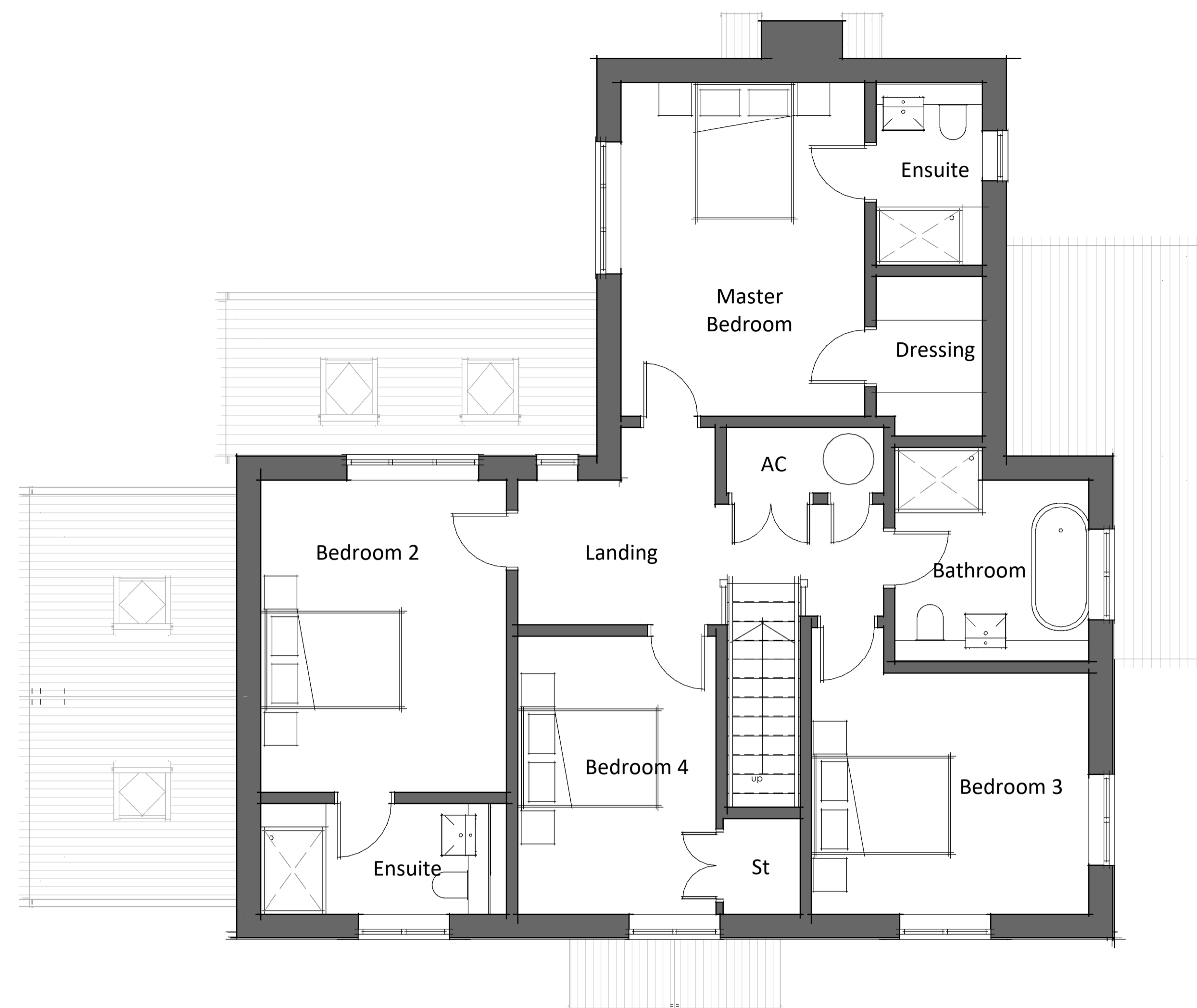
Jan '22

Drawing Number

HFJL OS2



Ground Floor Plan
1:50



First Floor Plan
1:50



Proposed South Elevation
1:100



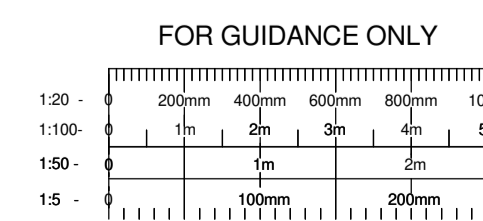
Proposed East Elevation
1:100



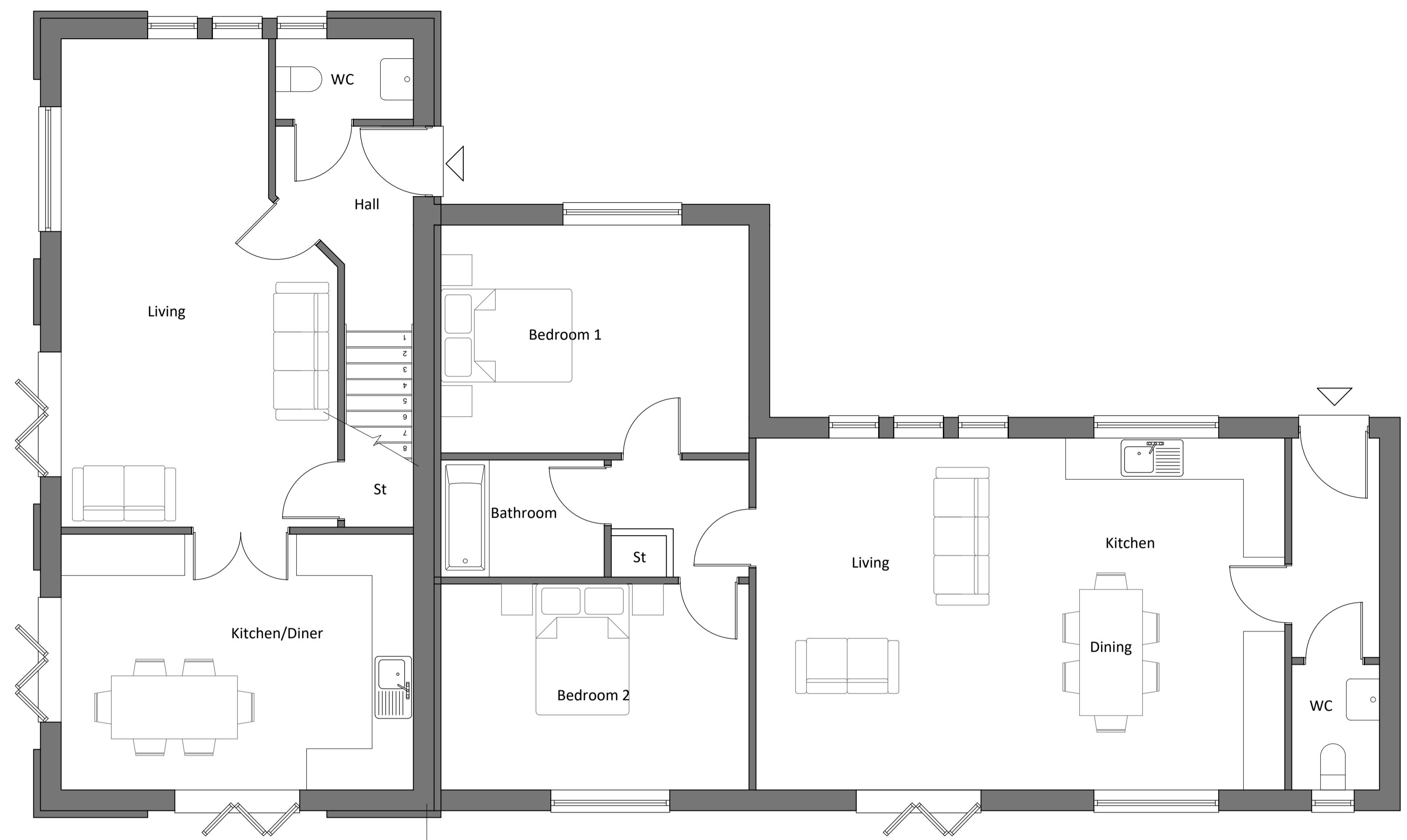
Proposed North Elevation
1:100



Proposed West Elevation
1:100

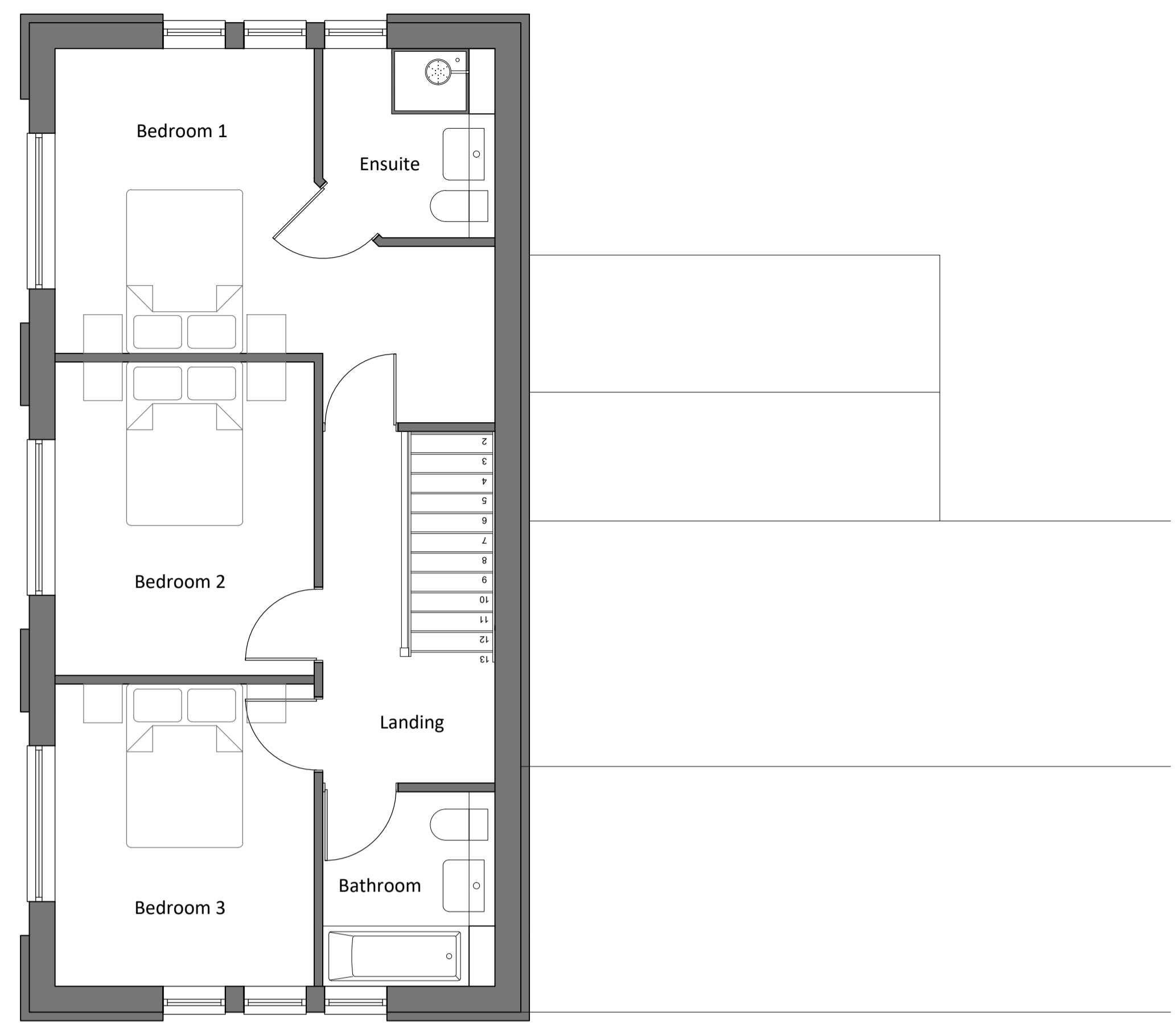


Project: Hagley Farm, Jones Lane, Rugeley WS15 2UJ Title: New Replacement Farmhouse Proposed Plans & Elevations	Scale 1:100 @ A1 Date January 2022 Drawing Number HFJL 11	No. Revision - -	Date -
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Ground Floor Plan

Scale - 1:50



First Floor Plan

Scale - 1:50



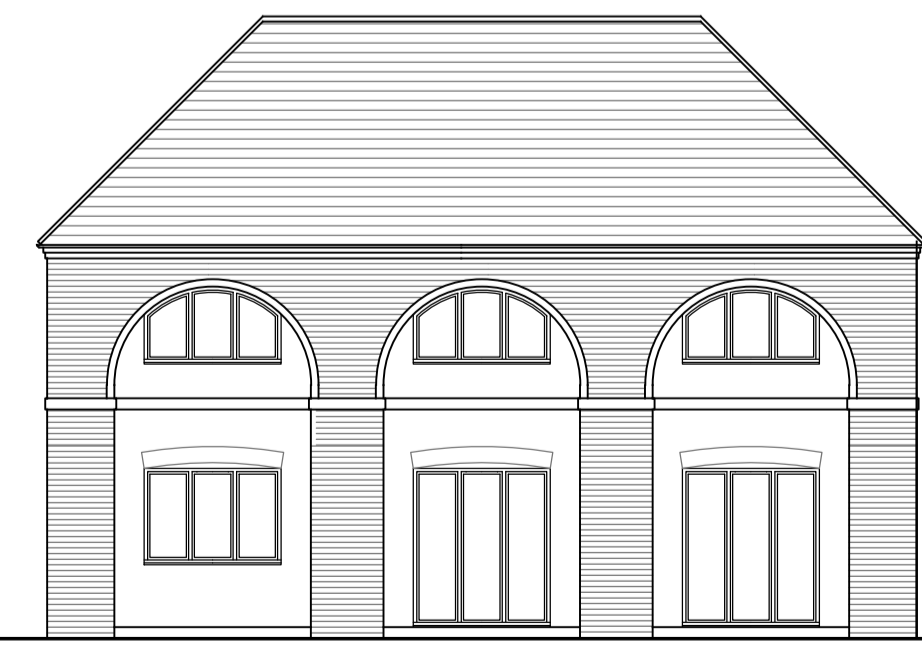
North Elevation

Scale - 1:100



South Elevation

Scale - 1:100



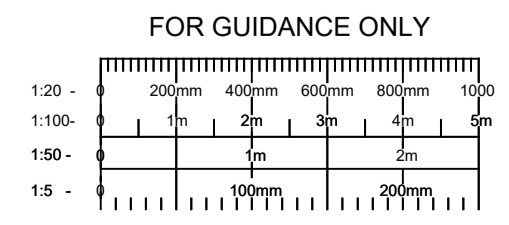
East Elevation

Scale - 1:100

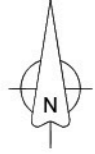


West Elevation

Scale - 1:100



Project: Hagley Farm, Jones Lane, Rugeley WS15 2UJ Title: 2 New Residential Dwellings - Proposed Plans & Elevations	Scale 1:100 @ A1 Date January 2022 Drawing Number HFJL 10 A	No. Revision	Date
	(Empty space for revision table)		



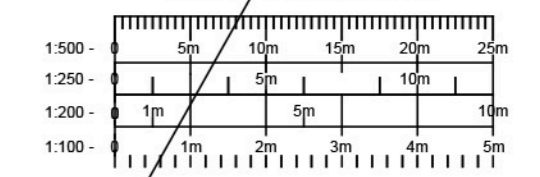
Proposed Site Layout

Hagley Farm, Jones Lane,
Rugeley
WS15 2UJ

HFJL 05 Proposed Site Plan - Rev A
Scale - 1:200 @ A2



FOR GUIDANCE ONLY



Contact Officer:	Kayleigh Williams
Telephone No:	07810155287

<p>Planning Control Committee 8th February 2022</p>
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Application No:	CH/22/0106
Received:	16 Mar 2022
Location:	Hagley Park Farm, Jones Lane, Slitting Mill, Rugeley, WS15 2UJ
Parish:	Rugeley CP
Ward:	Etching Hill and The Heath
Description:	Demolition of existing Farmhouse and replacement with a 'new' Farmhouse using existing access of Jones Lane. Demolition of existing two outbuildings to the rear and replacement with replacement with two new residential units.
Application Type:	Full Planning Application

Reason for committee determination:

Rugeley Town Council Objection

Recommendation:

Approve subject to conditions and informatives

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) Time Limit

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) Approved Plans

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

- Location Plan: HFJL OS2
- Proposed Site Plan: HFJL 05 Rev:A
- Proposed Plans and Elevations - New Barn: HFJL 10 Rev:A
- Proposed Plans and Elevations - New Replacement Farmhouse: HFJL 11

Reason:

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

3) Details of Materials

No development above slab level shall take place until a photographic schedule of all materials to be used in the external construction and finishes of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details

Reason:

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

4) Permitted Development

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;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

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.

5) Highway Safety Matters

The proposed parking, accessed and circulation areas as shown on Drawing Number HFJL 05 Proposed site plan Revision A shall be sustainably drained, hard surfaces in bound material and marked out prior to occupation of the buildings hereby permitted. Thereafter these parking area shall be retained in accordance with the approved plans for the lifetime of the development

Reason:

In the interests of highway safety. To comply with the objectives and policies contained within the NPPF and to comply with the Cannock Chase Local Plan CP10

6) Construction Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, site lighting and protection of protected species. Thereafter, the development shall be implemented in accordance with the approved details

Reason:

In the interests of the amenities of surrounding occupiers and the presence of protected species during the construction of the development.

7) EV Charging Point

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason:

To ensure sustainable forms of transport in accordance with Policy CP5 of the Cannock Chase Local Plan

8) Boundary treatments

No development above slab level shall take place until, full details of the boundary treatments proposed across the site, including hedgehog highways access points, are demonstrated on plan and supported by indicative photo samples. Thereafter, all boundary treatments shall be retained and maintained in accordance with the approved plan for the lifetime of the development.

Reason:

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

9) Lighting Plan

Any external lighting will only be permitted in accordance with a lighting scheme to be first submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason:

To protect the appearance of the area, the environment and wildlife, and local residents from light pollution in accordance with Policy CP12 of the Cannock Chase Local Plan.

10) Biodiversity Enhancements

Prior to the commencement of any development, including demolition and enabling works, details including the location and specification of:

- biodiversity enhancements measures contained in section 5.4 of the supporting Preliminary Ecological Appraisal Survey Report (Elite Ecology December 2021 - Version 1) in relation to birds, flora, invertebrates and hedgehogs, and
- biodiversity enhancement measures contained in section 5.1 and 5.2 of the supporting Bat Activity Survey Report (Elite Ecology October 2021 - Version 1) in relation to bats and birds respectively,

shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details, with all biodiversity enhancements features being provided on site prior to first occupation.

Reason:

To ensure that there is no net loss of biodiversity, in accordance with Policy CP12 of the Cannock Chase Local Plan.

11) Landscaping Proposal

Prior to the commencement of any development, including demolition and enabling works, full details of all hard and soft landscaping, including construction details for the site are to be submitted and approved by the Local Planning Authority and thereafter, the development shall be implemented in accordance with the approved details in the first available planting season following first occupation of the development. Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

Notes to the Developer:**1. Public Rights of Way**

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence.

The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). Any works that affect the surface of the footpath need discussing with the County Council Rights of Way Team. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

2) Building Act 1984

The demolition of the existing farmhouse and outbuildings should be undertaken under the usual controlled provisions afforded by the Building Act 1984 with the appropriate specialist attention being paid should the constructions of the same incorporate any asbestos containing materials.

3) Bird Nesting Season

As outlined in the paragraph 6.4 of the submitted Bat Activity Survey Report, no works can be undertaken during the bird breeding season (March to August, inclusive), unless the structures have been inspected by a suitably qualified ecologist no more than twenty-four hours prior to the commencement of works

4) Bat Season

As outlined in the paragraph 6.4 of the submitted Bat Activity Survey Report No re-development works can proceed on the structure until October when the bats have gone to their hibernation roosts.

5) Natural England License

As outlined in the paragraph 5.1 of the submitted Bat Activity Survey Report the applicant must apply for a Natural England Development License to legally carry out the proposed works.

6) Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity

External Consultations

Consultee	Recommendation
Natural England	No objection - Subject to appropriate mitigation
SCC -Rights of Way	No objection- Subject to informative 1
SCC - Flood Risk	No objection
SCC -Highways	No objection - subject to condition 5
SCC - Minerals	No objection

Internal Consultations

Consultee	Recommendation
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Environmental Health	No objection subject to condition 6 & 7
Rugeley Town Council	<p>Objection</p> <p>Rugeley Town Council considered this application at its Planning Committee held on 20th April 2022 and made the following comments:</p> <p>Councillors were concerned with the following matters:</p> <ul style="list-style-type: none"> • A building over 200 years old would be demolished. <p>Please refer to paragraph 4.3.5</p> <ul style="list-style-type: none"> • A concern about the Rights of Way, <p>Please refer to paragraph 4.5.3</p> <ul style="list-style-type: none"> • Watercourses <p>Please refer to paragraph 4.7.1-4.7.3</p> <ul style="list-style-type: none"> • TPOs on the site. <p>Please refer to paragraph 4.3.7</p> <p>Councillors were minded to support the residents' objections to the application and requested that CCDC make a site visit.</p>

Response to Publicity -

The application has been advertised by site notice and neighbour letter. Four letters of objection were received by resident:

- Destruction of a historic building

Officer Response: Please refer to paragraph 4.3.5

- Loss of wildlife habitat

Officer Response: Please refer to section 5.4

- Damage to bat and shrew population

Officer Response: Please refer to section 5.4

- Loss of green space

Officer Response: Please refer to paragraphs 4.3.5

- Significant negative impact on the local environment due to loss and/or damage to trees and hedges

Officer Response: Please refer to paragraphs 4.3.5

- Loss of privacy

Officer Response: Please refer to paragraphs 4.4.1-4.4.4

- The extra number of vehicles using a narrow lane/ public footpath

Officer Response: Please refer to paragraph 4.5.2

- Increase traffic using the dangerous junction of Jones Lane/ Penkrige Bam Road

Officer Response: Please refer to paragraphs 4.5.2

- Cumulative impact on the other developments

Officer Response: Please refer to paragraphs 4.5.2

Relevant Planning History

CH/15/0302: Granted 14th September 2015

Prior notification application for the proposed change of use to 2no agricultural outbuildings to create 3 No. dwellinghouses with associated demolition and operational development required to convert the building.

1 Site and Surroundings

- 1.1 The application site forms part of Hagley Park Farm and comprises of an existing two storey farmhouse with additional accommodation in the roof space. The farmhouse is approximately 250 years old and forms part of a wider site which includes ancillary single storey outbuildings are also contained within the application site.
- 1.2 The area of the site is measured at approximately 0.3 acres and is located to the north east of Jones Lane within the settlement of Slitting Mill. Beyond the application site to the north east is the Cannock Chase Green Belt boundary, with the Cannock Chase AONB boundary located some 120 metres to the north west.

- 1.3 The wider street scene of Jones Lane and Penkrige Bank Road comprises of dwellings with a variety of architectural styles and plot sizes, with dwellings finished in a combination of brickwork and rendered walls with concrete tiled roofs. To the immediate east and south east of the site lies Hagley Farm Barns which was awarded permitted development approval for the conversion of the buildings on the site to form three new dwellings. The site is closely related to the existing residential development to the south and south east of Jones Lane and the wider Slitting Mill settlement.
- 1.4 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The application site is also located within a Low Risk Development Boundary as defined by the Coal Authority and the Mineral Safeguarding Area.

2 Proposal

- 2.1 The proposal seeks to demolish the existing farmhouse and single storey outbuildings in replacement of three new dwellings on separate plots. The farmhouse (Plot 1) is proposed to be replaced with a four bedroom dwelling and the outbuildings will be replaced by two attached dwellings in a rural and agricultural architectural style. The single storey dwelling (Plot 2) will have 2 bedrooms and the 2 storey dwelling (Plot 2) will benefit from 3 bedrooms. All dwellings will be afforded two parking spaces and the farmhouse dwelling will benefit from a single bay detached garage.
- 2.2 The new dwellings are proposed to reflect the size and layout of the existing farmhouse and outbuildings. The replacement farmhouse ridgeline at its highest, is proposed at approximately 8.7 metres, reflecting the existing farmhouse which has accommodation within its roof space. The replacement farmhouse is proposed to adopt a traditional farmhouse character, utilising materials which have a reclaimed appearance, including traditional brick and plain tile. The specific details of these materials are requested by condition 3.
- 2.3 The two new attached barn style dwellings will adopt a traditional barn appearance, also utilising materials of a reclaimed appearance (details again requested by condition 3). The attached dwellings will sit 10 metres behind the farmhouse and will have a maximum ridge height of approximately 8.2 metres and the single storey barn will have a ridge height of approximately 5 metres.

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 – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design

- CP6 - Housing Land
- CP7 - Housing Choice

National Planning Policy Framework

- 3.4 The NPPF (2021) 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.
- 3.5 The NPPF (2021) 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.
- 3.6 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
 - 126, 130, 131, 134: Achieving Well-Designed Places
- 3.7 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:-

- 4.2 Principle of development
- 4.3 Impact on the character and appearance of the area
- 4.4 Impact on residential amenity.
- 4.5 Impact on highway safety.
- 4.6 Impact on nature conservation
- 4.7 Impact on drainage and flood risk
- 4.8 Impact on ground conditions and contamination

4.2. Principle of the development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.3 As provided by Local Plan Policy CP1 extent of the urban areas are constrained by the Green Belt Boundaries as defined by the policies map. It identifies the urban areas of the District, including Slitting Mill, will be the focus of the majority of new residential development.

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of residential wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11.

4.2.5 In this case, the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located within flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance (Paragraph 11 (d) (i)). As such, the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (Paragraph 11 (d) (ii)).

4.2.6 It is therefore concluded that the proposal is accepted in principle subject to all other policy tests and material considerations also being acceptable.

4.3 Impact on the character and appearance 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;

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 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 130 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 134 states:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they

4.3.5 The application site relates to the Hagley Park Farm complex, which includes a farmhouse thought to be some 200 years old. The building is not a designated heritage asset and does not form part of a conservation area. The demolition of the building is therefore not protected by the Planning (Listed Building and Conservation Areas) Act 1990. Furthermore, the application has been supported by a structural survey undertaken by Hibberd Consulting Engineers. The report outlines the building has a poor and deteriorating structural condition, a legacy of wall movement and instability and widespread fracture damage. The report concludes a significant amount of repair, rebuilding and strengthening is required but even with these works, the building would still be heavily compromised. In taking these factors into consideration there are no objections to the loss of this building in light of its undesignated status and poor structural integrity.

4.3.6 As outlined in the planning history section of the report, the buildings to the east of the application site were converted by Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development (England) Order 2015. This application resulted in the development of three new dwellings which have been designed with a rural and agricultural character. This proposal seeks to reflect this adjacent residential development, in terms of layout and architectural style. The farmhouse is clearly an exception to this, but it reflects the scale of the building to be demolished.

4.3.7 The proposal does not result in a loss of green space and the site is not protected by the wider areas Green Belt designation. There are also no protected trees on the site, which was raised by Rugeley Town Council. The application form states there are no trees or hedgerows proposed to be removed but to ensure the development assimilates with the wider semi-rural character of the area it is reasonable, to request a landscaping proposal (condition 11) which will enhance the character of the site adjacent to the open countryside.

4.3.8 The proposed dwellings are of traditional design and appearance with the use of high-quality materials in keeping with the local vernacular. Therefore, having had regard to Policy CP3 of the Local Plan and the relevant design paragraphs of the NPPF, it is considered that the proposal would be related to existing buildings and their surroundings, will integrate with existing features of amenity value, maintain the strong sense of place and will not be visually harmful, such that it would be acceptable in respect to its impact on the character and form of the area.

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 onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 In respect to the replacement Plot 1, the principal elevation will face onto the driveway and parking area of no1 Hagley Barn Farms and therefore does not result in any overlooking between habitable windows or into any private amenity areas. This relationship also removes any concerns with respect to overbearing and loss of light affects resulting from the proposal.

4.4.3 Plot 2 of the proposed development consists of a single storey dwelling and faces onto the rear garden of no3 Hagley Barn Farm, however owing to its single storey nature there are again no concerns with respect to loss of privacy, loss of daylight and overbearing impacts. And finally, Plot 3 of the development fronts onto the wider former agricultural plot and does not face onto any existing residential development and as such does not result in any residential amenity harm.

4.4.4 With respect to the residential amenity arrangement of the dwellings within the application site, plots 2 and 3 have the same north-west - south east orientation which is a typical arrangement for residential development and results in the same outlook in terms of its principal windows. There are therefore no residential amenity concerns between these two plots. The Plot 1 has a two storey side projection facing towards the rear garden of plot 2 and 3, however, the applicant has removed any windows at first floor from this elevation. Again, there no concerns arising from the internal layout between plots in residential amenity terms.

4.4.5 Appendix B of the Design Guide also sets out the expected rear garden areas which are set out below.

Plot Number	Design Guidance Area	Proposed Area
Plot 1 - 4 Bedroom	80 sqm	120 sqm
Plot 2 - 2 Bedroom	40-44 sqm	131 sqm
Plot 3 - 3 Bedroom	65 sqm	130 sqm

As outlined in the above table, all private amenity spaces exceed the minimum areas required by Appendix B of the Design Guide

4.4.6 Taking all of these matters into account, it is considered the proposal would provide a high quality of amenity for the future occupants as well as the existing

residential occupiers of the existing dwellings at Hagley Barn Farms in accordance with the Design SPD and Local Plan Policy CP3.

4.5 Impact on highway safety

- 4.5.1 Paragraph 111 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 does not seek to alter the existing access arrangement onto Jones Lane in terms of its width or location. The existing access road will include three new access points onto the individual plots with every dwelling afforded two parking spaces and Plot 1 benefiting from a single width detached garage which is considered to be acceptable by Staffordshire County Highways Department - No objections to the proposal have been raised by the department with respect to increased vehicle movements from the site or any intensified use of Jones Lane.
- 4.5.3 Rugeley Town Council have raised objections in relation to the Public Right of Way (PRoW). However, the PRoW runs down Jones Lane and would not be impacted by the proposal. To ensure the PRoW is not obstructed during the construction process a construction management plan is requested by condition 6 and informative 1 provides the necessary guidance to the applicant/developer regarding any interference with the PRoW.
- 4.5.4 Subject to the recommended highways condition 5 being met, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 111 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 174 and 180 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 Policy CP12 by the NPPF. Paragraph 174 states [amongst other things] that 'Planning policies and decisions should contribute to and enhance the natural and local environment. NPPF Paragraph 180 require local planning authorities to refuse developments which cannot mitigate harm to biodiversity

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- c) 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 180 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 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
- c) 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 application is supported by a preliminary Ecological Appraisal, undertaken by Elite Ecology on the 3rd November 2021. The preliminary survey outlined the potential for bat roosts and as such a further survey was commissioned to confirm the presence of any bat species within the application site. In terms of any other potential of protected species the recommended biodiversity enhancement details, are requested by condition 10.

4.6.6 The subsequent bat survey undertaken outlines there is high potential for bats on the proposal site and as such the applicant must apply for a Natural England Development License to legally carry out the works, should they be approved. The report states no works can proceed until October when bats have gone into their hibernation roosts and at the start of the works, site supervision by a licenced bat ecologist in accordance with the Natural England Development Licence will be required.

Cannock Chase Special Area of Conservation (SAC)

4.6.7 Local Plan Policy CP13 seeks to restrict development which would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network where these effects cannot be mitigated. To protect and retain the integrity of the Cannock Chase SAC, all developments within the Cannock Chase District resulting in a net increase in dwellings requires appropriate mitigation against any adverse impacts.

4.6.8 The appropriate mitigation mechanism adopted in the district implements a charge for any net dwelling of £290.58. As the proposal results in a net increase in dwellings the development would be CIL liable. The applicant has not sought a CIL exemption and as such this charge will be top sliced from the overall CIL liability payable. Natural England provide no objections subject to these mitigation measures being secured.

4.6.9 In considering all of the above matters and the proposed mitigation and enhancement measures, the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. Subject to recommended biodiversity condition 10 being met and the required CIL liability being paid. The proposal would provide opportunities to enhance nature conservation within the site and will protect and retain the integrity of the Cannock Chase SAC. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Impact on Drainage and Food Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states: 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

4.7.2 The application site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage, Staffordshire County Council Flood Risk team were consulted as part of the application process and have provided there are no objections to the proposal.

4.7.3 As such it is there are considered to be no adverse impacts which would justify the proposal should be refused on flood risk and drainage issues.

4.8 Impact on Ground Conditions

- 4.8.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted (informative 6).
- 4.8.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

5 Human Rights Act 1998 and Equality 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.
- 5.2 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

Equality Act 2010

- 5.3 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:

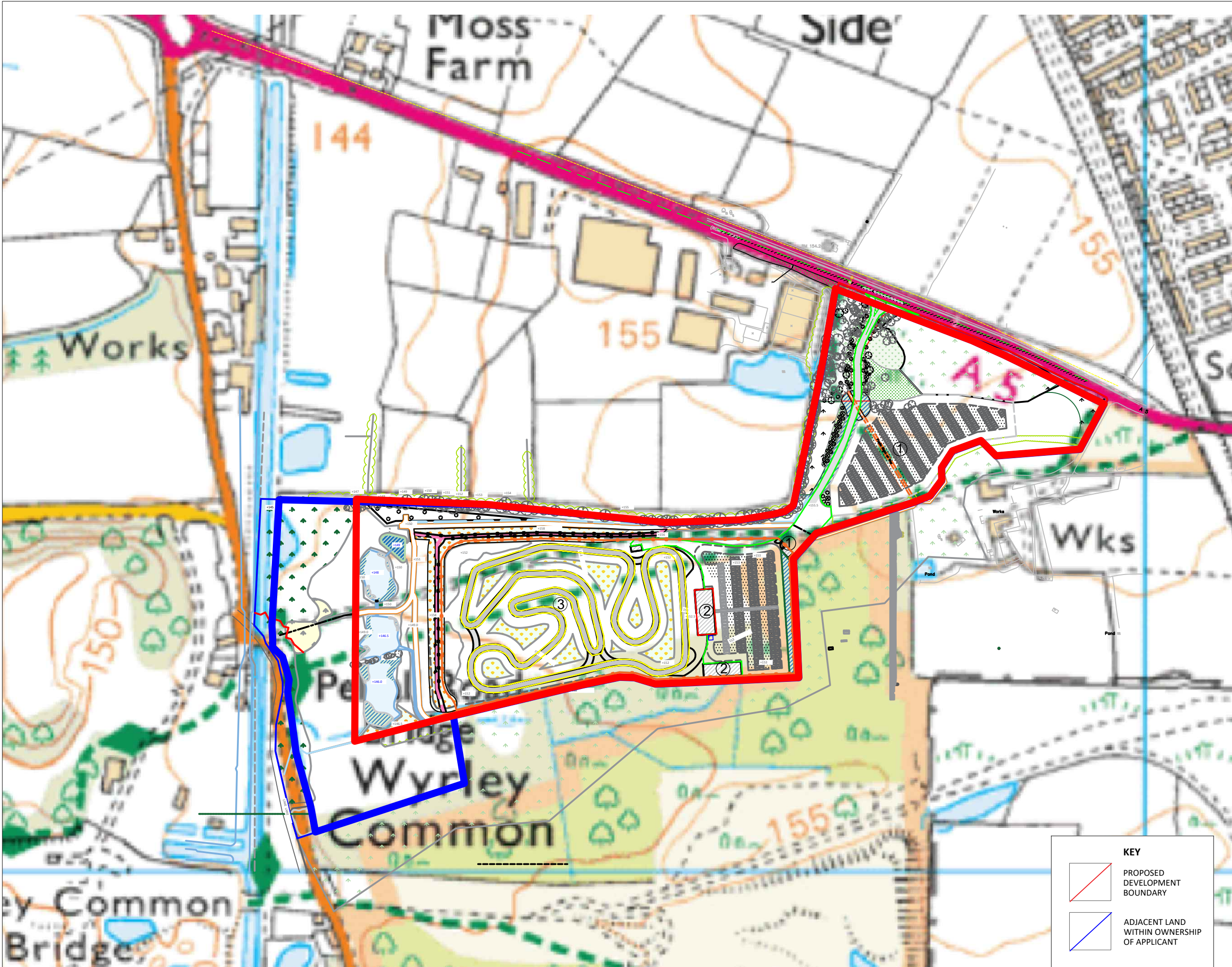
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic 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.



- 5.4 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 Equality 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.



KEY

-  PROPOSED DEVELOPMENT BOUNDARY
-  ADJACENT LAND WITHIN OWNERSHIP OF APPLICANT

Rev.	Date	Revision details	Drawn	Checked	Approved

Client
 Mr Roy Johnson
 Fishley Park Leisure Ltd

Project
 Go-Kart Track
 Wyrley Common
 Norton Canes

Title
 Block Plan

Drawn	Checked	Approved
DJ	RB	DJ

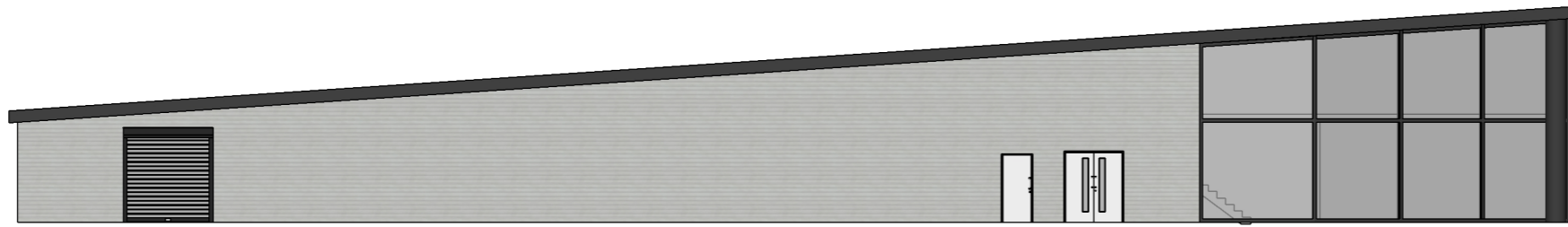
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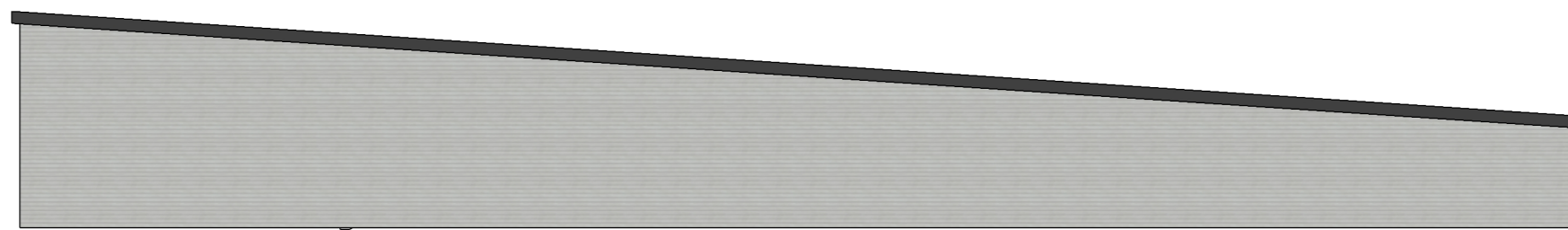
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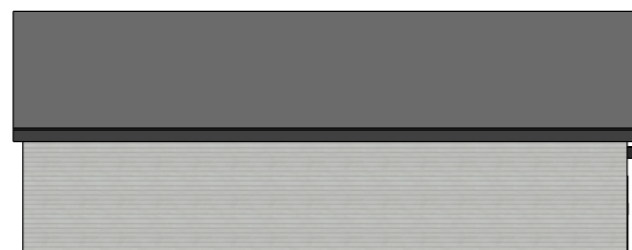
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Front Elevation
Scale: 1:200 @ A3



Rear Elevation
Scale: 1:200 @ A3



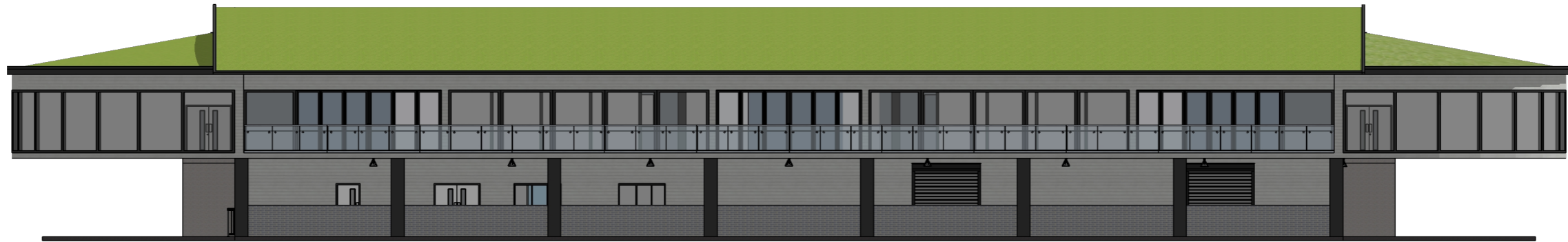
Side Elevation
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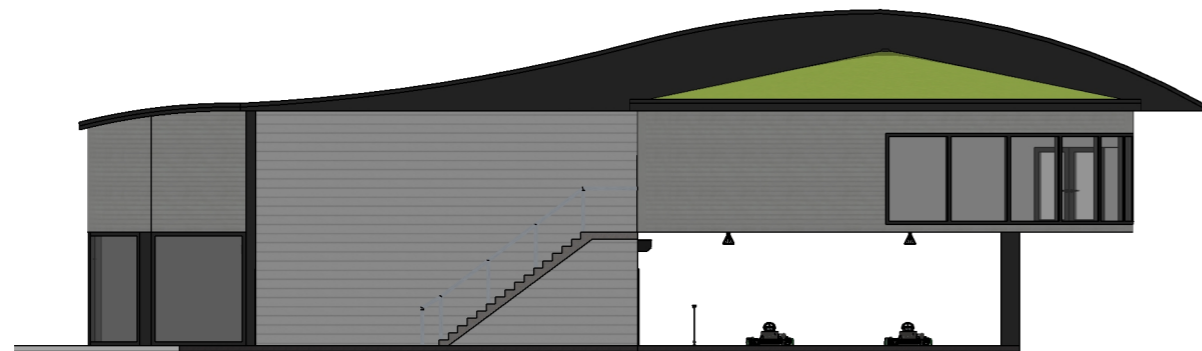
Side #2 Elevation
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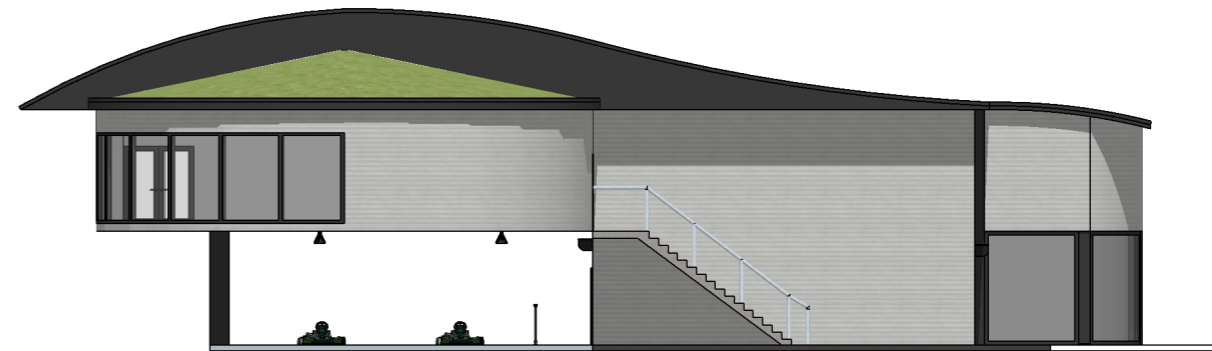
Front Elevation
Scale: 1:200 @ A3



Rear Elevation
Scale: 1:200 @ A3



Side Elevation
Scale: 1:200 @ A3



Side #2 Elevation
Scale: 1:200 @ A3

Contact Officer:	David O'Connor
Telephone No:	

Planning Control Committee

8th February 2023

Application No:	CH/22/0132
Received:	01-April-2022
Location:	Wyrley Common, Land south of Watling Street, Norton Canes, Cannock, WS11 9NA
Parish:	Norton Canes
Ward:	Norton Canes PC
Description:	Change of use of land to mixed outdoor recreational including the construction of go karting circuit with associated infrastructure including erection of buildings, track, altered site access, entrance drive and parking, fencing and earth acoustic bund, parkland and habitat enhancement areas, diversion of 3 public rights-of-way, provision of cycleway, new drainage system and associated lighting
Application Type:	Full Planning Application Major

Recommendation: Refuse for the following reasons:-

- (i) The proposal would involve a range of engineering operations and new buildings being provided on the site. These would fail to preserve the openness of the Green Belt by reason of the extent of built form proposed. Additionally the new use proposed would introduce activity such as parked vehicles, go kart noise, lighting, movement of patrons and karts, that would result in a marked change in the character and undeveloped appearance of the countryside and the perception of openness at this location.

Whilst forming facilities to support the operation of the outdoor sporting use proposed, the development would not be appropriate in this site context which displays an otherwise open setting devoid of buildings or structures, in close proximity to public rights of way. Given the scale of development proposed, massing and the nature of the use as a Go-Kart facility, the development would fail to preserve openness in a manner consistent with criterion (b) of Para 149 and would constitute a substantive encroachment into countryside and substantial increase built form between large built up areas contrary to NPPF Para 143.

- (ii) The harm to the Green Belt, to the character and setting of this rural location through urbanisation, the uncertainty around habitat and species impacts, uncertainty around calculations underpinning net biodiversity gain, loss of open access/common land in combination with the impacts on the Site of Biological Interest, remaining concerns in relation to noise impacts and the non-approval stance from National Highways would not be clearly outweighed by matters arising from the development such as 'need' for the facility, job opportunities and economic benefits and the proposed 'ecological improvements'.

As such the harm to the Green Belt and harm to the above acknowledged interests is not clearly outweighed so as to demonstrate very special circumstances exist that would justify approval of the application. Accordingly, the application is in conflict with Para 147 to 150 of the NPPF.

- (iii) The proposal, as a whole, would fail to be well-related to its surroundings in terms of its layout, scale and appearance, would not be an appropriate form of development within the Green Belt. The scale and extent of the development design proposed is considered to be out of keeping with its surroundings and fails to demonstrate sympathy to local character and its nearby landscape setting including public routes crossing the site. Therefore the development would be contrary to Policies CP3 and CP14 of the Cannock Chase Local Plan.
- (iv) The application site is in close proximity to the Cannock Extension Canal, which is a European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to significantly affect its interest features. The applicant has failed to provide sufficient information in respect to drainage and air quality impacts to allow the Local Planning Authority to make an appropriate assessment of the impacts on the Cannock Extension Canal Special Area of

Conservation/Site of Special Scientific Interest as required under the Conservation of Habitats and Species Regulations 2010 (as amended).

- (v) A large proportion of the submitted habitat and protected species information (particularly relating to bats and newts) provided with the application is out of date or does not follow best practice methodology in order to represent a reliable basis upon which to form conclusions within the Environmental Statement and Ecological Impact Assessment. As such the application is contrary to Local Plan Policy CP12 and the Wildlife and Countryside Act 1981.
- (vi) The proposal, by reason of the creation of the access road to the A5 through the Site of Biological Importance would have a direct impact on trees and result in severance of habitats which are considered important due to the presence of wet woodland (National Vegetation Classification W4) which is scarce in a Staffordshire context. This impact could potentially be exacerbated by the changes in hydrology as a result of the road construction and pollution from road runoff. The application is therefore in conflict with Local Plan Policy CP12 and NPPF Para 180.
- (vii) Insufficient or incorrect information is submitted in relation to Biodiversity metric calculations. The results provided are viewed as unsound and do not provide for a sufficient basis for the Council to consider the proposal having regard to the provisions of NPPF para 174(d) in terms of providing for net Biodiversity Uplift.
- (viii) The application fails to include sufficient information to allow the LPA to undertake a proper and full assessment of the proposal against the tests set out in local and national policy both in respect to drainage and flood risk. Furthermore the absence of information fails to allow the local planning authority to discharge its duties under Regulations 61 and 62 of the Habitats Regulations in respect to potential likely significant impacts on Cannock Extension Canal SAC. Therefore the development is judged to conflict with Local Plan Policy CP12 and in particular Footnote 55 at Para 167 of the NPPF.
- (ix) The application fails to provide sufficient information in relation to noise and pollution to demonstrate that nearby residential dwellings/houseboats and other users will continue to enjoy a high standard of residential amenity post implementation of the development. Accordingly conflict is therefore apparent with Local Plan Policy CP3 and NPPF Para 130(f) and 185.

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

1. EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the construction and use as a go-karting facility. The development will include the construction of the circuit (1200m in length), associated lighting, car parking for approximately 700 vehicles, erection of buildings, a new site access onto the A5, site boundary fencing, acoustic bunding, parkland and habitat areas, the diversion of 3 Public Rights of Way, new cycleway and new drainage system.
- 1.2 The application site has an extensive history. In this regard application reference CH/04/0558, registered on 20 July 2004 proposed the relocation of Chasewater Kart Racing Club which was displaced because of the construction of the M6 Toll. That application represented a reduction in scale from the previously refused application providing for a shorter circuit and a reduction in 12,203sqm of hard standing and 9,800sqm in track area. This was presented to Planning Committee in 2004 when it was resolved to approve the application subject to the completion of a Section 106 agreement. That agreement was never signed and a decision was never issued by the Council. The file was eventually 'Finally Disposed Of' in 2011.
- 1.3 In 2016 a further application was submitted (Reference CH/16/267). This proposed a similar Go Karting facility and associated operational development including the formation of the track, car park and associated landscaping and works. This application was refused in October 2020 for a range of reasons, including ecological grounds, noise, Green Belt principles and impacts on the character of the countryside amongst others. .
- 1.4 The current application proposes much the same type of development to that proposed in 2016. In the current submissions a formal Environmental Statement is provided. Nevertheless, much the same issues as were apparent at determination in 2020 remain apparent as part of the application as assessed by Officers today.

Green Belt Matters

- 1.5 The proposed development has two facets. The first facet of the proposal is that it proposes the change of use of the land from agriculture to a go-kart track that includes elements which would be defined as engineering operations. These include the construction of the track (1.2km) and parking (700 spaces in line with the submitted application form), turning, circulation and access areas, bunding works, fencing and external lighting.
- 1.6 In line with NPPF Para 150 the undertaking of engineering or other operations or the making of material changes in use of land is not inappropriate development in the Green Belt provided they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt.
- 1.7 In the Officers view it is clear that any proposal which would introduce a track and car parking on the scale proposed together with an acoustic bund, access roads and 2m fencing would fail to preserve the openness of the Green Belt by virtue of the extent of built form proposed. Add to this the use to which the land would be put with its

associated paraphernalia and activity such as parked vehicles, go kart noise, lighting, movement of patrons and karts, Officers assess there would be a marked change in the character and undeveloped appearance of the countryside at this location. This change would be particularly prominent from the footpaths within the site and views from the A5.

1.8 The application proposes the construction of 2 No. new main buildings which will be used for the purposes of garaging and servicing vehicles (45m x 16m at 6.44m in height) and providing the main public facilities on the site for visiting patrons such as reception, changing facilities, food provision, briefing space (59m x 27m at 8.91m high).

1.9 In respect of 'facilities for outdoor sports and recreation' paragraph 149 the NPPF reads:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

...

(b) 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; (Underline emphasis added)

1.10 Noting that the remainder of the 'engineering operations' and use of the site is considered to undermine the undeveloped and open character of the land in question, adding further quite substantial buildings at the centre of the site would have an additional impact on the perception of openness within the site. Indeed the purpose of the Green Belt is to (Para 137) prevent urban sprawl by keeping land permanently open. The essential character of Green Belts is said to be their openness and permanence and that the Green Belt is intended amongst other purposes to assist in safeguarding the countryside from encroachment.

1.11 In the Officers view the buildings proposed, whilst forming facilities to support the operation of the use proposed, would not be appropriate in this context (an otherwise open setting devoid of other buildings or structures, in close proximity to public rights of way) given their scale, massing and the nature of the use proposed. The facilities would fail to preserve openness in a manner consistent with criterion (b) of Para 149 and would fail to accord with the purpose of including land within the Green Belt i.e. would constitute substantive encroachment into countryside and increase built form between large built up areas.

Ecological Matters

1.12 The applicant's submissions purport to provide for significant ecological benefits. However having considered Natural England's objection and the information provided by the Council's Consultant Ecologist, Officers would not support this suggestion and assess the planning balance weighs considerably against the submitted proposals. This is because a range of concerns exist regarding:

- (i) insufficient information having been submitted to allow the local planning authority to make an appropriate assessment of the reasonable drainage

and air quality impacts on the Cannock Extension Canal SAC/ SSSI as it is legally required to do under the Habitats Regulations. Natural England therefore do not support approval of the proposed development and conflict with Local Plan Policy CP12 and NPPF Para 180

- (ii) There are concerns in relation to the reliability of the submitted habitat and protected species information provided and used to inform the submitted Environmental Statement and Ecological Impact Assessment contrary to the emphasis of Local Plan Policy CP12 and Para 174(d) of the NPPF
- (iii) There are concerns the protected species survey information provided do not follow best practice methodology and as such their conclusions cannot be fully relied upon to establish impacts in line with Para 174(d) of the NPPF
- (iv) the proposal would cause significant direct harm to the Site of Biological Interest within the site which would not be adequately compensated for by the proposed habitat creation contrary to Local Plan Policy CP12
- (v) there are miscalculations and errors in measurement incorporated within the submitted Biodiversity metric calculations and its results are viewed as unsound and unable to provide sufficient confidence for the LPA to discharge its responsibilities under Section 40 of the NERC Act and NPPF para 174(d)

Character and Appearance Impacts

- 1.13 In character terms, it is assessed when taken as a whole the development would fail to be well- related to its surroundings in terms of its layout, scale and appearance and would not be an appropriate form of development within the Green Belt. The scale and extent of the design proposed is judged out of keeping with its surroundings and fails to demonstrate sympathy to local character and its nearby landscape setting. Therefore the development would be contrary to Policies CP3 and CP14 of the Cannock Chase Local Plan.

National Highways Non-approval Comments

- 1.14 There remains an issue in principle in terms of the National Highways stance in relation to the proposals and failure to comply with DfT Circular 02/2013 paragraph 39 in that proposals the access proposed was not identified at Plan Making stage and is not '*new infrastructure essential for the delivery of strategic planned growth.*' However Officers to date have not received a formal objection from National Highways. Further discussions in relation to this potential reason for refusal are ongoing.

Noise Impacts

- 1.15 The submitted Noise Impact Assessment reporting is not considered to reflect best practice methodology on the basis of comments from both Cannock Chase and Walsall Council Environmental Health. This calls into question the conclusions drawn in the submissions and does not allow the Council to assess that noise and impacts on nearby residents is adequately address in line with Local Plan Policy CP3 and NPPF para 130(f). In this regard this weighs against the proposed development.

Drainage

- 1.16 Although the application submissions suggest the proposals would lead to an improvement of water quality, the application fails to include sufficient information to allow the LPA and Drainage to undertake a proper and full assessment of the proposal against the tests set out in local and national policy both in respect to sustainable drainage and perhaps more crucially to allow the local planning authority to discharge its duties under Regulations 61 and 62 of the Habitats Regulations in respect to potential likely significant impacts on Cannock Extension Canal SAC. Therefore the development is judged to conflict with Local Plan Policy CP12 and in particular Footnote 55 at Para 167 of the NPPF. Such weights negatively against the proposals.
- 1.17 Assessment of Very Special Circumstances
- 1.18 Given that the proposal constitutes inappropriate development it should not be approved except in very special circumstances. Furthermore, in accordance with paragraph 148 of the NPPF very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This requires the giving of weight to the harm to the Green Belt and any other harm to acknowledged interests, giving weight to those factors which the applicant has put forward in support of the proposal and determining whether the latter clearly outweighs the harms.
- 1.19 In this respect, and in accordance with paragraph 148 of the NPPF officers consider that substantial weight should be given to the harm to the Green Belt. In addition it is considered that moderate weight should be afforded to the positive economic factors highlighted in favour of the proposals. However counting against the development are the harms to the rural character the area, harm by virtue of the noise or amenity impacts that are not adequately addressed by the proposals. Further substantial weight against the proposals comes from the deficiencies in reporting regarding the ecological impacts highlighted regarding:
- (i) Cannock Extension Canal SAC/ SSSI through run-off and air pollution as it is legally required to do under the Habitats Regulations
 - (ii) European Protected Species, in particular bats and newts .
 - (iii) Wyrley Common SBI
 - (iv) Insufficient information regarding Biodiversity metric calculations and assuring net gain
- 1.20 It is therefore concluded that the harm to the Green Belt and other harm to acknowledged interests is not clearly outweighed by other considerations such that very special circumstances exist that would justify approval. As such the application is recommended for refusal.

2. Consultations and Publicity

2.1 EXTERNAL CONSULTEES

- Norton Canes Parish Council

The Parish Council wish to rely on previous comments relating to the same site. These were:

The Parish Council's Planning Committee has considered the details of this planning application and has made no objections.

Regarding the issue of the right of way it appears from the drawing provided by the applicant that the Public right of Way has been redirected so is still able to be accessed. we therefore raise no objections. The Parish Council still support this application as we feel it is a necessary resource for the area.

In addition the Parish Council in their comments dated 30 May 2022 raise concern regarding access and egress from the site as this is located on a busy main road with significant volumes of traffic, particularly at race meeting times when the volume of traffic will increase. This is compounded by the Euro Garage site located a small distance from the site, and already there are problems with access/egress there.

We would want to see the report from Natural England reference any issues with the canal before making further comments.

The Committee feels it is relevant to mention that given the move towards electric cars, this facility should give consideration to the use of electric go karts in the future. The Committee felt that the facility should be a public facility and not just for commercial and corporate events.

- County Highways

Background; Watling Street is an A classified trunk road with a 60mph speed limit which comes under National Highways jurisdiction. The site lies approximately 4 miles south-east of Cannock town centre.

Comments on Information Submitted; The application is a change of use from agricultural to mixed outdoor recreation consisting of a go-karting track. This decision relates purely to the effects of the development on roads for which Staffordshire County Council is the Highway Authority. For consideration to be given to the effects of the development on the A5 Trunk Road, it will be necessary for you to consult National Highways.

Recommendations: There are no objections on Highway grounds to the proposed development

- National Highways

In accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015) National Highways does not consent to the formation of an access on to the A5 Trunk Road.

Recommended: Non-Approval

It is recommended that the application should not be approved until further information is provided in order to determine the acceptability of construction of the proposed new direct left-in, left-out access onto the A5 SRN.

We understand that this proposed development site has an extensive planning history, with a previous planning application at Cannock Chase District Council (CCDC) (CH16/267). We note that this application was refused by CCDC and that National Highways provided a conditional response, which included conditions relating to the access arrangement on A5 Watling Street. However, all applications are considered on their own merits and the information submitted has been reviewed independently from the previously refused application.

Our review has shown that this proposed site has not been allocated or included in the Local Plan, so has not been included/allocated within the Plan-making stage. Therefore, it is not known whether the proposed access is considered essential for the delivery of strategically planned growth.

Therefore, this proposed access does not comply with DfT Circular 02/2013, as per paragraph 39, which states "Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth".

Due to the proposed new access being direct onto the A5 SRN, we are unable to progress this application further, unless information is provided by the applicant to evidence that the proposal is essential for the delivery of strategic planned growth.

- Staffordshire Police

Whilst I have no objections to this application, it is important that a high level of physical security is incorporated in these proposals and that the following be considered.

The Go-Kart proposes only closing the facility for 15 days of the year, to allow for essential maintenance, therefore the site will experience a lot of visitors throughout the year.

Clearly a weekend track event could attract large numbers of visitors to the location; no mention has been made of where visitors to the site will stay overnight e.g. campsite, or if they would be required to leave the site overnight and return the following day, information is lacking on the routes they would be advised to take into/out of the area, or what plans the operator will put in place in relation to managing the congestion ripple effect along the A5 trunk road. The transport statement refers to the use of motorhomes, clarification is sought regarding whether these will be permitted to remain onsite during event weekends.

The A5 is a busy commercial road at all times of the day. Staffordshire Police are concerned that a single entrance/exit will not be sufficient to cope with removing a high number of vehicles from the site, some towing trailers, into a trunk road safely without generating congestion; where queueing traffic on the A5 will wait to enter the site; what traffic calming measures are planned and their impact on the A5 or measures taken to ensure the safety of other road users who are passing the site.

The proposed car parking management is essential during race days, this will allow for more efficient parking and help ease congestion on the A5 whilst drivers wait to enter the facility.

With any event that attracts large gatherings, there is the opportunity for crime to be committed: there is no information relating to what measures the operator intends to employ in relation to preventing crime, security staff during events, site security, CCTV, entrance checks, etc.

Whenever security measures are imposed, they impact upon the flow of persons into a site and slow the traffic into an event; there is no information relating to how the site will manage this.

Note: It is advisable to provide a race event calendar to the local police, to enable them to be aware of a large event within the area.

[A range of other site related comments are provided within the report from the Police relating to site design and security standards. For brevity these are not replicated here but can be observed in the Policy original response on the Council's website.]

- Staffordshire Fire and Rescue

I refer to the planning application dated 26th April 2022 and the enclosed drawings depicting the proposed development at the above address.

Appropriate supplies of water for firefighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16. I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg.

- Lead Local Flood Authority

Comments received 24 May 2022

In the absence of an acceptable Flood Risk Assessment and Drainage Strategy, we recommend that planning permission is not granted.

- A comprehensive Flood Risk Assessment is required for Major developments at the full planning application stage. This does not appear to have been provided.
- The submitted Drainage Statement appears to have numerous deficiencies and typos. It is not the role of the LLFA to decipher what the applicant is describing and meaning. Therefore, for clarity and precision, can the applicant re-read the submission and address areas where sentences do not make sense.
- More detail is required to the specifics of the QBAR discharge rates from the site. Further detail is needed and can the applicant clearly outline the steps taken to calculate greenfield run off rates for the specific development catchments and translate these into acceptable proposed run off values that fall within greenfield rates.
- Lack of clarity on attenuation volumes of the proposed structures (e.g. balancing ponds) within the drainage submissions
- Insufficient detail in relation to hydraulic modelling calculations
- Insufficient information relating to site investigation and infiltration testing
- Agreement with any third parties impacted by off-site surface water discharge is required. Please can the required discharge agreements be presented, particularly with owners of downstream networks including the Canal and Rivers Trust.

- Water quality -Please provide supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach (SIA) and SuDS treatment design criteria.
 - Provide plans showing impermeable areas and to which node/pipe they drain
 - Clarity required on volumes of rainwater storage structures
 - Some lengths of system proposed are shallow or flat. Evidence required that all connections will be able to achieve self-cleansing velocity
 - Applicant should identify specific parties responsible for management and maintenance
- Natural England

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application site is within close proximity of the Cannock Extension Canal Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The SAC is notified at a national level as the Cannock Extension Canal Site of Special Scientific Interest (SSSI).

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives **and** the proposal must be carried out for imperative reasons of overriding public interest.

- Severn Trent Water

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

- Environment Agency

No comments received

- Staffordshire Wildlife Trust

No comments received.

- Staffordshire County Council Minerals and Waste Planning Authority

Previously commented the County Council as Minerals and Waste Authority has no objections to the development in terms of impacts upon mineral resources.

Staffordshire County Council Footpath Officer

The Definitive Map of Public Rights of Way for Staffordshire shows a number of public rights of way crossing and adjacent to the location in question and these have been recognised by the applicant within the Design and Access Statement. From the information available these routes will be affected by the proposals.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public rights of way footpath numbers 12, 13, 14 and 15 Norton Canes run across and adjacent to the property from south-west to north east and from the northern boundary to the southern boundary towards the eastern side.

It appears from the Design and Access Statement that several of these rights of way will require diverting as part of these proposals so the developer must apply to Cannock Chase District Council under section 257 of the Town and Country Planning Act 1990 to divert the public rights to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). In such an instance it is also strongly advised, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map and the proposals within the Design and Access Statement before any planning consent is granted.

It is imperative that this route is diverted in order to fulfil the aims of the application. Failure to do so will most probably lead to the obstructing of the public rights of way and the granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as "licenced" obstructions which must be sanctioned by the highways authority.

Staffordshire County Council has Definitive Map of Public Rights of way has not received any application to add to or modify the Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public

- Staffordshire County Archaeologist

The Staffordshire Historic Environment Record (SHER) indicates no records of designated heritage assets in the bounds of the current application or within the surrounding area. The SHER does record the presence of the Watling St Roman Road close to the north of the scheme. This road represents a significant route across the area during the Romano British Period and beyond. It is likely that this highway extended across a largely agricultural landscape throughout much of the Romano-British, early medieval, medieval and post-medieval period. The SHER supports this view and records no evidence of activity beyond the corridor of the Roman Road. The SHER does record a number of undesignated heritage assets in the area around the scheme. These are generally associated with the development of the Brownhills Colliery (Cathedral Pit) during the later 19th century. The line of the former mineral railways do skirt the current scheme boundary and the course of the Birmingham Canal Navigation forms part of the schemes western boundary. Bearing in mind the scale and nature of the scheme, coupled with demonstrable low archaeological potential, it is advised archaeological evaluation/mitigation would not be appropriate in this instance.

Regarding historic landscape character, the proposed scheme sits upon an area of former common land (Wyrley Common). Historic mapping evidence suggests that the general area of the common has largely survived in its early 19th century form. The scheme itself does not look to impact upon historic boundaries of the common area and aerial photography suggests an element of subdivision (by linear field boundaries) and agricultural improvement looks to have been carried out in the recent past. As such the proposed scheme will not substantively impact upon surviving elements of Wyrley Common and therefore there are no further comments.

- Ramblers Association

The Ramblers Association understands that a public right of way is affected by this development, the Ramblers Association have no objections but ask that the Right of Way remains fully open during the site development. The ROW must be open whether the facility is or not. The right of way Number 15 crosses both the overflow car park and the main access to the site from the A5. There must be sufficient protection for walkers. Norton Canes ROW 14 may also be affected but does not seem to be mentioned. Can there be confirmation that this public right of way will be protected. Can information be given as to the routes of Norton Canes ROW numbers 12 and 13, from where they leave Lime Lane to the new development.

- Waste and Engineering

No comments received.

- Staffordshire Economic Development

No comments received.

- Coal Authority

No objection. The site is located within the defined Development Low Risk Area. The Coal Authority's standing advice should be attached to any decision notice for approval.

- Walsall Council

No comments received on the current application.

Original Comments in 2016 application

The site is situated within the Midlands Green Belt, as defined in the Cannock Chase Local Plan (Part 1). This section of Green Belt performs an important function by separating Pelsall and Brownhills West from Norton Canes. Having considered the proposal in relation to the provisions contained within the NPPF, while there is general support in paragraph 81 for the provision of opportunities for outdoor sport and recreation, paragraphs 89 and 90 of the NPPF form a closed list of development that can be considered as exceptions to inappropriate development in the Green Belt. The second bullet point of paragraph 89 relates to the construction of new buildings in the Green Belt for "appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it". However, the scope of this provision has been tested in the courts in respect to what development can be considered as an exception to inappropriate development (*Fordent Holdings Ltd v SSCLG* [2013] EWHC 2844). NPPF Paragraph 89 was found to be exclusively concerned with the construction of new buildings. Therefore it does not apply and is not expressed to apply to any other form of development, such as a change of use. Consequently, I consider the proposed development as inappropriate development in the Green Belt which is not normally permitted unless other considerations exist that are sufficient to clearly outweigh the harm to Green Belt by way of the proposals inappropriateness, and any other harm (amounting to very special circumstances).

In preparing comments on the relationship between the proposal and the Green Belt policy, including in terms of the effect on openness I have taken into account the decision of the Court of Appeal in *John Turner v Secretary of State for Communities and Local Government and East Dorset Council*, [2016] EWCA Civ 466.

As indicated previously, the application site assists with preventing the neighbouring towns of Brownhills West, Pelsall and Norton Canes from merging with one another. Development of this scale that covers an area in excess of 17ha, introducing hard surfacing (track) across much of the site surrounded by a 2 metre high perimeter fence, and also including car parking, along with buildings, and other paraphernalia to be associated with a facility of this nature, has the potential to significantly weaken the function that this land provides, and would adversely impact on the openness of the Green Belt. The potential visual impact on openness might be somewhat limited in terms of that which would be experienced by Walsall residents from their homes as a result of there being few residential properties, in Walsall, immediately surrounding the site and the existing hedgerows and other boundary vegetation restricting views of the site from further afield. However, the visual impact of the proposal is likely to be significant to people who chose to make use of the public footpaths which are within and surrounding the site (Norton Canes 12, 13, 14 and 15)

Amenity Issues-Pollution

The application site is within 400m of the borough boundary therefore the proposed go-karting facility is likely to be audible from within Walsall in particular at the residential properties of Shannon Walk, Shannon Drive and Brownhills West primary School. It also might result [sic] air pollution to Brownhills West in addition to that which is currently experienced from the A5, particularly as a result of the site being in the direction of the prevailing wind

- Walsall Council Pollution Control -Noise

Extensive comments have been received from Walsall Council Pollution Control. In summary these raise the following matters:

It is considered the application, as presently submitted along with various technical supporting information, falls short of satisfactorily addressing environmental noise impacts.

The fundamental approach to this is considered inappropriate. It relies largely on obsolete data; does not consider all noise-sensitive receptors; uses an inappropriate modelling approach; does not account for soundscapes and the introduction of an incongruous feature; has not sufficiently categorised the noise climates at sensitive receptors; has not suitably addressed intermittency and sound (noise) character considerations; has not properly fulfilled policy/practice guidance requirements; inappropriately applies standards and criteria designed for alternative purposes, deferring to these in the absence of anything else to craft an acceptable case; has not sought to acquire more detailed, with current measurement data from go-karts, relying on limited information from some 7 to 9 years ago; has not sought to properly validate findings.

- Canal and River Trust

Extensive Comments have been received from the Canal and Rivers Trust. In summary these raise objections to the proposals in relation to impacts on the SSSI/SAC, impacts from Air Quality upon the SSSI/SAC, noise impacts upon canal users and residential moorings in the vicinity of the site.

- Inland Waterways Association

Extensive comments have been provided from the Inland Waterways Association. In summary these comments raise objections to this application. It is suggested the application should not be approved without further noise assessment of the residential boat locations, and of two-stroke engine go-kart noise tonality, along with information on the acoustic bund, sufficient to demonstrate that noise impacts on the canal boat residents would be adequately mitigated.

3 INTERNAL CONSULTATIONS

Planning Policy

Employment Land Availability Assessment (ELAA)

The application site has not been submitted as a potential allocation site to the Local Plan Review through the consultation or call for sites process. The Employment Land Availability Assessment (ELAA) 2022 background evidence base document contains employment land suggestions from landowners which are not adopted site allocations. Site reference NE12 is between the existing Watling Street Business Park and the application site, while site reference NE 15 overlaps with the access road into the application site.

Green Belt Study (2016)

The area is defined in the GBS as part of Broad Area 5, which has a high rating in preventing towns merging into one another and to assist in safeguarding the countryside from encroachment. It also falls within the smaller land parcel W2, which by itself does not have the same high rating as the wider Broad Area.

Landscape Character Assessment (2016)

The LCA (p55) reference CP22f Common side describes the site as permanent pasture, wet flashes, overgrown hedges. A declining pattern of small to medium sized regular fields bounded by thorn hedges. Scattered oak and overgrown thorn trees. Localised moderate impact of industrial estate, A5 corridor, M6 toll, power lines. A relic of traditional small holding land with grazing animals and brick built cottage. Elsewhere, a modified landscape with extensive urban influences and pressure for additional new development.

The landscape condition is described as: Extent of change – Localised, Magnitude of change – Moderate, Visual impact – Low, Habitat network – Intact, Cultural pattern - Declining , Functional integrity - Moderate, Overall Condition – Good

Policy Comments

The site is within the 15km Zone of Influence for the Cannock Chase SAC. It is also in close proximity to the Cannock Extension Canal SAC, a protected waterbody and therefore has the potential to affect its interest features. The Council is required to ensure that decisions made on planning applications will not have a negative impact on either SAC. If there are any potential negative impacts, the Council must either refuse development, or ensure there are appropriate mitigation measures in place. In accordance with the policies the proposal should demonstrate that there would be no adverse impacts upon these internationally protected sites. The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured prior to approval of the development in accordance with Policy CP12. The guidance of Natural England should also be sought.

The site is not within the Cannock Chase AONB but does comprise undeveloped fields in a countryside location; the landscape character of the application site and its surroundings are a relevant consideration in accordance with Policy CP14.

The A5 is a strategic main road for both local and long distance traffic. There are three designated Air Quality Management Areas (AQMA) along the A5 corridor within the district which were designated due to historic levels of Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) exceeding acceptable thresholds. The AQMA known as A5 Watling Street (Churchbridge and the Turf Island) is less than A5 less than 600 meters to the west of the application site.

The [Air Quality Status Report 2021-22](#), which was presented to Cabinet on 25th August 2022 recommended a review of the Air Quality Management areas as there have been reduced exceedances of safe levels in recent years, primarily due to improvements in engine technology. An externally commissioned review of AQMAs in the district has suggested that the other two AQMA on the A5 could be revoked and that trends at the A5 Watling Street AQMA should be reviewed to determine whether it could be revoked in the near future if the positive improvements in air quality continue.

The application should include information to demonstrate how the development will impact on the air quality and emissions in the local area, from both the use of the Go Karts on the site and the increase in vehicles visiting the site in accordance with Policy CP10 and CP16. Comments from Highways England regarding the potential impact upon the trunk road network and from Environmental Health regarding the air quality implications should therefore sought.

The proposal will introduce permanent development which may compromise the openness of the Green Belt. NPPF Para 149. states that, "A local planning authority should regard the

construction of new buildings as inappropriate in the Green Belt. Exceptions to this are...the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it..."

The "openness" of the Green Belt is not defined in the NPPF. However, the national planning practice guidance¹ suggests that the effect on openness may be determined based on an assessment that includes both spatial and visual aspects of the proposal and the degree of activity likely to be generated, such as traffic generation. Should it be concluded that the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it then they can be considered appropriate development in the Green Belt. However, should it be concluded that they do not meet these tests then the proposal should be considered inappropriate development and would need to demonstrate very special circumstances.

The location, massing and volume of the four buildings proposed by the application are likely to impact on the openness of the Green Belt. It is very likely that the construction of a two-storey building of 1830m² total floor area will have an impact on the openness of the Green Belt. Should the case officer conclude that the openness of the Green Belt is not preserved by the proposed development, then the applicants will need to demonstrate the existence of very special circumstances for the development in accordance with NPPF Para. 148. Should it be necessary to demonstrate very special circumstances it is suggested that additional information could be provided by the applicant to demonstrate their case. For example, the applicants could provide commentary on what alternative sites for the proposal have been considered and why this location is the preferred one. More quantifiable benefits to the local economy, for example numbers of visitors and associated economic benefits could also be outlined.

- Environmental Health

Thank you for referring the above. I have reviewed the letter from RandTech. Before commenting on the technical matters, I must point out that Environmental Protection make comments for the purpose of protecting public amenity and health with regard to noise. This development is significant and therefore requires robust scrutiny to prevent adverse impact for years to come. It is not uncommon for us to have concerns and question the technical details provided to ensure that this objective is met, and we expect consultants acting on behalf of the applicant to provide factual and impartial response. This must be balanced with subjectivity when taking into account possible character corrections (as discussed below). We would expect the information provided by an independent noise consultant to be impartial and objective. It is therefore of concern that the information provided by the consultant has had a pro-development and adversarial narrative towards Environmental Protection responses, making the impartiality questionable.

In our previous response to CH/16/267 we asked for a revised report so that all relevant information can be assimilated in a report format that demonstrates a clear process. Instead, the consultant has provided a letter format that discusses elements of concern and reference back to the original report, which is now seven years old. This piecemeal approach does not facilitate appraisal by either ourselves or any other interested party.

¹ Paragraph: 001 Reference ID: 64-001-20190722

I therefore reiterate our previous request that a further comprehensive report is provided to assess noise impact. Such a report should address the following, which we consider to be omitted from the current information:

BS4142:2014 assessment (ie at façade of domestic building)

- Character corrections for tone (up to 6dB correction), impulsivity (up to 9dB correction) and intermittency (up to 3dB correction) need further consideration. In combination the characteristic corrections have the potential to add a penalty of up to a between 3 and 18 dB, which can obviously influence the conclusion of the assessment. It may be that corrections are not required for all three characteristics, but should at least be objectively justified. I would consider that tone of engine noise is likely to incur penalty to some degree. Impulsivity is not likely to incur maximum penalties in the manner that sharp impact noises for example would, but variations in engine revving may cause significant variation in sound level. If activity throughout the operational day varies significantly then penalties can be added for intermittency.
- Account should be taken of the plans to run up to 30 karts at a time. Presumably 'X30' karts run could run simultaneously, as these are the loudest of the two vehicle types, then this should be used as the worst case scenario rather than 18. The report states that 2 dB increase is likely, but that figure is not significant. However, when taken together with other factors, it may prove significant and should be incorporated into the calculation rather than dismissed.
- The ambient noise level at 143 - 145 Lime Lane and that at canal boat moorings should be differentiated. It is mentioned that the background noise at the canal side moorings is 41 dB in order to undertake the BS8182 assessment below, but the ambient noise (ie background plus activity noise such as traffic in the area) is not mentioned. This is potentially lower than that experienced at the static properties and therefore the specific noise more noticeable.

BS8182:2014 (i.e. within domestic building)

- The report seems to work on the basis of either 18 Sodikarts or 18 X30s. Again, calculation of the worst case should be provided.

- Economic Development

Notwithstanding the potential benefits the proposal will bring to the local visitor economy, it is not considered to be an appropriate location for such development.

- Trees, Landscape and Countryside

Extensive comments are provided from the Council's Landscape Officer. In summary the comments raise Objection to the proposals for the following reasons:-

- Detrimental impact on the character and nature of the Green Belt contrary to policy CP1
- Impact and loss of SBI area, contrary to Policy CP12
- Detrimental visual impact for users of the footpaths.
- Change of use does not reflect the requirements for use of the site which will have a significant impact on the character of the Green Belt.

The Landscape Officer recommends that great weight should be attached to the harm to the character and form of the landscape that would result from this proposed development.

- Council's Consultant Ecologist - Heatons

The Council commissioned a Consultant Ecologist to review the submitted Biodiversity information provided within the application. An extensive range of comments are provided. However in summary the comments raise the following matters:

It is apparent that based on the information submitted, the LPA does not have enough information to:

- Undertake HRA, and so discharge its statutory responsibilities in relation to European sites,
- Be certain that the development will result in no-net-loss to biodiversity or deliver a measurable net gain,
- Be certain of the developments likely impact upon protected species,
- Be able to assess that any recommended measures of avoidance, mitigation and compensation are sufficient to discharge the local authorities statutory responsibilities in relation to protected species, and
- Make an informed planning decision based upon up-to date information which can be deemed as representing the site in its current ecological state.

It is advised that the LPA seek further information based on the above comments or, if that is not an option, the planning application be refused.

1. PUBLICITY AND PUBLIC REPRESENTATIONS

6.1 The application has been advertised in line with publicity requirements for an Environmental Statement. Site notices were erected in the vicinity of the site and range of letters sent to nearby premises. A total of 23 No. letters of support in relation to the proposals have been received and a total of 12 No. letters against the proposals have been received. In summary the responses received raise the following matters:

Objections

- (i) The development will generate noise and will impact a range of users in the vicinity of the site. These include canal boat users who are more susceptible to noise and local residents. The noise impacts would affect people's Human Rights and the quality of life of occupiers in the vicinity of the application site. Noise levels are particularly low in this area and to propose use for 7 days a week until late in the evening will impact a range of nearby users. Those working from home will also be impacted.
- (ii) The Agent of Change Principle applies in this case. This places the responsibility to maintain, observe and respect an existing noise environment on those proposing the change.
- (iii) Electric Vehicles should be utilised for these proposals.
- (iv) The development will cause light pollution
- (v) The development will impact wildlife and the Cannock Extension Canal SSSI. Species impacted include deer, badgers, buzzards, Red Kite,
- (vi) The development and visiting patrons will cause air pollution
- (vii) The development will cause substantial issues with traffic and congestion

- (viii) The proposals will lead to the loss of prime agricultural land suitable for growing wheat, barley and oil seed rape.
- (ix) The development proposed is not needed
- (x) The development will impact the rural character of Wyrley Common. This is a quiet, scenic and peaceful escape from everyday life. The proposals will destroy the tranquillity of this area with the drone of karts 7 days a week.
- (xi) The development was rejected on Green Belt grounds previously. The new application uses the same Green Belt land and this still requires the same level of protection – providing for a green barrier between the west midlands conurbation. As such the application should be rejected on the same grounds.

Supporters

- (i) The go kart proposals are a much needed local attraction and will cater for hundreds of willing participants. Most existing venues are old airfields and have little or no facilities. This restricts visitor appeal, investment and income.
- (ii) The nearest MSA registered track is over 60 miles away. Proposals of this type will benefit the wider sport, create a destination to be proud of and bring employment opportunities. Investment of this type should be encouraged and will support the growth of young talent.
- (iii) The development will promote economic opportunities for local hotels, pubs and restaurants
- (iv) Modern air boxes and silencers on exhaust will assure that noise emitted is at an acceptable level.
- (v) The location is well served by a comprehensive motorway network making it easily accessible
- (vi) Karting facilities of this type would help to refocus young people on a hobby and get them off the streets

3. Relevant Planning History

- 3.1 A planning application CH/02/0696 for the relocation of Chasewater Kart Racing Club was refused on 17 September 2003 on the following grounds: -

"The proposed development, although outdoor sport and recreation, necessitates the provision of extensive tracks of tarmac, hard surface and car parking. This is considered to be inappropriate development, harmful by definition to the openness of the Green belt and the purposes of including land within it. Inappropriate development can only be supported where it can be demonstrated that very special circumstances exist which not only outweigh the harm but result in a net benefit to the Green Belt. No case of very special circumstances has been satisfactorily demonstrated to outweigh the policy presumption against development. The proposal is therefore contrary to the provisions of PPG2, Policies D5A and D5B of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy C1 of the Cannock Chase Local Plan."

The proposed development is located within or adjacent to several sites of local, national and international importance, which are known to include the habitats of protected species. Insufficient information has been provided to allow the determination of the likely impact and effect the proposal will have on these protected sites and species. Therefore the proposal is contrary to the provisions of PPG9, Policies NC2, NC7 (A, B & C) and NC8 of the Staffordshire and Stoke-on-Trent Structure Plan and Policies C9, C10, C11 and C13 of the Cannock Chase Local Plan."

- 3.2 A subsequent planning application, reference CH/04/0558, registered on 20 July 2004 for the relocation of Chasewater Kart Racing Club at land north of Wyrley Common & south of, Watling Street, Norton Canes was considered to represent a reduction in scale from the previously refused application, involving a shorter circuit and a reduction in 12,203sqm in hard standing and 9,800sqm in track area. This was presented to Planning Committee in 2004 when it was resolved to approve the application subject to the completion of a Section 106 agreement. That agreement was never signed and a decision was never issued by the Council. The file was eventually closed in 2011.
- 3.3 In 2016 a further application was submitted (Reference CH/16/267). This proposed a similar Go Karting facility and associated operational development including the formation of the track, car park and associated landscaping and works. Details of proposed buildings for hospitality purposes, garaging and public toilets were included. This application was refused in October 2020 for the following in summary reasons:
- i. The scale of engineering operations proposed, other operations and use as a go kart facility would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt.
 - ii. Harm to the rural character of the Green Belt through urbanisation, loss of agricultural land, open access common land and ecological value of the woodland Site of Biological Interest.

- iii. Failure to provide sufficient information with regards to drainage to demonstrate the proposals would avoid significant impacts on the Cannock Extension Canal SAC /SSSI
- iv. Insufficient details with regards to lighting to enable sufficient assessment of the proposal on bat species
- v. The proposed access road would have a direct impact on a site of Biological Importance due to the impact on the 'Wet Woodland' habitat type and potential changes in hydrology as a result of the road construction and pollution run off from the roads.
- vi. Concerns in relation to noise impacts on occupiers of nearby dwellings and occupiers of canal boats.
- vii. The proposal would lead to the loss of an area of Open Access Common Land which provides some degree of recreational value.
- viii. The proposal by virtue of its scale and nature would fail to be well-related to its surroundings in terms of its layout, scale and appearance, would not form appropriate development within the Green Belt to a design in keeping with its surroundings or be sympathetic to local character and its rural landscape setting, and therefore would be contrary to Policies CP3 and CP14 of the Cannock Chase Local Plan and paragraph 124 of the NPPF.
- ix. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy and scheme can be developed, managed and maintained to ensure protection of the aquatic environment in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraphs 170 and 175 of the National Planning Policy Framework.

4 Site & Surroundings

- 4.1 The application site comprises an irregular shaped area of land situated to the south of Watling Street in the vicinity of Wyrley Common. The site can be divided into two parts including a rough triangular shaped piece of land immediately to the south of the A5 which is partly covered in woodland and part a field. The woodland part is designated as a site of biological interest.
- 4.2 The second part of the site starts at the south west corner of the triangle and comprises a rough rectangular area stretching to west towards Pelsall Road Bridge. To the north of this part of the site are a number of small paddocks, enclosed by hedges beyond which is the Watling Street Business Park and then Watling Street.
- 4.3 To the south is an area of woodland associated with Wyrley Common. This is designated as open access land/ common land, part of which extends into the south east corner of the rectangular part of the application site (even though this part of the site is open arable land). Much of this wooded area is designated as a Site of Biological Interest.
- 4.4 There is a footpath that crosses roughly east-west across the site. There is a small area of woodland abutting the western side of the site beyond which is the Cannock Extension Canal and is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)
- 4.5 Although there is some commercial/ industrial ribbon development along Lime Lane and at Watling Street Business Park, the site and its surroundings are rural in nature forming an area of pleasant open countryside comprising open fields, woodlands and patches of heath land between, Norton Canes, Brownhills and Pelsall.
- 4.6 To the north of Pelsall Bridge is a mooring facility for canal narrowboats. In addition there is a scattering of dwellings along Lime Lane.
- 4.7 Although no water features exist within the site itself there are several ponds adjacent to the site or within 250m of the site.
- 4.8 The whole of the site is situated in the West Midlands Green Belt.

5 PROPOSAL

- 5.2 The application seeks full planning permission for the construction and use as a go-karting facility. The development will include the construction of the circuit (1200m in length, 7m wide), associated lighting, car parking for approximately 700 vehicles, erection of buildings, a new site access onto the A5, site boundary fencing, acoustic bunding, parkland and habitat areas, the diversion of 3 Public Rights of Way, new cycleway and new drainage system.
- 5.3 Access to the site would be taken from Watling Street via a purpose built access capable of accommodating an HGV. This will require the removal of trees that front Watling St and incursion into the woodland known as Wyrley Common SBI. The hours of use proposed are 9am to 9pm 7 days a week.
- 5.4 The track operation will be from 10am until 8pm. There will be a regular timetable for sporting events including monthly club meetings. Two main types of karts will initially be operated: 'corporate' karts with 4 stroke engines and 'competition' karts with 2 stroke engines. Most of the track time will be used by 4 stroke karts with 2 stroke vehicles used one to two days per week and during one club weekend (Friday to Sunday) per month. On club events the track will operate from 10am to 6.30pm.

6 Planning Policy

- 6.2 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.
- 6.3 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 6.4 Relevant Policies within the Local Plan Include: -
- CP1: - Strategy
 - CP3: - Chase Shaping-Design
 - CP10: - Sustainable Transport
 - CP12: - Biodiversity and Geodiversity
 - CP13: - Cannock Chase SAC
 - CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
 - CP16: - Sustainable Resource Use
- 6.5 The relevant policies within the Minerals Plan are: -
- 6.5.1.1 Mineral Safeguarding

- 6.6 The NPPF (2021) 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.
- 6.7 The NPPF (2021) 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.
- 6.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
38:	Decision-making
47-50:	Determining Applications
110, 111, 112, 113:	Promoting Sustainable Transport
126, 130-132, 134:	Achieving Well-Designed Places
137-151	Green Belt Matters
152, 154, 157, 167: 169:	Meeting the Challenge of Climate Change, Flooding and Coastal Change
183, 184, 186:	Ground Conditions and Pollution
212:	Minerals
218, 219	Implementation

Other relevant documents include: -

Cannock Chase District Council (April 2016) Design Supplementary Planning Document,.

Cannock Chase District Council (July 2005), Cannock Chase Local Development Framework; Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

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7 Determining Issues

7.1 The determining issues in respect to this application are: -

- (i) Principle of Development and Green Belt
- (ii) Character and appearance
- (iii) Ecological Considerations
- (iv) Highways Considerations
- (v) Drainage and flood risk
- (vi) Residential Amenity
- (vii) Loss of agricultural land
- (viii) Crime and the fear of crime
- (ix) Impact on public footpaths and common land
- (x) Impacts on undesignated heritage assets and archaeology
- (viii) Determining whether very special circumstances exist
- (ix) The Planning Balance

8 THE PRINCIPLE OF THE PROPOSAL

- 8.1 Policy CP1 of the Cannock Chase Local Plan states that in "Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONBs, Hednesford Hills, Green Belt and the green infrastructure of the District" adding "development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14. Policy CP14 is primarily concerned with impacts on landscape with reference to development in areas of designated Green Belt.
- 8.2 The site is located within the West Midlands Green Belt wherein there is a presumption against inappropriate development.
- 8.3 Paragraph 147 of the NPPF states "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore, paragraph 148 of the NPPF goes on to state "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."
- 8.4 Whether a development would constitute inappropriate development or not is set out in paragraphs 149 and 150 of the NPPF. The lists provided by paragraphs 149 and 150 are

closed lists that are specific to the types of proposals that could be considered acceptable in the Green Belt. Therefore should a development be excluded by the lists then it must constitute inappropriate development in the Green Belt. Paragraph 149 relates to new buildings within the Green Belt. Paragraph 146 deals with types of development other than buildings and states: -

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve its openness 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; and*
- 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.*

Operational Development

- 8.5 The proposed development has two facets. The first facet of the proposal is that it proposes the change of use of the land from agriculture to a go-kart track that includes elements which would be defined as engineering operations. These include the construction of the track (1.2km) and parking (700 spaces in line with the submitted application form), turning, circulation and access areas, bunding works, fencing and external lighting.
- 8.6 The undertaking of engineering or other operations or the making of material changes in use of land is not inappropriate development in the Green Belt provided they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 8.7 In the Officers view it is clear that any proposal which would introduce a track and car parking on the scale proposed together with a 6m high bund, access roads and 2m fencing would fail to preserve the openness of the Green Belt by virtue of the extent of built form proposed. Add to this the use to which the land would be put with its associated paraphernalia and activity (such as parked vehicles), go kart noise, movement of patrons and karts, Officers assess there would be a marked change in the character and undeveloped appearance of the countryside at this location. This change would be particularly prominent from the footpaths within the site and views from the A5.
- 8.8 As such it is Officers opinion the engineering operations and use proposed within the site fail to preserve the openness of the Green Belt and would therefore constitute inappropriate development within the Green Belt in Para 149 terms.

Construction of New Buildings

8.9 The application proposes the construction of 2 No. new main buildings which will be used for the purposes of garaging and servicing vehicles (45m x 16m at 6.44m in height) and providing the main public facilities on the site for visiting patrons such as reception, changing facilities, food provision, briefing space (59m x 27m at 8.91m high).

8.10 In respect of 'facilities for outdoor sports and recreation' paragraph 149 the NPPF reads:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

...

(b) *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; (Underline emphasis added)*

8.11 Noting that the remainder of the 'engineering operations' and use of the site is considered to undermine the undeveloped and open character of the land in question, adding further quite substantial buildings at the centre of the site would have an additional impact on the perception of openness within the site. Indeed the purpose of the Green Belt is to (Para 137) prevent urban sprawl by keeping land permanently open. The essential character of Green Belts is said to be their openness and permanence and that the Green Belt is intended amongst other purposes to assist in safeguarding the countryside from encroachment.

8.12 In the Officers view the buildings proposed, whilst forming facilities to support the operation of the use proposed, would not be appropriate in this context (an otherwise open setting devoid of other buildings or structures, in close proximity to public rights of way) given their scale and massing. The facilities would fail to preserve openness in a manner consistent with criterion (b) of Para 149 and would fail to accord with the purpose of including land within the Green Belt i.e. would constitute substantive encroachment into countryside and increase built form between large built up areas.

8.13 In respect to the potential conflict with the purposes of including land in Green Belt it should be noted that paragraph 134 of the NPPF states the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 8.14 In this respect it is noted that the application site assists with preventing the neighbouring towns of Brownhills West, Pelsall and Norton Canes from merging with one another. The proposal encompassing the 1.2km of track, large parking areas, access track and associated paraphernalia over some 17ha would significantly conflict with the purpose this Green Belt site plays in preventing the above towns merging into one another. Furthermore, the impact would be intensified by the large buildings that the applicant has suggested would be required to create a track.
- 8.15 For the same reasons the proposal would result in the encroachment of built form into the open countryside, the perception of which would be heightened not only by the quantum of built form but also the impacts of the use of the site, with the parking of large numbers of cars and other vehicles with their bright reflective finishes and other paraphernalia including lighting, tyres around the circuit.
- 8.16 Taking all the above into account it is clear that the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF makes it also clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Furthermore, it should be noted that '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.
- 8.17 This report will now go on to look at other acknowledged interests to determine whether any other harm would arise from the proposal, before turning to the assertion by the applicant that very special circumstances exist that would justify approval.

9 CHARACTER AND APPEARANCE

- 9.1 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.
 - (iii) Show how the proposal forms appropriate development within the Green Belt to a design in keeping with its surroundings.
- 9.2 Furthermore, Policy CP14 "Landscape Character" states

"The Districts landscape character will be protected, conserved and enhanced via the consideration of landscape character in all development proposals in order to protect and conserve locally distinctive qualities, rural openness and sense of place and maximise opportunities for restoring, strengthening and enhancing distinctive landscape features including trees, woodland, canal corridors, sensitive

edges of the rural areas and creating green infrastructure links in conjunction with new development."

- 9.3 Paragraph 124 of the NPPF states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 9.4 In support of the application the applicant has submitted a Landscape and Visual Assessment dated 14th October 2021 prepared by DJOGS Limited, Landscape Architects and Ecology Services. This concludes that "*the development, once the additional work is completed does not have a significant negative effect on landscape and visual integrity and provides recreational, employment, economic and ecological opportunities for the local area*".
- 9.5 Within the previously refused submissions, in relation to landscape matters Officers reported that the proposal would result in:
- a) the removal of the existing field pattern.
 - b) the introduction of mounding and screen planting thereby creating a new landscape that does not match the pattern of the existing landscape.
 - c) enclosure of a large area of land by means of tall fencing.
 - d) the creation of 15,000m² of car parking (or a total of . 321 parking bays and a further overflow car park for a further 365 cars), 13,600m² of tarmac track and ultimately 1,200m² of buildings.
 - e) a significant increase in the number of people who presently access the site and in turn increase the noise and disturbance that will affect the tranquillity of the existing site and surrounding land.
 - f) Introduces large areas of permanent paved surfaces and structures in the agricultural land
 - g) Introduce lighting into a relatively dark area to enable use up to 9pm
- 9.6 These observations are very much still relevant to the current proposals. The development proposed would increase the urbanising effect on the land concerned and have a significant affect on the character of the area and in particular have a detrimental visual impact for users of the footpaths that cross the site.
- 9.7 The Council's Principal Landscape Officer has stated that the proposals in his opinion would result in an urbanising impact and encroachment of urban form into the location. The use proposed would greatly affect the present tranquillity and rural character of the location. Overall, this would have a detrimental impact on the nature, quality and character of the location which the Green belt is intended to protect. It is suggested in comments this is contrary to Local Plan Policy CP1.
- 9.8 Officers assess that a development of the size proposed would have a significant adverse urbanising impact on the rural character of this site and to some extent on the wider area, although the wider impact would be mitigated to some extent by existing woodland and hedgerows that currently screen views into and out of the site. However, such screening would be less effective during the winter months of the year when trees and shrubs would

be bare and the need for external illumination would exacerbate the urbanising impact through glare and light pollution. It is also accepted that the impact on the character and form would be particularly acute when viewed from the footpaths that cross the site, and which are proposed to pass close to the go-karting circuit.

- 9.9 The proposed mitigation in respect of noise in the form of the mound would, during its construction and establishment phase detract from the character of the area and thereafter in itself represent an incongruous feature in a gently undulating landscape. This impact is likely to last several years.
- 9.10 It is therefore considered that the proposal, as a whole, would fail to be well-related to its surroundings in terms of its layout, scale and appearance and would not be an appropriate form of development within the Green Belt. The scale and extent of the development design proposed is judged out of keeping with its surroundings and fails to demonstrate sympathy to local character and its nearby landscape setting including public routes crossing the site. Therefore the development would be contrary to Policies CP3 and CP14 of the Cannock Chase Local Plan.

10 ECOLOGICAL CONSIDERATIONS

- 10.1 Policy CP12 of the Local Plan states the Districts 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;

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 enhancement

- 10.2 Policy CP12 goes on to state

Internationally and nationally important sites or species will receive the highest levels of protection. Developments resulting in potential direct and indirect impacts upon an international site will be determined in accordance with the Conservation of Habitats and Species Regulations (see CP13). Development adversely affecting a national site will only be permitted in exceptional circumstances and with the provision of appropriate compensation. Planning permission will be refused for developments resulting in the loss of other adverse effects upon a locally designated site, ancient woodland, veteran trees or priority biodiversity habitat unless

- (i) there is no suitable alternative site for the proposal and
- (ii) the need for and wider sustainability benefits of the proposal outweighs its adverse impacts taking into account the value of the site and;
- (iii) appropriate mitigation measures or net benefits can be provided to compensate for the loss.

- 10.3 Paragraph 180 of the NPPF goes on to state: -

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

- (i) 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;
- (ii) 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 of special scientific

interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- (iii) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or
- (iv) veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- (v) 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.

10.4 Given the nature of the proposal there is the potential for it to create potential sources of pollution from oil and contaminated run-off from the track and parking areas (e.g. salt) which could contaminate the local aquatic environment and find its way into the Cannock Extension Canal which is a designated Special Area of Conservation. In this respect it is noted that paragraph 180 of the NPPF states: -

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development."

10.5 The site is in close proximity of the Cannock Chase Extension Canal SAC. The Local Planning Authority must therefore have regard to the provisions of the Conservation of Habitats and Species Regulations 2017. Under Regulation 63(1) a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

10.6 Regulation 63(2) goes on to state "a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required" adding at subsection (3) "the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies". Subsection (4) goes on to state "it must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate".

Impact on the Cannock Extension Canal SAC/SSSI

10.7 The application site is within close proximity to a European designated site "the Cannock Extension Canal Special Area of Conservation (SAC)" and therefore has the potential to affect its interest features, especially as the site is directly linked via watercourses

to the Canal. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also notified at a national level as Cannock Extension Canal Site of Special Scientific Interest (SSSI).

- 10.8 The Cannock Extension Canal Special Area of Conservation/ SSSI is an example of anthropogenic, lowland habitat supporting floating water-plantain *Luronium natans* at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergent species.
- 10.9 Members are advised that as a competent authority under the provisions of the Habitat Regulations, the Local Planning Authority should have regard for any potential impacts that a plan or project may have, as required under Regulation 63 of the Habitats and Species Regulations 2017.
- 10.10 The Council in seeking to assess this application commissioned formal review of the Ecological Submissions by a Consultant Ecologist - Heaton's. In reviewing the information with respect to Habitats Regulations, it is suggested that:

(i) General Nature of Submissions

Heaton's consider the information submitted by the applicant is not sufficient to allow the LPA to undertake and complete a Habitats Regulation Assessment... *The information submitted by the applicant within the submitted Environmental Statement and the Ecological Impact Assessment is inconsistent and unclear with respects to impacts on the Cannock Extension Canal and does not provide a detailed level of information to satisfy the HRA process.*

Many of the proposed impacts have been 'screened out', yet mitigation for impacts has been proposed, requiring that a detailed assessment of impacts is required at Appropriate Assessment. It would be beneficial if the applicant could produce a separate detailed document i.e. information to support Habitats Regulation Assessment.

A range of comments regarding inconsistencies from the consultant Ecologist are made relating to the applicant's submitted documents and these have been provided to the applicant's representatives.

(ii) Drainage Impacts

The applicants have provided details of a drainage across the site including a Method Statement – Drainage Construction Works- Ecological and Environmental Considerations which includes details and measures proposed to treat the surface water prior to discharge off the site. However, the site is directly connected to SAC via open and culverted drainage from the site to the canal and it is proposed that surface water will drain into the Cannock Extension Canal hence

poses a significant impact to European site. The ES notes:

“The proposed development presents two significant risks: soil particulate run-off during construction and hydro-carbon pollutants (oil, petrol) during operational phase. To remove these risks a temporary silt trap will be installed prior to groundworks commencing and interceptors installed to isolate and remove hydrocarbons from the outflow during operation.”

The level of information provided is unclear with respects to impacts on the Cannock Extension Canal SAC and does not provide a detailed level of information to satisfy the HRA process. Many of the proposed impacts have been ‘screened out’, yet mitigation for impacts has been proposed requiring that a detailed assessment of impacts is required at Appropriate Assessment. It is not clear whether the mitigation is proportionate and significant to ensure that there will be no remaining impact to the SAC. Whilst the measures/actions themselves have been explained, how they specifically relate to reduction of harm to the SAC has not been clearly explained or related.

(iii) Air Quality Impacts

Nitrogen thresholds have been set out by Natural England in the “June 2018 Natural England’s approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations”, which if exceeded require that a Competent Authority to progress to Appropriate Assessment. These thresholds are:

- 1) An increase in Annual Average Daily Traffic (AADT) of 1000 domestic vehicles or greater*
- 2) An increase in AADT of 200 HGV or greater*
- 3) Or that the projected N deposition due to vehicular emissions and/or direct emissions from the development is equal to or greater than 1% of the sites Nitrogen Critical load (Kg N ha⁻¹ year⁻¹) as detailed on the APIS website*

It is noted that the applicant has stated in Stage 1 (pg. 79 of the ES) that the Cannock Extension Canal has been screened out due to the road junction and main car park of the main site being over 750/500 m away from the canal. However, this is the wrong approach. Air quality impacts should be assessed directly by emissions arising from the development during its operational life,

10.11 Officers have undertaken an 'appropriate assessment' of the proposal under the Habitats Regulations 2017. This has been sent to Natural England who state:

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

*As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests*

*of regulation 64; that is that there are no alternatives **and** the proposal must be carried out for imperative reasons of overriding public interest.*

- 10.12 Given the response by Natural England and the Council's Consultant Ecologist (i) there is insufficient information submitted and (ii) apparent inconsistencies and lack of clarity within the submitted documents it is concluded that the applicant has not provided sufficient information to enable the local planning authority to undertake an appropriate and proper assessment of the impacts of the proposal on the Cannock Extension Canal SAC/ SSSI.
- 10.13 The above situation effectively prevents Officers from making a positive recommendation. Members are also advised that in the absence of an appropriate assessment to demonstrate that there would not be a significant impact on the SAC an approval cannot be lawfully granted.

Reliability of submitted survey information

- 10.14 The Environmental Statement (ES) and the Ecological Impact Assessment (EclA) and relevant protected species surveys have been reviewed. Some of the evidence used to build conclusions has a baseline data set which is over 7 years old. The Council's consultant ecologist highlights the majority of ecological surveys submitted (or referenced) are over 3 years old. In these circumstances it is suggested the assumptions and conclusions of the ES and EclA are unlikely to be valid.
- 10.15 Specifically it is highlighted that The Chartered Institute of Ecologists and Environmental Managers (CIEEM), which is referenced numerous times in the ES and EclA, produced an Advice Note in April 2019 on the 'Lifespan of Ecological Reports and Surveys. They note for data more than 3 years old that:
- "The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated"*
- 10.16 If the age of the data is between 18 months and 3 years, CIEEM advise the following:

"A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report, based on the factors listed below. Some or all of the other ecological surveys may need to be updated. The professional ecologist will need to issue a clear statement, with appropriate justification, on:

- The validity of the report;*
- Which, if any, of the surveys need to be updated; and*
- The appropriate scope, timing and methods for the update survey(s).*

The likelihood of surveys needing to be updated increases with time and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken.

- 10.17 The Council's consultant ecologist recommends that a range of further surveys would be required to enable the LPA to make an informed assessment about the effects of the development. These include:
- (iv) An updated Phase One Habitat Survey and Preliminary Ecological Appraisal is required to determine if the habitat baseline remains the

same and to assess the scope of protected/priority species surveys required due to the age of data.

- (v) A new Local Records Centre data request is required from Staffordshire Ecological Record as the data is over 3 years old, last collected 2019.
- (vi) Habitat Condition Assessments need conducted to be used in conjunction with the latest DEFRA Biodiversity Metric i.e. Defra 3.1.
- (vii) Updated GCN surveys are required based on the suitability of ponds within the vicinity of the development and terrestrial habitat.
- (viii) Updated breeding bird surveys are required.
- (ix) Updated badger surveys are required.
- (x) Bat roost and bat activity surveys are required for the site.
- (xi) Updated breeding bird surveys are required.
- (xii) Updated reptile surveys are required.

10.18 Updated surveys must therefore be completed, impact assessments carried out and all mitigation and compensation required to protect the species and its habitat incorporated into the scheme before preparation of final plans and/or permissions are sought.

Impacts on Protected Species

10.19 The Council's Consultant Ecologist has provided specific comment on the submitted protected species surveys that accompany the application.

Bats - Dusk Activity Surveys

The application does not include the original Preliminary Ecological Appraisal, hence determining likelihood of impact is difficult. It is not clear how many of the 'in hedge oak trees' and trees within the woodland had bat roosting potential.

The surveys are considered to be out of date with one being undertaken in 2016 and the other in 2017. The methodology provided in the report appears to be that for assessing building/structures, however bat activity and static monitoring would have been more appropriate for assessing foraging/commuting bats and emergence surveys should have been conducted on trees with bat roosting potential as per the guidance of BCT good Practice survey guidelines.

The bat activity surveys should be comprised of manual transect surveys and static monitoring. The manual transect surveys should involve ecologists walking predetermined transect routes in order to observe, listen for and record bats in flight using handheld bat detectors. The static monitoring should involve bat detectors being deployed at fixed location to record bat activity remotely.

Great Crested Newts

The surveys submitted are over 2 years old. It is advised that up to date GCN surveys be completed based on the suitability of ponds and terrestrial habitat within and close proximity of the development site.

Reptiles

The submitted surveys are 6 years old and considered to be out of date. The surveys note that they were completed during March and April of 2016. The optimal months to survey for reptiles are April, May and September, with March being acceptable if the conditions are suitable.

There are inconsistencies in the report, pg. 12 notes that artificial cover objects were checked 5 times whereas pg. 19 notes they were checked 6 times. The survey on 17/04/16 was also completed in sub optimal conditions, with the survey starting in weather conditions that are too cold (survey notes 6- 12 degrees), however air temperatures should be between 9-20 degrees.

On the 20/04/16 the times of the survey were not optimal. The survey notes that the site visit was conducted between 3:30 – 5:45. However, optimal times are between 8:30 and 11am and 4pm to 6pm. With reference to the weather conditions, it would be useful to know the cloud cover and levels of wind.

It is advised that up to date reptile surveys be completed based on the suitability of habitat within the development site.

- 10.20 Previous concerns regarding the potential impacts of the development upon bat foraging in the vicinity of the site through artificial lighting were previously raised by Officers as part of the refused previous application.

Impact on Sites of Local Importance for Nature Conservation

- 10.21 There is one Local Wildlife Site (SBI) within the application boundary and the proposed development borders Wyrley Common which is also of the same status. By virtue of their designation these two sites should be considered to be of importance in a county, that is of a Staffordshire wide context. Policy CP12 of the Local plan states that planning permission will be refused for developments resulting in the loss of adverse effects upon a locally designated, ancient woodland, veteran trees or priority habitat unless, there is no alternative site for the proposal and, the need for and the wider sustainability benefits of the proposal outweigh its adverse impacts taking into account the value of the site; and appropriate mitigation measures or new benefits can be provided to compensate for the loss.
- 10.22 The area adjoining the A5 originally designated due to the presence of wet heath and grassland has been subject to processes of natural succession that has resulted in the expansion of woodland communities. It should be noted that whilst in recent decades there has been a significant reduction in heath and grassland communities it is considered that the site still qualifies for SBI selection due to the resulting wet woodland being of a stand type (NVC W4) considered scarce in a Staffordshire context, Wyrley Common where it adjoins the application boundary is of importance for its extensive wet woodland communities with abundant bog mosses.
- 10.23 The proposals will result in a direct impact upon the SBI situated within the application boundary in that the proposed access road cuts directly through the designated site. This

would result in severance of the habitat and a loss of area for road construction along with its associated verges and visibility splays. There is also significant potential for changes in hydrology as a result of the road construction and pollution from road runoff.

- 10.24 As such it is noted that there would be direct harm to the SBI by virtue of the access road cutting through it and potentially additional, indirect harm by virtue of pollution and/or changes in hydrology. In this respect it is noted that the proposal should be refused unless there is no alternative site for the proposal and the need for and wider sustainability benefits outweigh the adverse impacts. It is officer's opinion that it has not been demonstrated to a suitable level that there are no other suitable alternative sites which could accommodate this development within the West Midlands area, given that the development is said to be of 'regional significance'. In addition to the above it is considered that the main benefits of the proposals are economic, with some more minor social benefits. In Officers assessment these benefits are not sufficient to outweigh the adverse impacts of the harm that would result to the protected site. Finally given what follows in relation to Biodiversity Net Gain, the compensation proposed is not adequate to compensate for the habitat loss.

Biodiversity Net Gain

- 10.25 Biodiversity Net Gain is the process of assessing habitat losses on a site and providing for an enhanced suite of habitat improvements to try and achieve net gain as part of the development proposals on a site. The processes can be complex and is reliant on multipliers and use of the most up to date information.
- 10.26 The Council's Consultant Ecologist has reviewed the submitted Biodiversity Metric Information. Comments in relation to this are as follows:

"Heaton's do not consider the submitted biodiversity metric to be sufficient with regards to determining impacts (net losses/gains) in respect of biodiversity. It is unclear why the DEFRA metric 3.1 has not been utilised which is far more likely to give an accurate net gain score taking into account temporal and difficulty factors. The metric calculations are not complete, baseline and post development habitats are not equal and error messages are being displayed. There are 'four existing habitats on site' that have been entered into the metric (woodland: scattered trees, other: bare ground, other: ephemeral/short perennial) that have no habitat area (ha) entered, therefore no biodiversity units score has been generated. There is not the information presented to know losses/gains of these habitats.

Having reviewed the metric it is apparent that there is discrepancy between the total area of the site when determining its biodiversity baseline and the total area of the site after all habitat creation/enhancement has occurred. At present the total area of the site as displayed on the submitted metric of pg. 36 of the EclA is determined as being 15.29 ha. [Note: however, this area is considered unlikely to be correct due to the forementioned omissions of remaining habitats]. However, on pg. 37 of the EclA the metric depicts the site as being 15.75 ha (i.e. habitat creation + habitat enhancement areas), this is before area of habitats to be retained without change are also added on resulting in a final area post development of 17.4 ha. It is clear that there are numerous miscalculations and

errors in measurement incorporated within the submitted metric and its results must be viewed as unsound and unable to provide sufficient confidence for the LPA to discharge its responsibilities under Section 40 of the NERC Act and to be confident that 'no net loss' to biodiversity will occur...

The applicant must be able to display that the development will not result in a net-loss to biodiversity value, otherwise it will be in conflict with the guidance of the NPPF 2021 and as such the LPA will be unable to approve the application without both being inconsistent in their approach with the guidelines of the NPPF and also be unable to discharge its biodiversity duty as defined under section 40 of the NERC act 2006."

Ecological Issues Summary

10.27 In summary it is assessed that: -

- (i) insufficient information has been submitted to allow the local planning authority to make an appropriate assessment of the reasonable drainage and air quality impacts on the Cannock Extension Canal SAC/ SSSI as it is legally required to do under the Habitats Regulations. Natural England therefore do not support approval of the proposed development and conflict with Local Plan Policy CP12 and NPPF Para 180
- (ii) There are concerns in relation to the reliability of the submitted habitat and protected species information provided and used to inform the submitted Environmental Statement and Ecological Impact Assessment contrary to the emphasis of Local Plan Policy CP12.
- (iii) There are concerns the protected species survey information provided do not follow best practice methodology and as such their conclusions cannot be fully relied upon
- (iv) the proposal would cause significant direct harm to the Site of Biological Interest within the site which would not be adequately compensated for by the proposed habitat creation contrary to Local Plan Policy CP12
- (v) there are miscalculations and errors in measurement incorporated within the submitted Biodiversity metric calculations and its results are viewed as unsound and unable to provide sufficient confidence for the LPA to discharge its responsibilities under Section 40 of the NERC Act and NPPF para 174(d)

11 HIGHWAYS CONSIDERATIONS

11.1 The proposal would generate a significant amount of traffic that would gain access from and egress to the A5.

11.2 Paragraph 108 of the NPPF states

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

11.3 Paragraph 109 of the NPPF goes on to state

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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.

11.4 Finally, paragraph 111 of the NPPF states: -

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

11.5 In order to inform the application the applicant has submitted a Transport Statement (dated 2017) produced by Systra, which considers national and local policy, provides a review of the local highway network, non-motorised users and public transport services, outlines the traffic generation from the proposal together with an assessment of parking needs and traffic modelling at local junctions.

11.6 In respect to the development proposals the Transport Statement outlines that

- (a) the proposed development would be accessible from A5 Watling Street, through a minor access road (with a suitable junction to be designed by Sytra)
- (b) Access for pedestrians across the site would be retained with the central pathway being redirected around the track providing access towards the A5.
- (c) The proposed Go-karting Track would be open from 08:00- 21:00hrs seven days per week. Peak Trip generation is envisaged to occur on Sundays when race events are held, with peak arrivals at 09:00-10:00 and departures at 19:00-20:00.
- (d) The facility would also host on average one race weekend per month, which are hoped would attract 240 competitors. The meetings would consist of driver arrivals on Thursday and Friday, practice sessions on Friday and Saturday, and racing on Sunday. The Sunday race would start at 10:00 with racing finishing at 19:00hrs.
- (e) The Sunday race would be the busiest day with competitors with entourage (3 per competitor) along with 75 spectators.
- (f) The Go -karting Track would predominantly operate as an 'Arrive and Drive' centre and would offer this facility, through the week, and on weekends, where race events would not be scheduled. These are envisaged to generate 400 visits per week, which equates to 114 two way trips each day.

11.7 The projected Track daily attendance by category is given below

	Number of Visitors and Staff Per Day	Total Number of Days
Race Day (Sunday)	1,065	12
Practice Sessions (Friday + Saturday)	1,045	12
Practice Sessions (Thursday)	447	12
Open Practice Sessions	111	314
Closed (for maintenance)	5	15

11.8 The transport statement goes on to provide an arrival and departure profile and an analysis of car parking provision, and traffic modelling, together with an assessment of the pedestrian, cycling and equestrian specific opportunities relevant to the proposal and its location.

Delivery of Strategic Planned Growth

11.9 Staffordshire County Highways have examined the submissions and raised no objections in terms of impacts on Staffordshire County Council maintained roads. It is noted the main

road impacts is the A5 in this case which is a National Highways (Previously known as Highways England) maintained road. Staffordshire County therefore defer full consideration to National Highways.

- 11.10 National Highways have provided a formal holding objection to the proposals. In accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015) National Highways does not consent to the formation of an access on to the A5 Trunk Road. It is recommended that the application should not be approved until further information is provided in order to determine the acceptability of construction of the proposed new direct left-in, left-out access onto the A5 SRN. Additional commentary station the following was also received:

We understand that this proposed development site has an extensive planning history, with a previous planning application at Cannock Chase District Council (CCDC) (CH16/267). We note that this application was refused by CCDC and that National Highways provided a conditional response, which included conditions relating to the access arrangement on A5 Watling Street. However, all applications are considered on their own merits and the information submitted has been reviewed independently from the previously refused application.

Our review has shown that this proposed site has not been allocated or included in the Local Plan, so has not been included/allocated within the Plan-making stage. Therefore, it is not known whether the proposed access is considered essential for the delivery of strategically planned growth

Therefore, this proposed access does not comply with DfT Circular 02/2013, as per paragraph 39, which states “Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth”.

Due to the proposed new access being direct onto the A5 SRN, we are unable to progress this application further, unless information is provided by the applicant to evidence that the proposal is essential for the delivery of strategic planned growth.

- 11.11 Officers have consulted with the Council’s Development Plans Team as to whether this application site has ever been put forward as part of the Development Plans processes. The formal response received confirmed the land has not been put forward as part of the Call for sites process for the SHLAA (Housing) or ELAA (Employment) and there is no reference to it in the summary of the consultation comments made to the last published version of the Local Plan Review.
- 11.12 In light of the absence of this site being promoted as a Strategic Allocation, and in the context of the ‘Non-approval Comment’ Officers have sought to undertake further discussions with National Highways. In particular to establish if they seek to formally object to the proposals. At the current time of production of this report these discussions remain ongoing but in light of other matters of relevance to the decision taking process, Officers did not feel it appropriate to further delay determination of the current application. Any subsequent response received from HE in relation to this matter will be reported to the committee as an update.

12 DRAINAGE AND FLOOD RISK

- 12.1 The proposal would entail the replacement of permeable soil surfaces with substantial areas of hard standing, together with the potential for those hard surfaces to be contaminated by petrol, salts and other contaminants associated with motor vehicles. As such the proposal has the potential to increase surface water flows off the site and to contaminate the aquatic environment. This is of critical importance given that the site is likely to drain into the Cannock Extension Canal which is a SAC.
- 12.2 Paragraph 163 of the NPPF states "when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Where appropriate, applications should be supported by a Site Specific Flood Risk Assessment⁵⁵." Footnote 55 sets out that 'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more.' The application site in this case is in the region of 16 Ha.
- 12.3 In order to inform the application the applicant has submitted a letter from Young Technical Services setting out the guiding principles of the drainage design, together with a Drainage Layout Drawing YTS-05/19 RJ01 Rev G, Micro- Drainage Calculations, information relating to Percolation Testing and Outfall Construction and Drainage Maintenance and Monitoring information. The submissions do not include a site specific Flood Risk Assessment.
- 12.4 The Lead Local Flood Authority has considered the above proposals and has advised that
- (i) A comprehensive Flood Risk Assessment is required for Major developments at the full planning application stage. This does not appear to have been provided.
 - (ii) The submitted Drainage Statement appears to have numerous deficiencies and typos. It is not the role of the LLFA to decipher what the applicant is describing and meaning. Therefore, for clarity and precision, can the applicant re-read the submission and address areas where sentences do not make sense.
 - (iii) More detail is required to the specifics of the QBAR discharge rates from the site. Further detail is needed and can the applicant clearly outline the steps taken to calculate greenfield run off rates for the specific development catchments and translate these into acceptable proposed run off values that fall within greenfield rates.
 - (iv) Lack of clarity on attenuation volumes of the proposed structures (e.g. balancing ponds) within the drainage submissions
 - (v) Insufficient detail in relation to hydraulic modelling calculations
 - (vi) Insufficient information relating to site investigation and infiltration testing
 - (vii) Agreement with any third parties impacted by off-site surface water discharge is required. Please can the required discharge agreements be presented, particularly with owners of downstream networks including the Canal and Rivers Trust.
 - (viii) Water quality -Please provide supporting information to demonstrate that sufficient water quality measures have been incorporated into the

design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach (SIA) and SuDS treatment design criteria.

- (ix) Provide plans showing impermeable areas and to which node/pipe they drain
- (x) Clarity required on volumes of rainwater storage structures
- (xi) Some lengths of system proposed are shallow or flat. Evidence required that all connections will be able to achieve self-cleansing velocity
- (xii) Applicant should identify specific parties responsible for management and maintenance

12.5 The LLFA has therefore advised that the information submitted still does not provide the quantitative information and calculations required, so is not sufficient to demonstrate an acceptable drainage strategy.

12.6 The comments made by the LLFA are accepted and it is concluded that the application fails to include sufficient information to allow the LPA to undertake a proper and full assessment of the proposal against the tests set out in local and national policy both in respect to drainage and perhaps more crucially to allow the local planning authority to discharge its duties under Regulations 61 and 62 of the Habitats Regulations in respect to potential likely significant impacts on Cannock Extension Canal SAC. Therefore the development is judged to conflict with Local Plan Policy CP12 and in particular Footnote 55 at Para 167 of the NPPF.

13 RESIDENTIAL AMENITY

Noise

13.1 Policy CP3 of the Local Plan states "the following key requirements of high quality design will need to be addressed in development proposals" and goes on to outline several issues including the need to "protect the amenity enjoyed by existing properties by avoiding incompatible ones". This supports Paragraph 130(f) of the NPPF which states "Planning policies and decisions should ensure that developments [amongst other things] "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

13.2 Given that the proposed use would by its very nature generate significant levels of noise into this countryside location it is noted that paragraph 185 of the NPPF states '*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

13.3 In order to support the application the applicant has submitted an Environmental Noise Impact Assessment undertaken by Hill Engineering Consultants Limited dated April 2015 and Randtech May 2020. Additionally the Environmental Statement provides overarching commentary upon the original 2015 and 2020 reports.

13.4 A range of respondents to the application raise the issue of noise as a concern in terms of both impacts to residential amenity and impacts upon wildlife. These include the Canal and Rivers Trust, Cannock Chase Environmental Health, Walsall Council Environmental Health, occupiers of nearby properties, occupiers of long terms moorings to the west of the site, the Inland Waterways Association and the Council's Landscape Officer.

Reliability of submitted information

13.5 Cannock Chase Environmental Protection Environmental raise the issue of robustness of the submissions. It is suggested this development is significant and therefore requires robust scrutiny to prevent adverse impacts. It is not uncommon for Environmental Protection to have concerns and question the technical details provided to ensure that this objective is met, and Environmental Protection expect consultants acting on behalf of the applicant to provide factual and impartial response. In summary Environmental Protection Suggest:

- (i) In our previous response to CH/16/267 we asked for a revised report so that all relevant information can be assimilated in a report format that demonstrates a clear process. Instead, the consultant has provided a letter format that discusses elements of concern and reference back to the original report, which is now seven years old. This piecemeal approach does not facilitate appraisal by either ourselves or any other interested party.

Technical Observations

13.6 Detailed Technical observations from both Cannock Chae and Walsall District Environmental Health have been received. For brevity these will not be repeated here and are provided in full at the Consultee Responses section of this report. These include observations regarding:

- (i) tonal corrections not being reasonably applied to engine noise
- (ii) a lack of clarity on whether 18 or 30 karts are to be run at a time
- (iii) lack of differentiation between receptors
- (iv) lack of clarity on kart model tested
- (v) validity of ambient measurements some 7 years on and insufficient survey points to reflect a range of receptors
- (vi) Improper methodology of assessment. An 'Area sound source' should be utilised for noise modelling purposes and not a static hemi-spherical point source as used

- (vii) Absence of consideration of public address system usage
- (viii) Concerns regarding application of BS8233 with regard to existing dwellings – ‘i.e. it is not a standard to be used to assess the effects of changes in the external noise levels to occupants of existing buildings.’ Also using this standard generally applies to steady noise sources. The use proposed would not be a steady noise source and would have specific identifiable noise characteristics.

13.7 The comments of the Cannock Chase and Walsall Environmental Health Officers are accepted and the concerns in relation to methodology are noted. In light of these concerns it is considered that the applicant has failed to provide sufficient information to demonstrate that nearby residential dwellings and other users will continue to enjoy a high standard of residential amenity post implementation of the development. Accordingly conflict is therefore apparent with Local Plan Policy CP3 and 130(f) and 185.

14 LOSS OF AGRICULTURAL LAND

14.1 The application site is largely used for agriculture (part pasture and part arable) and the proposal would effectively prevent the use of the site for agriculture and hence would result in the loss of 18ha agricultural land.

14.2 In this respect it is noted that paragraph 170 of the NPPF states [amongst other things]:

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

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

14.3 The site is graded as "Good to Moderate" on Natural England's Agricultural Land Classification Maps and therefore does not constitute land which is the 'best and most versatile' agricultural land. Therefore, although the proposal would result in the loss of approximately 18ha of agricultural land, the land is not of the highest quality and would therefore only be a slight impact.

15 CRIME AND THE FEAR OF CRIME

15.1 Policy CP3 of the Local Plan states "the following key requirements of high quality design will need to be addressed in development proposals" and goes on to outline several issues including the need to incorporate measures to design out crime and anti-social behaviour based on Police guidance.

15.2 In addition to the above it is noted that paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development [amongst other things] "create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

- 15.3 The comments of Staffordshire Police raise no objection to the proposals. A range of matters with respect to motorhome usage, potential queueing on the A5, details of traffic calming measures and proposed car parking are also noted.
- 15.4 In respect to crime and the potential for acts of terrorism it is noted that there is nothing in respect to the site or its intended layout that would make it particularly vulnerable to these issues. It is also considered that potential measures for the prevention of crime, such as deployment of security staff during events, site security, CCTV, entrance checks, car-park patrols would be generic in nature with a range of tried and tested mechanisms/ tools available. As such it is considered that these issues could be satisfactorily addressed through use of an appropriately worded condition that could be attached to any permission granted. Therefore crime and the fear of crime should not be a barrier to the proposed development in this case.

16 IMPACTS ON PUBLIC FOOTPATHS AND COMMON LAND

- 16.1 Paragraph 98 of the NPPF states that: -

"Planning policies should protect and enhance public rights of way and access.

Local authorities, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."

- 4.1.2 In this respect it is noted that the Ramblers Association request that full access to the right of way during the construction of the site should still be maintained. This is a reasonable request but it is noted that new diverted rights of way will be required to allow the development to take place. Submission of further specific details in this regard could be secured by condition and consultation with the Staffordshire Rights of Way Officer undertaken.

Loss of Common Land

- 16.2 Natural England has commented that their records show a small section of the application site is designated as 'open access' common land and that a separate consenting process applies where works or development is proposed on such land. Officers have checked various plans and note that the part of the site proposed to be used for car parking does appear to be designated as 'open access' common land. This is despite the fact that on the ground the land comprises part of an agricultural field, whereas the remaining part of the open access land comprises woodland.
- 16.3 Although it is unclear how this situation arose, whilst the Council did previously assess the removal or impact upon open access/ common land, importantly it is not now proposed as a reason for refusal. This is primarily on the basis that removal or impacts upon access to Common Land would require separate consent.

17 IMPACT ON MINERAL CONSERVATION INTERESTS

17.1 The site is located within a Minerals Conservation Area. Paragraph 206 of the NPPF states

"Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working."

17.2 In addition to the above paragraph 32 of the Minerals Local Plan states

"Within a Minerals Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not normally 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 resources; and
- b) the proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

17.3 The County Council Mineral Planning Authority has stated that

'Coal Authority mapping confirms that the application site falls within a 'Surface Coal Resource Area' but shows that the surface outcrops of coal seams and probable shallow coal workings do not underlie the site. Given the constraints of the A5 to the north, the Cannock Extension Canal SAC to the west, built development (Watling Street Business Park) to the north and Wyrley Common to the south, it is considered unlikely that proposals to recover any underlying coal and fireclay would be economically viable or environmentally acceptable in the foreseeable future.'

17.4 Given the above the County Council has previously confirmed that it has no objections to the proposal. Officers therefore conclude that the proposal is acceptable; having had regard to the above policy.

18 UNDESIGNATED HERITAGE ASSETS AND ARCHAEOLOGY

18.1 The Glossary to the NPPF defines a 'heritage asset' as a "building, monument, site, place or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

18.2 Policy and guidance in respect to heritage assets is provided by Policy CP15 of the Local Plan and Section 12 of the NPPF. Policy CP15 states that District's historic environment will be protected and enhanced via the safeguarding of all historic sites, buildings, areas, archaeological remains, their settings and their historic landscape and townscape

context according to their national or local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place.

18.3 Paragraph 189 of the NPPF states

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting"

"The level of details should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".

18.4 In addition to the above paragraph 197 of the NPPF states

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm, or loss and the significance of the heritage asset."

18.5 It is noted that the Staffordshire Historic Environment Record (SHER) records no records, no designated heritage assets in the bounds of the current application or within the surrounding area. The SHER does record the presence of the Watling Street Roman Road close by to the north of the scheme area, which represented a significant route across the area during the Romano-British period and beyond. The SHER also records a number of other undesignated heritage assets in the area surrounding the scheme, associated with the former Brownhills Colliery (Cathedral Pit), the line of former mineral railways and the course of the 'Birmingham Canal Navigation.

18.6 Regarding historic landscape character, the proposed scheme sits upon an area of the former common land (Wyrley Common). Historic mapping evidence suggests that, apart from the impact of late 19th century coal mining (and the construction of associated mineral railways) and the planting of trees across its southern portion, the general area of the common has largely survived in its early 19th century form. The scheme itself does not look to impact upon the historic boundaries of the common area and aerial photography suggests that an element of sub-division (by linear field boundaries) and agricultural improvement looks to have been carried out in the recent past. As such proposed scheme will not substantively impact upon the surviving elements of Wyrley Common and therefore there are no further comments to make.

18.7 Having had regard to the above it is considered that the proposal would not have any significant impact on the significance of the non-designated heritage assets within the area.

19 Human Rights Act 1998 and Equality Act 2010

HUMAN RIGHTS ACT

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.

EQUALITY ACT 2010

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.

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

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

19.3 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 is acceptable having had regard to the aim of the Equality Act.

20. VERY SPECIAL CIRCUMSTANCES

20.1 In support of the applicant's assertion that very special circumstances the Design and Access Statement sets out that:

- (i) Outdoor sport and recreation is not inappropriate within the Greenbelt if the landscape and openness are not negatively impacted. The development will safeguard the Greenbelt and contribute to its objectives by providing opportunity for outdoor recreation and by enhancing the green infrastructure (CP1 and CP12)
- (ii) The Cannock Extension Canal SAC is safeguarded with a net improvement of environment by the improvement in water quality entering the canal and attenuation of storm events through additional capacity for rainwater storage during these events (contribution to policies CP12 and CP16)

- (iii) The loss in low value secondary woodland/woodland scrub within the Grassland SBI is against planning policy however this is mitigated for by new more diverse woodland planting on adjacent improved grassland. Restoration of the wet acidic grassland and wet woodland will contribute to local plan and neighbourhood plan objectives
- (iv) The site is wholly within the historic boundaries of Wyrley Common which has become highly modified following coal mining during the 19th and 20th century. Restoration of a mosaic of semi-natural heathland habitats is central to the proposals and will contribute to local plan policies CP12 and 15
- (v) The site will become a focal point attracting people to this part of Norton Canes from around the country creating an opportunity for discovery of the historic landscape
- (vi) The site will reinstate a local community resource lost during the construction of the M6Toll when Chasewater track was closed
- (vii) The facility will contribute circa £4 million per annum into the local economy create 12 FT and 12-15PT jobs with other created or safeguarded within local retail, food, hospitality and tourism industries
- (viii) The site will operate 7 days per week for a maximum of 12 hours per day however the track will not be in use for the entirety of this time due to the logistics of kart racing. Two types of vehicles will be operated. Quieter 4 stroke 'corporate' machines will operate for most of the time (30-60hrs per week) with competition 2 stroke karts used during club meeting (Friday to Sunday once per month), one practice day per week and two other events per month (10-34hrs per week). Investigation of the base line noise levels and predicted additional noise levels found there would be no perceivable impact on local residents due to distance and the proposed acoustic bund.
- (ix) Artificial lighting of the track and access will be required to facilitate safe track operation after dark. This will be provided by low energy LED lighting of a type compliant with the latest BCT/ILP guidance on artificial lights and bats. Dark zones will be maintained along boundaries where bat activity has been recorded and creating corridors for bat movement through the positioning and direction of lighting. Use of LED lighting will create negligible outward or upward light leakage
- (x) No accessible common land will be lost during development. There will be a significant increase in quantity and quality of accessible land following the development
- (xi) Three public rights-of-way will be diverted to facilitate the development. These will be provided with fully accessible surfaces along the diverted route. A cycleway between Cannock Extension Canal and the A5 cycleway will be created. Contributing to Neighbourhood Plan objectives (orange route)

20.2 Additionally a Green Belt statement has also been provided. This provides information in support of the applicant's assertion that very special circumstances exist: -

"it is submitted the very special circumstances that need to be considered relate to:

1. *Provision of recreation and sporting facilities.*
2. *Economic development.*
3. *Landscaping/Bio-diversity enhancement.*

Provision of Sports and Recreation Policy

The proposed development will secure the provision of a kart racing circuit. There has been no kart racing circuit to the north of the West Midlands conurbation since Chasewater Karting Club closed due to the construction of the M6 Toll Road in 2001.

Kart racing is an outdoor sport and recreational activity. It is anticipated that at the application site the applicant's would engage with all sections of the community, including local community groups and local education establishments. In this respect the proposed kart racing circuit will provide a sport and recreation facility that will encourage participation by all members of the community including children and adults.

The facility proposed will provide facilities which are not present elsewhere in Cannock Chase District and the wider Southern Staffordshire and West Midlands area.

The proposed development would be of high quality and use and in respect the proposed development is considered to be consistent with Core Policy 1, 3, 12 and 14 of the Cannock Chase Local Plan.

Economic Development/ Employment

The Framework advises (paragraph 83) Planning Authorities that they should support economic growth in rural areas to promote jobs and prosperity and in this context, Local Authorities should support the sustainable growth of all types of businesses and enterprises in rural areas.

The establishment of a kart racing circuit at the application site will contribute to economic growth in the rural area and in so doing it will contribute to creating jobs and prosperity. Insofar as the development would deliver sustainable economic growth that is supported by paragraphs 80 to 84 of the Framework. In addition, the proposed use of the site will attract inward investment into the area by the visitors that would be attracted to the development.

Landscaping/Bio-diversity Enhancement

As is evident from the submitted documentation, the landscape quality of the application site is mostly poorly maintained grassland. The development proposals allow for generous areas of new planting. The submitted ecological report includes proposals for the management of land so as to enhance the bio-diversity of the site. This could be secured by way of a habitat management plan. These are all matters that can be secured through conditions. Such provision would not be secured other than through the development that is proposed.

As well as the landscaping, which is specifically designed to screen the development, there will be new planting areas incorporated into the development that will be designed to enhance the wider landscape setting of the site."

Officer Comments of the Applicant's Case

a) Site History and Loss of Facility

- 20.3 The submissions assert that the 'principle of siting a kart racing circuit on the application site was established through the grant of planning permission CH/04/0558 in November 2004'. However this is simply not the case. In the first instance the application was never determined as the applicant failed to complete the Section 106 agreement. The application was subject to a resolve to grant. Indeed the first application CH/02/0696 made it clear that the proposal constituted inappropriate development in the Green Belt and the line of reasoning did take into account in the planning balance the 'need to relocate a former local facility' which would only be necessary if it was concluded that the proposal constituted inappropriate development and therefore there was a need to demonstrate very special circumstances.
- 20.4 Furthermore since 2004 there has been substantial change to both national and local policy including the introduction of the NPPF and its subsequent revisions in 2018, 2019 and 2021, and the adoption of the Cannock Chase Local Plan (Part 1) 2014.
- 20.5 In addition to the above the previous application sought permission for a replacement for "a similar facility at Chasewater that had been lost to construction of the M6 Toll Road". Although the information available in respect to this former track at Chasewater appears somewhat limited it does appear to have been a smaller track with little or no facilities. In contrast the current proposal purports to be for an outdoor go-kart track of "regional significance" which if approved would necessitate a substantial operational and built development that would not constitute a replacement on a like for like basis. It is also noted that an earlier application CH/02/0696 for a larger racetrack facility was refused on the grounds that very special circumstances had not been demonstrated.
- 20.6 The above two applications highlights that each application should be determined on its own merits having had regard to the specifics of what is being applied for and the policies in place at the time the decision is made. As such it is considered that the previous applications lend little weight in favour of the current proposal.

b) The Need for the Facility and absence of other Similar Facilities

- 20.7 The applicant has stated that the previous proposal was to replace a similar facility at Chasewater that had been lost due to the construction of the M6 Toll Road adding that although that project did not materialise the need and potential demand for a replacement has not gone away. The applicant in further support of the above assertion has gone on to state that no similar facility exists within easy range of the conurbation the nearest equivalent facility, registered with the MSA (Motor Sports Association) being at Daventry some 60 miles away.

- 20.8 Officers would comment that although it is apparent that there is a desire among some people for a facility of this type and scale this does not necessarily equate to proving that there is an objectively assessed need for such a facility, particularly one of a regional importance.
- 20.9 In respect to the assertion that there are no other MSA registered facilities within the Midlands this does not mean that there are no other karting opportunities available in the local or wider area. Supporters of the application have stated that they are "presently having to travel to Tamworth, Fradley and Daventry in order for [their] son, partner and grandchildren to participate in go kart racing".
- 20.10 The Fradley Park track is open track within or at least immediately adjacent to an industrial estate at New Haven, Wood End Lane, Lichfield and is run by Midland Karting who markets the site as "one of the top UK Karting Circuits". The track is open for a wide range of events and races including "open Races", Endurance Races", Sprint Races" and "Grand Prix Races". The facilities on offer include "parking, refreshments, toilets, spectator area, vending machines, catering and much more besides".
- 20.11 In addition to the above there is another outdoor at Daytona, Tamworth. This track is available for "corporate events, private parties, and fun race events for both adults and children" and is "situated just five minutes from Tamworth town centre and "within a short driving distance from Central Birmingham, Coventry, Cannock, Lichfield, Leicester, Wolverhampton and Stafford". It has two circuits a GP Circuit comprising: -
- 20.12 "1000 metre tarmac circuit that allows up to 30 drivers or teams to race alongside each other – the GP circuit combines 11 corners with straights of varying lengths and rewards adventurous drivers with overtaking opportunities on both the straights and through the bends." and an Indy Circuit, comprising: -
- "A tight, challenging 500 metre tarmac track – which offers exciting, but safe events for both junior drivers and adults".
- 20.13 The venue is open Seven Days a Week except for Christmas Day and Boxing Day and is located "three miles to the South West of Tamworth Town Centre".
- 20.14 In addition to the above it is note that there are several indoor go-karting venues both within the local area and further afield, including Ace Karting Plus at Bloxwich Road, Walsall and the Team Sport facility with a 1000m track at Birmingham (with a similar facility due to open at Coventry).
- 20.15 Given that the proposed facility is purported to be of regional importance the facility could potentially be sited anywhere within the region, including many non-Green Belt sites, such as the one in Fradley where it is located within or adjacent to an industrial state or even within an industrial building. Certainly the sites run by Ace Karting Plus at Walsall and the Team Sport facility with a 1000m track at Birmingham operate within a building. Although it is argued that traditionally MSA karting operates out of doors does not mean that such a facility cannot be operated from within a building.
- 20.16 Given the above it is clear that there is already a wide range of karting facilities within the local area and wider region. Although some, or all, of these facilities may not be

MSA registered this does not mean that people cannot readily participate in the sport should they wish to do so. As such it is considered that the applicant's assertion that there is a substantial and overwhelming need for the facility has not been adequately made out, is without firm policy justification in any event and as such little weight should be afforded to this consideration.

c) Economic Benefits

20.17 The main benefits that stem from the proposal are economic and these are not disputed. These include a suggested figure of £4 Million to the local economy and job creation of 12 FT and 12-15 FTE roles.

d) Ecological Considerations

20.18 The applicant's submissions purport to provide for significant ecological benefits. However having considered Natural England's position and the information provided by the Council's Consultant Ecologist, Officers would not support this suggestion and assess the planning balance weighs considerably against the submitted proposals. This is because a range of concerns exist regarding:

- (i) insufficient information having been submitted to allow the local planning authority to make an appropriate assessment of the reasonable drainage and air quality impacts on the Cannock Extension Canal SAC/ SSSI as it is legally required to do under the Habitats Regulations. Natural England therefore do not support approval of the proposed development and conflict with Local Plan Policy CP12 and NPPF Para 180
- (ii) There are concerns in relation to the reliability of the submitted habitat and protected species information provided and used to inform the submitted Environmental Statement and Ecological Impact Assessment contrary to the emphasis of Local Plan Policy CP12 and Para 174(d).
- (iii) There are concerns the protected species survey information provided do not follow best practice methodology and as such their conclusions cannot be fully relied upon to establish impacts in line with Para 174(d) of the NPPF
- (iv) the proposal would cause significant direct harm to the Site of Biological Interest within the site which would not be adequately compensated for by the proposed habitat creation contrary to Local Plan Policy CP12
- (v) there are miscalculations and errors in measurement incorporated within the submitted Biodiversity metric calculations and its results are viewed as unsound and unable to provide sufficient confidence for the LPA to discharge its responsibilities under Section 40 of the NERC Act and NPPF para 174(d)

e) Character and Appearance Impacts

20.19 In character terms, it is assessed when taken as a whole the development would fail to be well-related to its surroundings in terms of its layout, scale and appearance and would not be an appropriate form of development within the Green Belt. The scale and extent of the design proposed is judged out of keeping with its surroundings and fails to demonstrate sympathy to local character and its nearby landscape setting.

Therefore the development would be contrary to Policies CP3 and CP14 of the Cannock Chase Local Plan.

f) Highways Non-approval

20.20 There remains an issue in principle in terms of the National Highways stance in relation to the proposals and failure to comply with DfT Circular 02/2013 paragraph 39 in that proposals the access proposed was not identified at Plan Making stage and is not '*new infrastructure essential for the delivery of strategic planned growth.*'

g) Noise Impacts

20.21 The submitted Noise Impact Assessment reporting is considered not considered to reflect best practice methodology on the basis of comments from both Cannock Chase and Walsall Council Environmental Health. This calls into question the conclusions drawn in the submissions and does not allow the Council to assess that noise and impacts on nearby residents is adequately address in line with Local Plan Policy CP3 and NPPF para 130(f). In this regard this counts weighs against the proposed development.

j) Drainage

20.22 Although the application submissions suggests the proposals would lead to an improvement of water quality, the application fails to include sufficient information to allow the LPA and Drainage to undertake a proper and full assessment of the proposal against the tests set out in local and national policy both in respect to sustainable drainage and perhaps more crucially to allow the local planning authority to discharge its duties under Regulations 61 and 62 of the Habitats Regulations in respect to potential likely significant impacts on Cannock Extension Canal SAC. Therefore the development is judged to conflict with Local Plan Policy CP12 and in particular Footnote 55 at Para 167 of the NPPF. Such weights negatively against the proposals.

21. THE PLANNING BALANCE

21.20 Given that the proposal constitutes inappropriate development it should not be approved except in very special circumstances. Furthermore, in accordance with paragraph 88 of the NPPF 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This requires the giving of weight to the harm to the Green Belt and any other harm to acknowledged interests, giving weight to those factors which the applicant has put forward in support of the proposal and determining whether the latter clearly outweighs the harms.

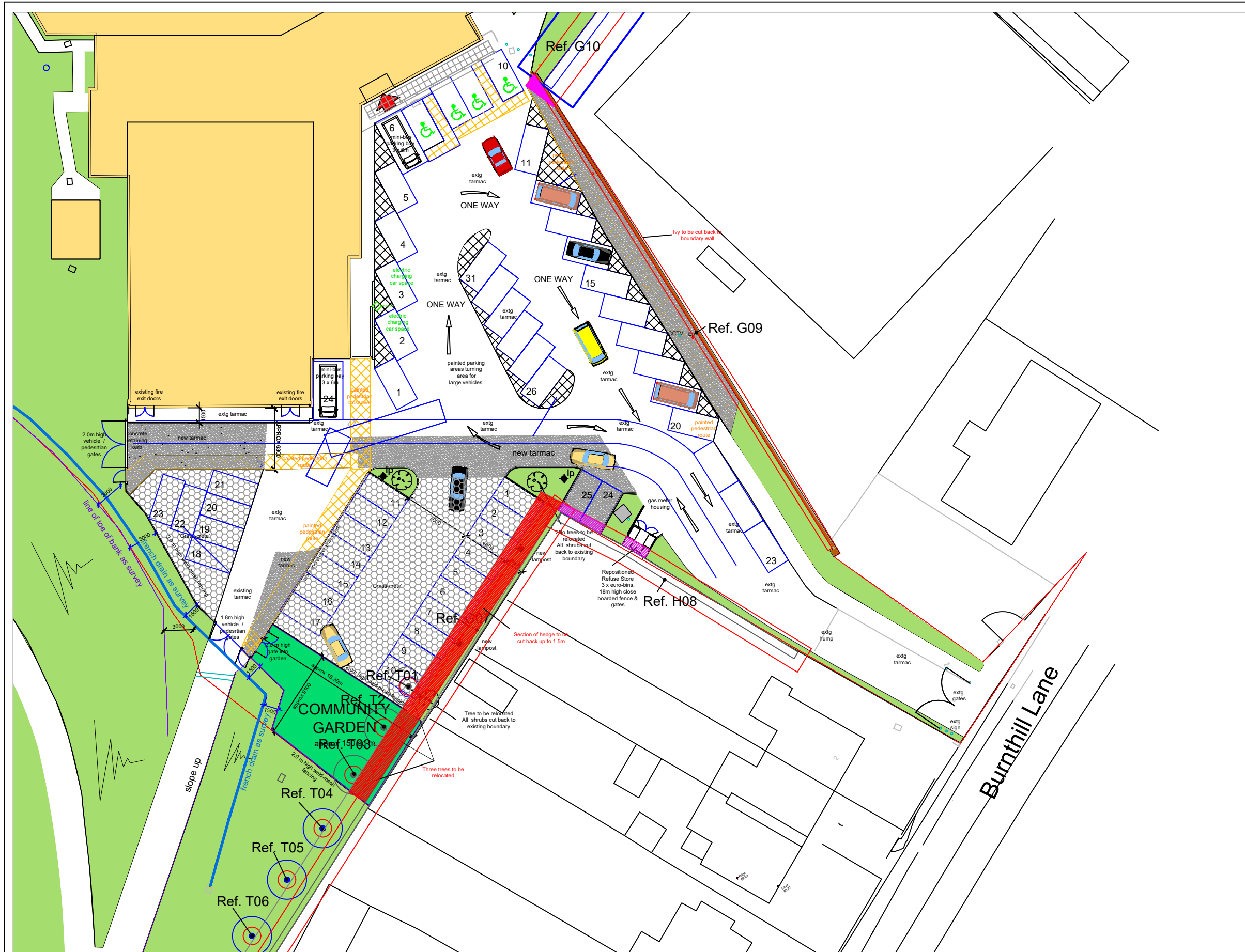
21.21 In this respect, and in accordance with paragraph 143 of the NPPF officers consider that substantial weight should be given to the harm to the Green Belt. In addition it is considered that moderate weight should be afforded to the positive economic factors highlighted in favour of the proposals. However counting against the development are the harms to the rural character of the area, harm by virtue of the noise or amenity

impacts that are not adequately addressed by the proposals. Further substantial weight against the proposals comes from the deficiencies in reporting regarding the ecological impacts highlighted regarding:

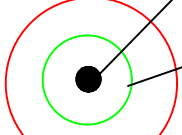
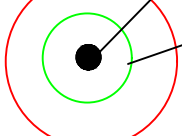
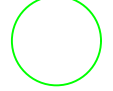
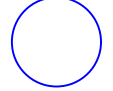
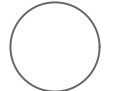
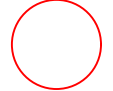
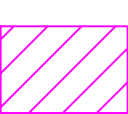
- (i) Cannock Extension Canal SAC/ SSSI through run-off and air pollution as it is legally required to do under the Habitats Regulations
- (ii) European Protected Species, in particular bats and newts .
- (iii) Wyrley Common SBI
- (iv) Insufficient information regarding Biodiversity metric calculations and assuring net gain

21.22 It is therefore concluded that the harm to the Green Belt and other harm to acknowledged interests is not clearly outweighed by other considerations such that very special circumstances exist that would justify approval.

21.23 Accordingly, it is recommended that the application be refused for the reasons set out.



Key

-  Stem
-  Crown (Category Colour)
- RPA**
-  Cat A
-  Cat B
-  Cat C
-  Tree to be removed
-  Incursion into RPA

Title		
Tree Impact Plan		
Project		
Rugeley Community Centre, Burnthill Lane, Rugeley, Staffs, WS125 2HX		
Client		
Chris Fielding, Rugeley Community Centre, Burnthill Lane, Rugeley, Staffs, WS125 2HX		
Drawing Number		
RugeleyCommunityCenterTIP		
Date	Drawn By	Rev
19/06/22	E Bramley	A1

21 New Street, Baddesley Endors, Atherstone, Warwickshire, CV9 2DN
 Email - info@bramleytreeconsultancy.co.uk
 Website - www.bramleytreeconsultancy.co.uk



Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

<p>Planning Control Committee</p> <p>8 February 2023</p>
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Application No:	CH/22/0338
Received:	25-August-2022
Location:	Youth And Community Centre, Burnthill Lane, Rugeley, WS15 2HX
Parish:	Rugeley CP
Ward:	Hagley Ward
Description:	Proposed Extension and Layout Improvements to Existing Car Park
Application Type:	Full Planning Application

Recommendation:

Approve subject to 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/ 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. The car park 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. The vehicular access to the site shall be secured by gate outside of these hours.

Reason

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

3. 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. There after the approved 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.

4. The landscape works hereby approved including the repositioning of the trees shall be carried out in the first planting and seeding season following 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.

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

Location plan and existing site plan

Proposed site plan

Topographic & utility survey

Existing detail plan

Proposed detail plan

Proposed cross section plan

Drainage plan

Tree survey

Tree impact plan

Tree constraints plan

Reason

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

6. Notwithstanding the approved plans, the details for any lighting scheme proposed to the parking areas of the development shall first be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved lighting scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers. It is considered to be in the public interest to require such detail 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.

Consultations and Publicity

External Consultations

Clerk to Rugeley Town Council

No comments received.

Flood Team

No comments to offer, as non-major development.

Natural England

No objections

Historic Environment Officer

No objections

Environment Agency

No comments, as the application falls outside checklist for comments, therefore refer to standing advice.

Cadent

No objections, provide informative on decision notice.

Waste Team

No comments received.

Wildlife Trust

No comments received.

Internal Consultations

Travel Management & Safety

No objections

Environmental Health

No comments

Development Plans & Policy Unit

The proposal constitutes inappropriate development within the Green Belt, as it does not fall within the definition of exceptions set out within the NPPF. It is noted that the applicant has submitted a planning statement listing what they consider to be the very special circumstances as part of their assessment. It is also noted that the proposal will support the objectives of CP5.

Landscaping Team

No comments received.

Estates

No comments received.

Response to Publicity

The application was advertised by newspaper advertisement as a departure from the Development Plan. It has also been advertised by site notice and neighbour letter. Five letters of representation have been received, one objection and four in support of the proposal:

1 letter of objection raised the following issues:

- The intended changes do not consider the local community sufficiently and are not currently representative of the this community.
- At present, the car park and surrounding niches of the building provide the criminal community with a place where their activities can be performed out of the public gaze.
- During the hours of darkness, this becomes particularly menacing to the community who wish to use this walking route to access the town centre on foot. As such, the planned changes will only encourage increased criminal activity in the proposed locations.
- However, it is recognised that a proportion of potential users/ visitors are law abiding and wish to use the facilities as intended. As such, if the access to the facility car park from Burnthill Lane were to be gated and secured to prevent vehicular access during the periods where the facility is not in use this would help to retain some form of respite to ourselves as neighbours.
- It would also be preferred that any lighting that is not illuminating a public right of way for pedestrians is turned off at 10pm every evening.

4 No. letters of support on the following grounds received from local councillors (including Hagley Ward Cllrs):

- Rugeley Community Church and the Youth and Community Centre is an essential asset to our local community and they have worked tirelessly to support the residents of Rugeley. Since the Church took over the Community Centre from Staffordshire County Council, it has gone from strength to strength. The Centre is now a very popular central hub within our local community, regularly hosting an array of different community groups and hirers. Due to such success, the existing car park often reaches capacity. The application aims to address this issue by extending and changing the layout of the car park. Although the proposed area is deemed to be Green Belt, I do not feel there would be any negative impact by this change of use. I very much doubt that our local community would be against this release to enable the extension.
- The land is currently mowed lawn adjacent to the Community Centre building and is not over looked by local housing. The current land is not rich in biodiversity or a beautiful vista, which is the usual assumption when referring to Green Belt. The positive social impact within the community that the Rugeley Community Church and Community Centre has, far outweighs any negative impact of the change of use.
- Furthermore, the flood defence work undertaken by the Environment Agency created a 350m long, 4m high embankment along the southern end of Hagley field, within the Green Belt. The embankment separates the Community Centre building and carpark from Hagley field and the Chase beyond. I therefore feel that the embankment has created a new natural boundary to the Green Belt, further limiting any negative impact this application may have.

Relevant Planning History

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

CH/20/043 Creation of a 3G Artificial Grass Pitch (AGP) with fencing, floodlighting, storage container, access pathways and a floodlit car park extension. Approved subject to conditions 17 March 2020.

1 Site and Surroundings

- 1.1 The application site is Rugeley Community Church, Youth and Community Centre, comprising a modern, part brick and part clad two storey building, and associated car parking and grassed area. The centre is accessed from between Burnthill Lane and Holly Lodge Close, between two residential properties.
- 1.2 There is limited landscaping within the site, which is mainly confined to a row of 6 No. trees located behind the rear of No.s 6-12 Burnthill Lane and hedge line along the side boundary of the access driveway adjacent to No.2 Burnthill Lane.
- 1.3 There is a bowling green located to the east of the application site. A skate park play area is located to the north of the site. To the west is open grass land and Rugeley Leisure Centre with associated sports pitches. To the south are residential properties.

- 1.4 The site is located within land designated as Green Belt, with the top eastern part of the site located in flood zones 2 &3. The site is also within a Minerals Safeguarding area for superficial sand and gravel.

2 Proposal

- 2.1 The proposed is for extension and layout improvements to the existing car park and has been advertised as a departure from the development plan.
- 2.2 The scheme would extend the existing car park beyond the existing fence line and up to the south-western boundary to enable the provision of 24 additional car parking spaces, two electric vehicle charging points and a community garden. The parking spaces would comprise grass reinforcement mesh materials.

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 Living
- CP14: Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)
- CP16 Climate Change
- 3.4 National Planning Policy Framework
- 3.5 The NPPF (2021) 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.
- 3.6 The NPPF (2021) 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
110	Promoting Sustainable Transport
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
147-150	Protecting Green Belt
170, 175, 177, 179:	Conserving and Enhancing the Natural Environment
218, 219	Implementation

3.8 Other relevant documents include: -

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

4 Determining Issues

- 4.1
- 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 trees
 - vi) Flood risk
 - vii) Minerals safeguarding
 - viii) Drainage
 - ix) Climate Change
 - x) Statement of Very Special Circumstances
 - xi) 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'. Paragraph 137 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 149 and 150 of the NPPF. Paragraph 149 relates to new buildings which is not relevant in this instance. However paragraph 150 looks at other forms of development that are also not inappropriate.
- 4.2.4 Paragraph 150 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 car park extension. All other associated development (movement of fencing, electric charge points and community garden provision) would be ancillary to this main element of the proposal.
- 4.2.6 The creation of the 24 No. new car parking spaces 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.
- 4.2.7 In this respect it is noted that the creation of the additional car parking would comprise mainly grass reinforcement mesh materials and some smaller portions of new tarmac areas. However, it is considered that the car park would detract from the openness of the Green Belt, as it forms an engineered structure that 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 148 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 126-134. Paragraph 126 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 130 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 134 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 the Rugeley Community centre, which is mainly set out as associated car parking and landscaped areas.
- 4.3.6 In respect to the potential impact on trees the applicant has submitted an Arboricultural Report. This identifies that all trees and hedges would be retained, however, several trees would be relocated as a consequence of the car park extension.
- 4.3.7 The Council's Landscape Officer was consulted on the application but has not responded to consultation, however if a response is received it will be reported to Members as an officer update prior to Committee Meeting.
- 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.
- 4.3.9 For the reasons given in the Planning Balance section of this report [section 4.11] 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 130(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 the potential for light spill from additional lighting and noise from late night use of the parking area, which would be located closer to the rear of the existing residential properties.
- 4.4.6 The Environmental Health Officer has stated that he has no objections and has not imposed any conditions, however, a condition has been imposed by the case officer to secure and restrict hours of use of the car park, and also details of new lighting proposed as part of the scheme.
- 4.4.7 Given the nature of the development, there would be no detrimental impact to the amenity of neighbours through overlooking, loss of light, or immediate outlook in accordance with Policy CP3 of the Local Plan and paragraph 130(f) of the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 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 24 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 111 of the NPPF.

4.6 Impact on trees/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 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;

4.6.3 Paragraph 174 of the NPPF states [amongst other things] that: - 'Planning policies and decisions should contribute to and enhance the natural and local environment.

4.6.4 The site is largely comprised of short intensively managed grassland which is a habitat type of no significant ecological value.

4.6.5 Several trees located to the rear of 6-12 Burnthill Lane would be relocated and all others would be retained. A condition for details in this respect has been recommended to ensure the re-siting of the trees is satisfactorily.

4.6.6 A community garden would also be provided as part of the proposal, which would provide a net gain to biodiversity.

4.6.7 It is therefore concluded that no demonstrable harm would result to trees/hedges, or nature conservation interests and the biodiversity of the site.

4.7 Drainage and Flood Risk

4.7.1 Flood defence work has been undertaken by the Environment Agency creating an embankment along the southern end of Hagley field, within the Green Belt. A French drain is also shown on the survey to the south west of the site.

4.7.3 The Environment Agency and LLFA were consulted on the proposal and raise no objections to the proposal and do not require the imposition of conditions. Furthermore, as the majority of the surface of the car park would comprise grass reinforcement mesh materials this would minimise the potential for increased water run off into the existing surface water drainage systems.

4.7.4 As such, subject to inclusion of standing advice 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 Climate Change and Sustainable Resource Use

- 4.9.1 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.
- 4.9.2 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 112 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.
- 4.9.3 The scheme would provide two charging points to be incorporated into the development proposed and this is also enforced under Building Regulations legislation. It is therefore considered that the proposal would be acceptable in this respect.

4.10 Objections raised not already addressed above:-

- 4.10.1 An objector stated that at present, the car park and surrounding niches of the building provide the criminal community with a place where their activities can be performed out of the public gaze. Your Officers response is that this is a current issue and not as a consequence of the proposal.

4.10.2 The objector has stated that if the access to the facility car park from Burnthill Lane were to be gated and secured to prevent vehicular access during the periods where the facility is not in use this would help to retain some form of respite to ourselves as neighbours. Your Officers note the car park extension is to the rear of residential properties and as such have recommended a condition for a gate to be provided when the facility is not in use.

4.10.3 The objector has stated that it would also be preferred that any lighting that is not illuminating a public right of way for pedestrians is turned off at 10pm every evening. A details for lighting has been submitted as part of this application, however your Officers have recommended a condition to cover any future lighting on the site.

4.11. Applicant's Case for Very Special Circumstances

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

'Car park congestion is an almost daily issue as the Centre gets steadily busier. We are seeing significant increase in use of the Centre for a variety of reasons, such as universal credit issues, effects of the pandemic, the mental health crisis and our growth as a central hub. Ultimately, without increased parking capacity, the people in need across the area will suffer.

We are adding important services all the time, such as increasing the capacity of our school holiday scheme, regular drop-in clinics with the council's Neighbourhood Officer, debt advisers, education for older people, help for lonely people and more sports. As the County Council's children's provision at the Centre grows, many families with babies and toddlers will drive.

We also expect to see demand rising as Rugeley's population rises, especially with the power station redevelopment. Very little community support infrastructure has been included for the first few years and therefore we expect (and we suspect the council hopes) to see these new residents coming into the town to use existing amenities. For the good of the town, the power station development must not become an isolated community. A lot of these new residents will drive, despite efforts to make the site carbon neutral, due to its location on the edge of town.

There is great demand for our proposed community garden, which will provide obvious positive benefits for the community and a holistic approach to people's physical, mental and spiritual wellbeing. It will be used by the Foodbank to grow fresh produce, to teach people about nutrition and increase people's independence. It will also provide opportunities to volunteer and give back to the community by engaging and rehabilitating people, whilst making better use of the space, increasing biodiversity and providing additional activities for disabled adults using the Centre.

There are limited options to reconfigure the existing car park due to the need for turning space (especially for daily minibuses), deliveries and our legal requirement to give vehicle access to the field (county council, Environment Agency, grass mowers and articulated fairground lorries).

All land at the site, and connected to the site, is green belt land and therefore the only option to increase parking capacity is to use a small portion of this land. Quite simply, the urgent car parking need to keep a vital community resource effective cannot be met on a non-green belt site.

The flood bank provides the perfect barrier to prevent any further development (everything beyond it is marked as flood plain) and hides the proposed car park from view.

Allowing us to extend our car park and add a community garden would enable us to make the most of the land for the benefit of the town without any negative impact on the rest of the green belt due to the physical separation. The “openness” of land will remain, there will be no unrestricted sprawl of built-up areas, the countryside will not be encroached beyond the natural boundary of the flood defence and there will be no effect on the setting and character of the town.’

- 4.10.2 Officers note that on two occasions on site visits that there was a lack of car parking availability for the community centre, as it is well used and provides a host of community facilities including foodbanks, sports hall, meeting rooms, day services for disabled adults, church services, healthy lifestyle programmes for families, café, community support and hosting large events.
- 4.10.3 The proposed addition of a community garden and re-siting of the trees would make biodiversity enhancements to the area, while supporting the Council’s objectives of Policy CP5 improving social inclusion and healthy living, as it would support the community services provided at the Community Centre in a time of increased need.
- 4.10.4 The surfacing of the carpark would also comprise majority of grass reinforcement mesh materials., which would minimise the impact on the openness of the Green Belt area, which would be far outweighed by the wide range of benefits and essential contribution made to the Council’s policy objectives.
- 4.10.5 Officers also note that paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other things:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community and
 - 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.
- 4.10.6 Officers note that paragraph 93 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;

4.10.7 In this respect it is considered that substantial weight should be afforded to the contribution the proposal would make in meeting the need for the well used community facility within 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.

4.10.8 Finally, it is considered that significant substantial weight should be given to the fact there are no reasonable alternative locations for the additional parking to be located.

4.11 The Planning Balance

4.11.1 Paragraph 148 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. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and that local planning authorities should ensure that a weighing exercise is undertaken to assess any harm to the Green Belt. In this respect, 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 open green character of the site resulting from the extension of the car park

4.11.4 However, it is considered that substantial weight should be afforded to the contribution the proposal would make towards the aim of improving and providing community services and also achieving healthy, inclusive and safe places.

4.11.5 Finally, it is considered that substantial weight should be given to the fact there are no reasonable alternative locations for the car park extension due to the interaction with the existing Community Centre and accessibility by a wide range of transport modes including modes other than the private car.

4.11.6 In conclusion. it is considered that the harm to the Green Belt and harm to landscape character 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 Equality 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.

Equality 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.

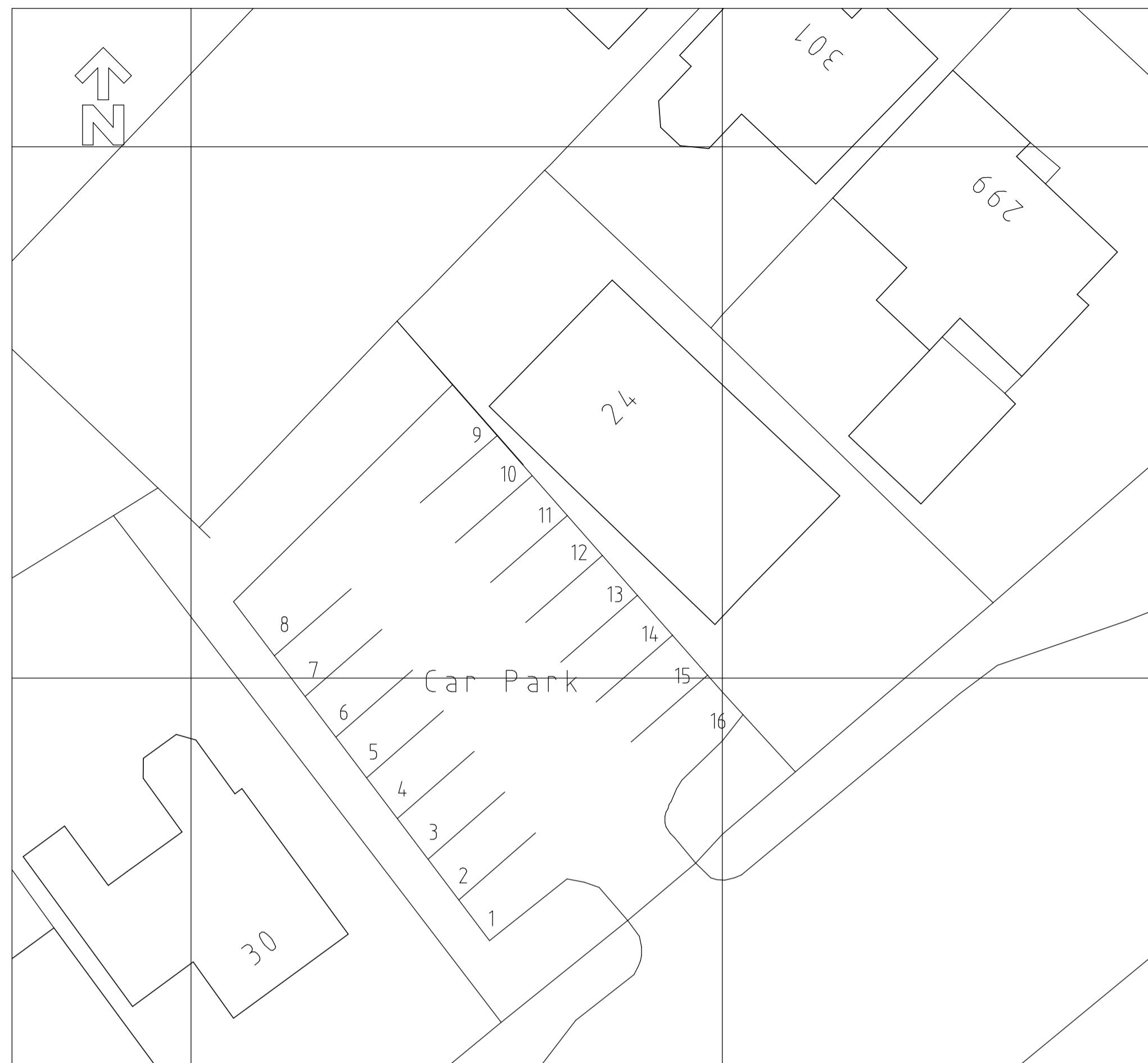
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

6 Conclusion

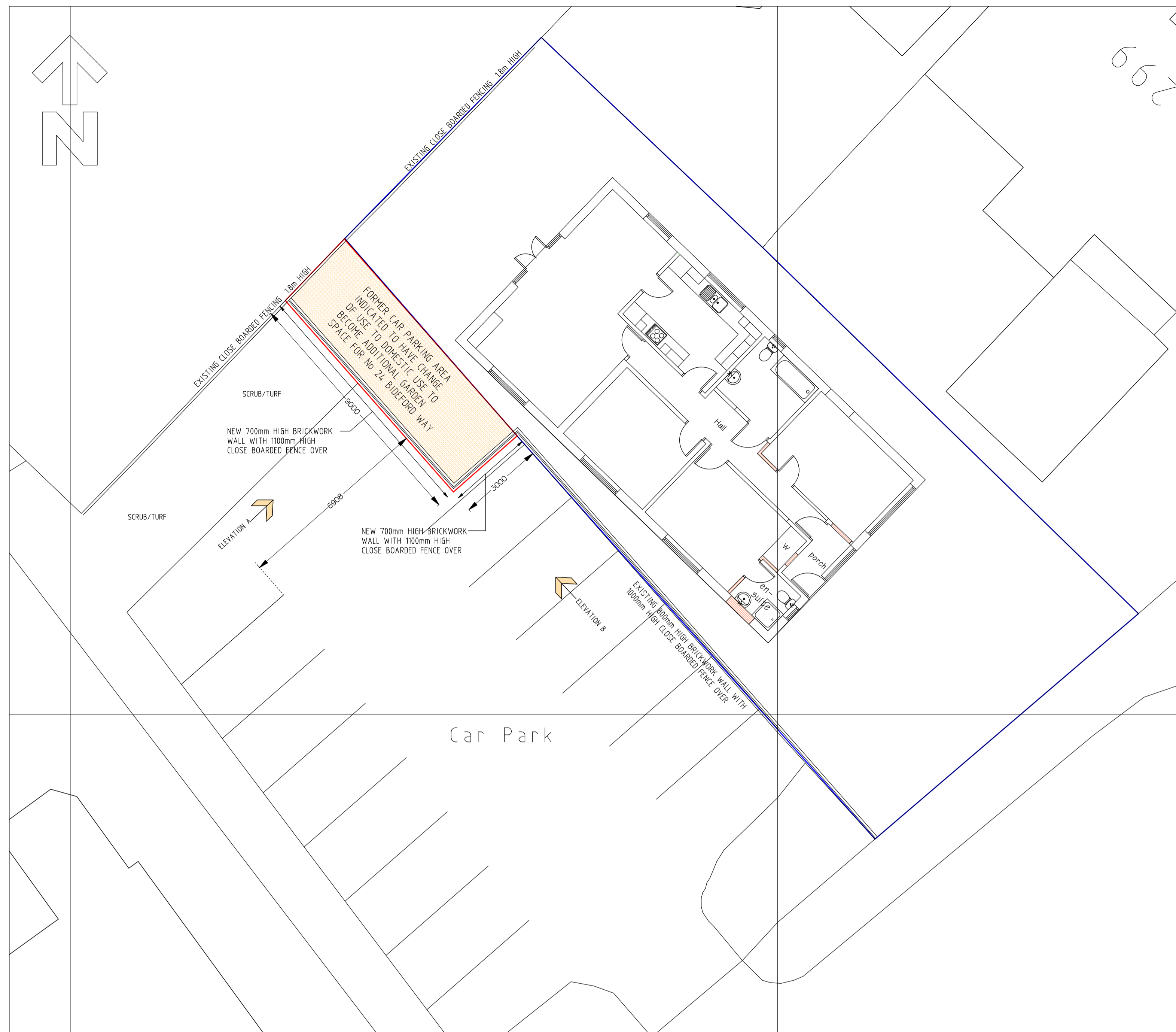
- 6.1 The site is located within an area that is designated Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'.
- 6.2 The extension of the carpark would constitute engineering operations. As such, it is only be appropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.
- 6.3 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.
- 6.4 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.
- 6.5 The proposal is considered acceptable in respect to highway safety, impacts on residential amenity, drainage and mineral safeguarding.
- 6.7 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 open green nature of the site, resulting from the extension of the car park and other paraphernalia associated with it.
- 6.8 However, it is considered that substantial weight should be afforded to the contribution the proposal would make towards the aim of providing community services and 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 location for the car park extension due to the interaction with the existing Community 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 are clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

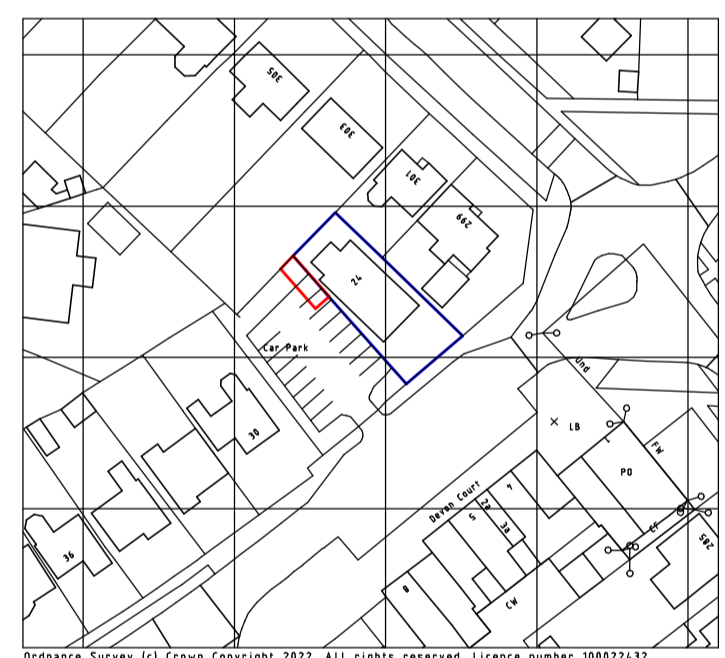
6.12 It is therefore recommended that the application is approved subject to the attached conditions.



block plan 1:200



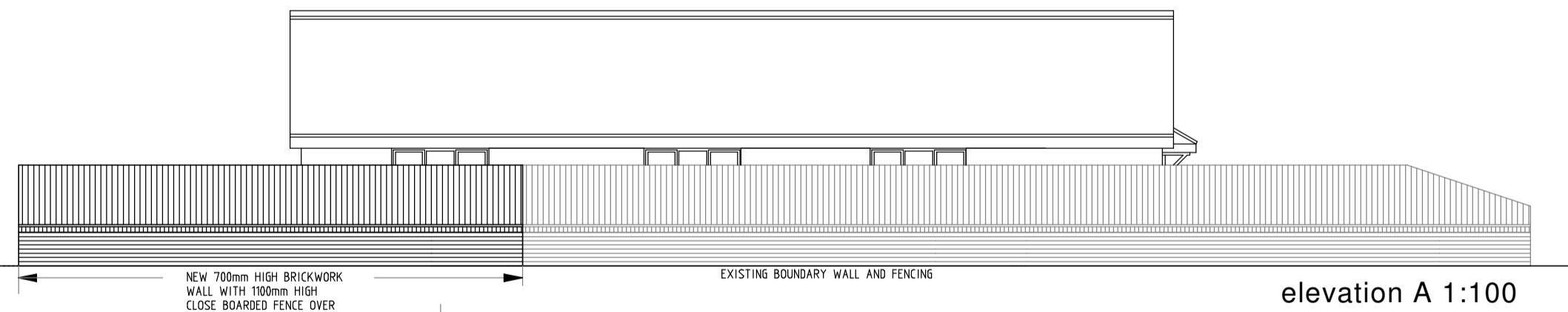
site plan 1:100



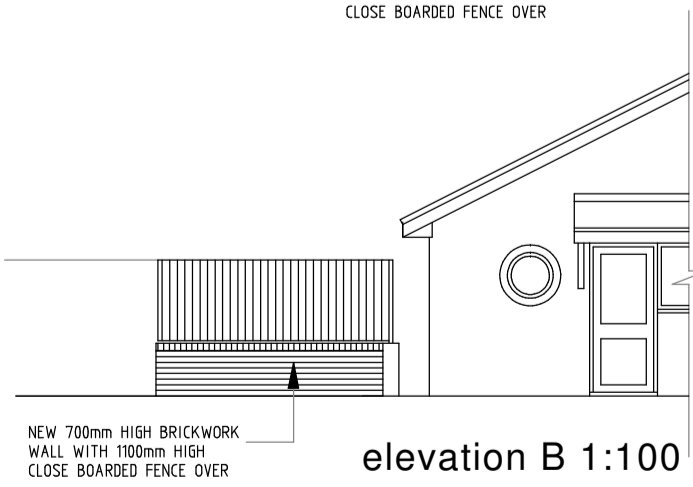
block plan 1:1250



Street View



elevation A 1:100



elevation B 1:100

Client: Mr Eamon O'Shaughnessy		Rev: Details:	By / Chk:	Date:
Project: Proposed Change of use of carpark to garden space with new boundary fencing, 24 Bideford Way Cannock		J Mason Associates <small>www.jmasonassociates.co.uk Tel: 01543 467755 J Mason Associates 24, Thomas House, Wolverhampton Road, Cannock, WS11 1AR</small>		
Stage: planning	Status: preliminary	Job Number: 2891		
Sheet Size: A1	Scale: various	Date: 09.12.22	Drawing Title: EXISTING AND PROPOSED	
H&S HAZARDS: Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system. This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.		Drawing Number: 2891 - 01		Revision:
<small>Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work. Notify J Mason Associates immediately of any variation between drawings on site conditions. Where drawings are based on survey information received, surveys are available on request. All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications. DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.</small>				

Contact Officer:	
Telephone No:	

<p>Planning Control Committee 8th February 2023</p>
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Application No:	CH/22/0413
Received:	04-Nov-2022
Location:	24, Bideford Way, Cannock, WS11 1QD
Parish:	Non Parish
Ward:	Cannock West
Description:	Change of use from Sui Generis council owned x2 car park spaces to Class C(3) to use as residential garden, extension of side boundary wall adjacent to car park.
Application Type:	Full Planning Application

Cllr call in for a site visit to assess the loss of parking.

RECOMMENDATION:

Refuse for the following reason:-

The proposal for the change of use of part of the public car park to private garden as associated with No. 24 Bideford Way, would, by reason of the loss of parking provision, be detrimental to the overall functionality of the wider shopping parade that the car park serves. As such, the proposal is contrary to Paragraphs 93 and 127 of the National Planning Policy Framework.

Reason(s) for Recommendation:

Reason for Refusal of Planning Permission

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

Consultations and Publicity**Internal Consultations**Property and Estates

No response to date

External ConsultationsTravel Management and Safety

No objection

Response to Publicity

The application has been advertised by site notice and neighbour letter. 23 letters of representation have been received with a further letter of objection from an existing author.

- The applicant was aware of the perimeter of their property upon purchase so the distance of the fence to their windows was well known.
- The car park is in daily use as the shops opposite are constantly busy
- The spaces in front are always full meaning the car park is used as an overspill
- The proposal would remove much needed parking from the highly used shops
- The changing of the parking layout would also make access to the remaining bays more difficult
- The Council should be supporting local businesses

- Already at certain times of the day when the car park is full vehicles are double parked, they park on yellow lines, on the footpaths and block local residents drives.
- I notice on the Highways agency document that there were many empty spaces on his visit (wednesday 21st December) but would point out that the reason for this would be because both the local butchers and greengrocer (both very busy) close on a Wednesday
- The photos provided by the applicant are not an accurate reflection of how the car park is used on a daily basis.
- From first-hand experience of operating the Business for over 35 years– the Proposed Development will severely affect the ability of the Business to develop and could jeopardise its operation
- the Application fails to demonstrate an overriding public benefit to justify its proposed change of use from public car parking to private residential use.
- I am alarmed that the Council has already agreed to sale of the Site, with the grant of planning permission pursuant to the Application being a pre-condition to such sale.
- There is a traffic regulation order with double yellow lines along parts of Bideford Way and Longford Road, preventing people parking there. This prevents overflow parking in the immediate area of the shops.

Relevant Planning History

CH/15/0173 Change of use to 3 bedroom bungalow including part demolition of existing building. Full - Approval with Conditions 09/02/2015

1 Site and Surroundings

- 1.1 The application site comprises part of the car park located off Bideford Way, Cannock.
- 1.2 The application site comprises of 2 parking spaces, located towards the rear of the car park measuring approx.. 9m x 3m.

- 1.3 To the east of the application site within the blue line boundary of the application lies No. 24 Bideford Way, a former doctors surgery that has previously been converted in to a residential dwelling with associated parking and amenity.
- 1.4 The car park, currently accommodates 16 car parking spaces; two rows of 8 spaces along the eastern and western sides of the car park. To the south-east of the car park, located on the opposite side of Bideford Way is a row of shops and local facilities that are located adjacent the junction with Longford Road. There is on street parking at 90 degrees along the front of the shops. There are 7 units within the shopping parade and residential flats / storage rooms above.
- 1.5 The wider area is residential.
- 1.6 The application site is located within an urban location within a Mineral Consultation Area and is deemed low development risk by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for change of use from part of the council owned car park (2 spaces) to allow the land to be included within the private garden of No. 24 Bideford Way.
- 2.2 The area of the change of use would measure 9m x 3m and would be bound by a new low brick wall topped with close board fencing to match the existing boundary treatment.
- 2.3 The car park would retain 14 spaces. The access and egress would not be altered as a consequence of the proposal.

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 Part 1(2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
 CP1 - Strategy – the Strategic Approach
 CP3 - Chase Shaping – Design
- 3.4 Relevant policies within the minerals plan include: -
 Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.5 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 |
| 92-93 | Promoting Healthy and Safe Communities |
| 111: | Highway Safety and Capacity |
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 218, 219 | Implementation |
- 3.6 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) 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.

4.2 Principle of the Development

4.2.1 The application site relates to the change of use of part of the public car park to allow the owner of No.24 Bideford Way to incorporate the land into the domestic garden. The proposal would result in the loss of 2 parking spaces. In this respect, the comments of the objectors are noted.

4.2.2 The NPPF at paragraph 93 states that Planning Authorities should provide for the social, recreational, and cultural facilities and services the community needs, including, amongst others:

- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;

4.2.3 The wider car park serves a fundamental role in supporting the businesses located within the small shopping parade on the south-eastern side of Bideford Way. The shops and services include local retail shops, a post office and pharmacy (amongst others) all of which benefit the local community in this location of Cannock.

4.2.4 The shopping parade is a busy local facility with none of the units within the parade being vacant. Your Officers consider the loss of the parking provision,

whilst only comprising of two parking spaces, would impact on the functionality of the car park and its ability to retain a good level of parking provision for the users of the shopping parade. This in turn, could jeopardise the continued success of the wider community facility contrary to paragraph 93 of the NPPF.

4.2.5 Given the above, the proposal for the change of use of part of the public car park, would result in the loss in the parking provision which would be harmful to the functionality of the wider shopping parade and its ability to provide adequately for customers by retaining a good level of parking provision. As such, the proposal is contrary to Paragraph 93 of the National Planning Policy Framework.

4.3 Impact on Residential Amenity

4.3.1 The existing dwelling at No.24 Bideford Way benefits from a small private garden which is sited to the rear of the dwelling. The proposal would increase the private garden and would include the construction of a new boundary treatment to continue the applicants privacy.

4.3.2 The comments of the objectors are noted in respect to the size of the garden when the occupier purchased the dwelling. It is acknowledged that the increase in private garden as a consequence of the change of use would measure an area of approx.. 27m² which would be a significant improvement on the existing garden space however, the harm to the public interest in this instance through the loss of parking provision that serves the community facility, would outweigh the increase in size of the private garden.

4.4 Impact on Highway Safety

4.4.1 Paragraph 111 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.

- 4.4.2 The Highway Authority was consulted on the application and raised no objection to the proposal. The change of use and associated close board fencing proposed to enclose the garden would be sited well away from the access / egress to the car park and would not impede the visibility splays.
- 4.4.3 Turning now to the parking provision as required by the Parking SPD, whilst it is acknowledged that this document seeks parking standards for new development it can be used as a guide to demonstrate the appropriate quantum of parking provision for this parade of shops. As a guide the existing shopping parade would require over 40 spaces based on the approx.. floor space within. The current level of provision is approx.. 35 which includes some unmarked spaces within the layby at the entrance to the car park. This equates to an existing short fall in parking provision of at least 5 spaces. As such, your officers considered the loss of any spaces to be unacceptable in this location.
- 4.4.4 The comments of objectors are noted in respect to the alteration of the layout would make other spaces more difficult to access however it is noted that there would be sufficient room (6m) to allow vehicles to reverse from the retained spaces and leave the car park in a forward gear.
- 4.4.5 Notwithstanding the above, the proposal would result in a reduced level of parking provision that your officers considered to be detrimental to the functionality of the adjacent shopping parade the car park serves.

4.6 Mineral Safeguarding

- 4.6.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.
- 4.6.2 Policy 3.2 of the 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.

4.6.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

5 Human Rights Act 1998 and Equality 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 refuse 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

Equality 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 Equality Act.

6 Conclusion

- 6.1 The proposal for the change of use of part of the public car park to private garden as associated with No. 24 Bideford Way, would, by reason of the loss of parking provision, be detrimental to the overall functionality of the wider shopping parade that the car park serves. As such, the proposal is contrary to Paragraphs 93 and 127 of the National Planning Policy Framework.
- 6.2 It is therefore recommended that the application be refused for the above reasons.