Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

13 October, 2020

Dear Councillor,

PLANNING CONTROL COMMITTEE
3:00 PM, WEDNESDAY 21 OCTOBER, 2020
MEETING TO BE HELD REMOTELY

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Details on how to access the meeting will be issued separately.

Instructions on how the public can watch the meeting will be posted on the Council's website.

Yours sincerely,

T. McGovern
Managing Director

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)
Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.
Layton, A.	Witton, P.
Muckley, A.	

A G E N D A

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 30 September, 2020 (enclosed).

5. Members' Requests for Site Visits

6. Report of the 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 Development Control Manager.

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire WS11 1BG
tel 01543 462621 | fax 01543 462317 | www.cannockchasedc.gov.uk
Search for 'Cannock Chase Life' @CannockChaseDC

PLANNING APPLICATIONS

	Application Number	Application Location and Description	Item Number
1.	CH/16/267	*Land to North of Wyrley Common and South of A5 Watling Street, Norton Canes* – Proposed change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works (Details also provided of proposed hospitality/administration, garage/shop and toilet buildings for illustrative purposes only)	6.1 – 6.124
2.	CH/20/197	*114-116 Cannock Road, Chadsmoor, Cannock, WS11 5BZ* – Change of use of ground floor retail unit to A5 hotfood takeaway including installation of extract flue	6. 125 – 6.142
3.	CH/18/121	Clawback Provisions under Schedule 7 of the Section 106 Agreement attached to outline approval CH/11/395 in respect of the payment of monies towards mitigation of impacts on Cannock Chase Special Area of conservation under Planning Permission CH/18/121, *Residential development comprising 52 no. dwellings at Common Farm, Pye Green Road, Hednesford*	6.143 – 6.145

CANNOCK CHASE COUNCIL

MINUTES OF THE MEETING OF THE

PLANNING CONTROL COMMITTEE

HELD ON WEDNESDAY 30 SEPTEMBER, 2020 AT 3:00 P.M.

VIA REMOTE ACCESS

PART 1

PRESENT: Dudson, A. (in the Chair)
Councillors Startin, P. (Vice-Chairman) *(not in attendance when meeting commenced)*

Allen, F.W.C.
Fisher, P.A.
Fitzgerald, Mrs. A.A.
Jones, Mrs. V.
Layton, A.
Pearson, A.R. *(not in attendance when meeting commenced)*
Smith, C.D.
Stretton, Mrs. P.Z.
Thompson, Mrs. S.L.
Todd, Mrs. D.M.

(This meeting could not be held at the Civic Centre due to the Coronavirus (Covid-19) pandemic. It was therefore held remotely).

39. Apologies

Apologies for absence were submitted for Councillors Mrs. S.M. Cartwright (Chairman), A. Muckley and P. Witton.

In the absence of the Chairman and the Vice-Chairman (at the commencement of the meeting) Councillor A. Dudson was elected Chairman for the meeting.

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

Member	Interest	Type
Pearson, A.	Application CH/20/128, 23 Walsall Road (Ex-Servicemen's Club Car Park) Cannock, WS11 5BU, outline application some matters reserved, erection of 12 apartments and associated works (re-submission of CH/19/399) – Councillor was a Member of the Club	Personal and Pecuniary

41. Disclosure of Lobbying of Members

Nothing declared.

42. Members' Requests for Site Visits

As no site visits could be undertaken at the current time a Member requested that Application CH/20/311, Land between 44 Flaxley Road and 2 Davy Place, Rugeley – erection of a 3 bedroom detached dwelling, be submitted to the Planning Control Committee for consideration.

The Development Control Manager advised that he would ensure this application came before the Committee and he would provide a detailed presentation outlining the application and show photographs and plans of the proposals.

43. Application CH/16/267, Land to North of Wyrley Common and South of A5 Watling Street, Norton Canes – Proposed change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works (Details also provided of proposed hospitality/administration, garage/shop and toilet buildings for illustrative purposes only)

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.123 of the Official Minutes of the Council).

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

He also advised that the following update had had been circulated to Members prior to the meeting:-

"Further to the completion of the agenda a letter has been received from Mr Ron Oliver, the applicant's agent. This states: -

> "We did not know until last Wednesday that Chris Timothy was not going to be able to make the meeting and that he had put nothing in place to cover his absence. It is not possible for his deputy to put any sort of argument forward at this short notice. Given that myself and djogs have not met him to see who says what. We have been badly let down by CT Planning.
>
> Also, as you are probably aware, Norton Parish Council fully support the proposal and as such, their deputy chair John Bernard wanted to speak in support but due to the fact that they have not been notified he is unfortunately on holiday.
>
> It is logical that this project should not go to the Committee on this date. My point is Cannock Planning have messed about for years not months and we have dealt with four separate planning officers who had no qualms in putting it off from previous Committees.
>
> I will speak but I can only request a deferment. As you are fully aware my client has been treated very badly as no one would just sit down and consider the application in full. I wonder how this position would be viewed in Law it is disgraceful to say the least.

I would have thought it quite simple to put this back to a future Committee without the need to request it formally at the Committee. But if it is not within your powers then so be it. I would trust that they will see common sense.

I would be grateful if this letter could read out to the Committee or at least let them see copies."

Officers would respond that the above does not change the overall assessment of the application and that the applicant and the Parish Council have had sufficient time to make arrangements for their representatives to speak at the meeting. It is therefore recommended that Members determine the application on its current merits."

The Chairman asked the applications agent, Ron Oliver, to outline the reasons for the request to defer the application.

Following this the Legal Services Manager advised that Members should allow the objector (Reba Danson) to make her representations and then make a decision on whether to determine the application or defer it as requested by the applicant's agent.

Following a discussion, deferment of the application was moved and seconded.

RESOLVED:

That the application be deferred so that the all speakers have the opportunity to attend the Committee to make representations.

(Councillor P. Startin and Councillor A. Pearson joined the meeting at some point during the discussions on this application. As they were not present for the whole of the discussions they did not take part in the vote).

44. Application CH/20/197, 114-116 Cannock Road, Chadsmoor, Cannock, WS11 5BZ – Change of use of ground floor from retail unit to A5 hotfood takeaway including installation of extract flue

Consideration was given to the report of the Development Control Manager (Item 6.124 – 6.139 of the Official Minutes of the Council).

The Development Control Manager 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 Councillor Mrs. C. Mitchell, the Ward Councillor, speaking against the application. Further representations were made by Jim Malkin, the applicant's agent, speaking in support of the application.

RESOLVED:

That the application be deferred so that discussions could take place between Officers and the applicant with a view to amending the scheme.

(Councillor F.W.C. Allen lost connection during consideration of the application and therefore did not take part in the vote).

45. Application CH/20/128, 23 Walsall Road (Ex-Servicemen's Club Car Park), Cannock WS11 5BU – outline application some matters reserved, erection of 12 apartments and associated works (re-submission of CH/19/399)

At this point in the meeting Councillor A. Pearson declared a personal and pecuniary interest in this application and therefore did not take part in the discussion or decision on this application.

Consideration was then given to the report of the Development Control Manager (Item 6.140 – 6.178 of the Official Minutes of the Council).

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

RESOLVED:

(A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the provision of a financial contribution for affordable housing provision (index linked)

(B) That, on completion of the Agreement, the application be approved subject to the conditions contained in the report for the reasons stated therein.

46. Application CH/20/275, The Ascot Tavern, Longford Road, Cannock WS11 1NE – Application under Section 73 of the 1990 Town & Country Planning Act to vary Condition 3 – to allow extension of trading hours on a limited number occasions per year (0:600hrs to 01:00hrs the following day)

Consideration was given to the report of the Development Control Manager (Item 6.179 – 6.190 of the Official Minutes of the Council).

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

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 4.15pm.

_____
CHAIRMAN

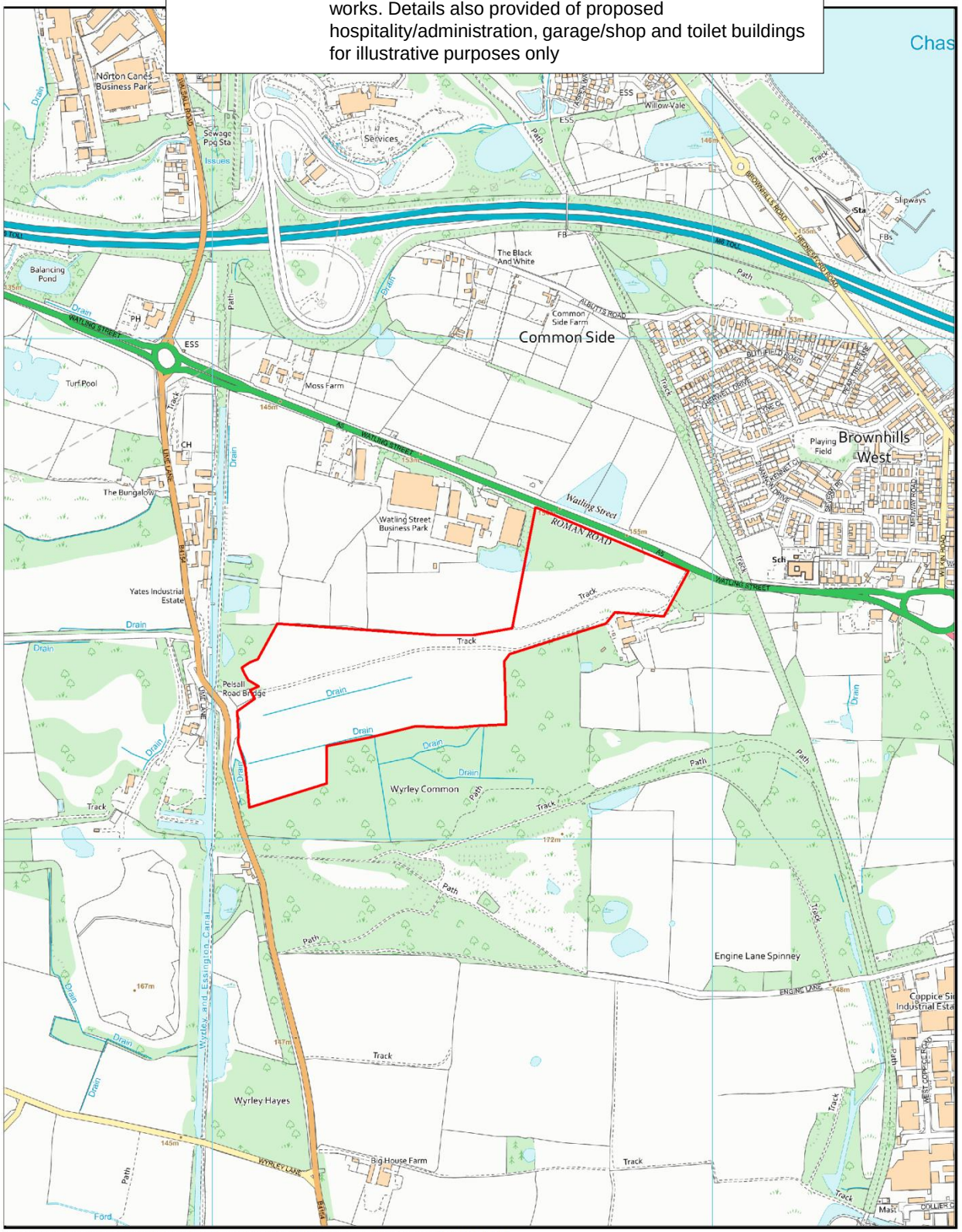
Application No: CH/16/267

Location: Land to North of Wyrley Common & South of A5 Watling Street

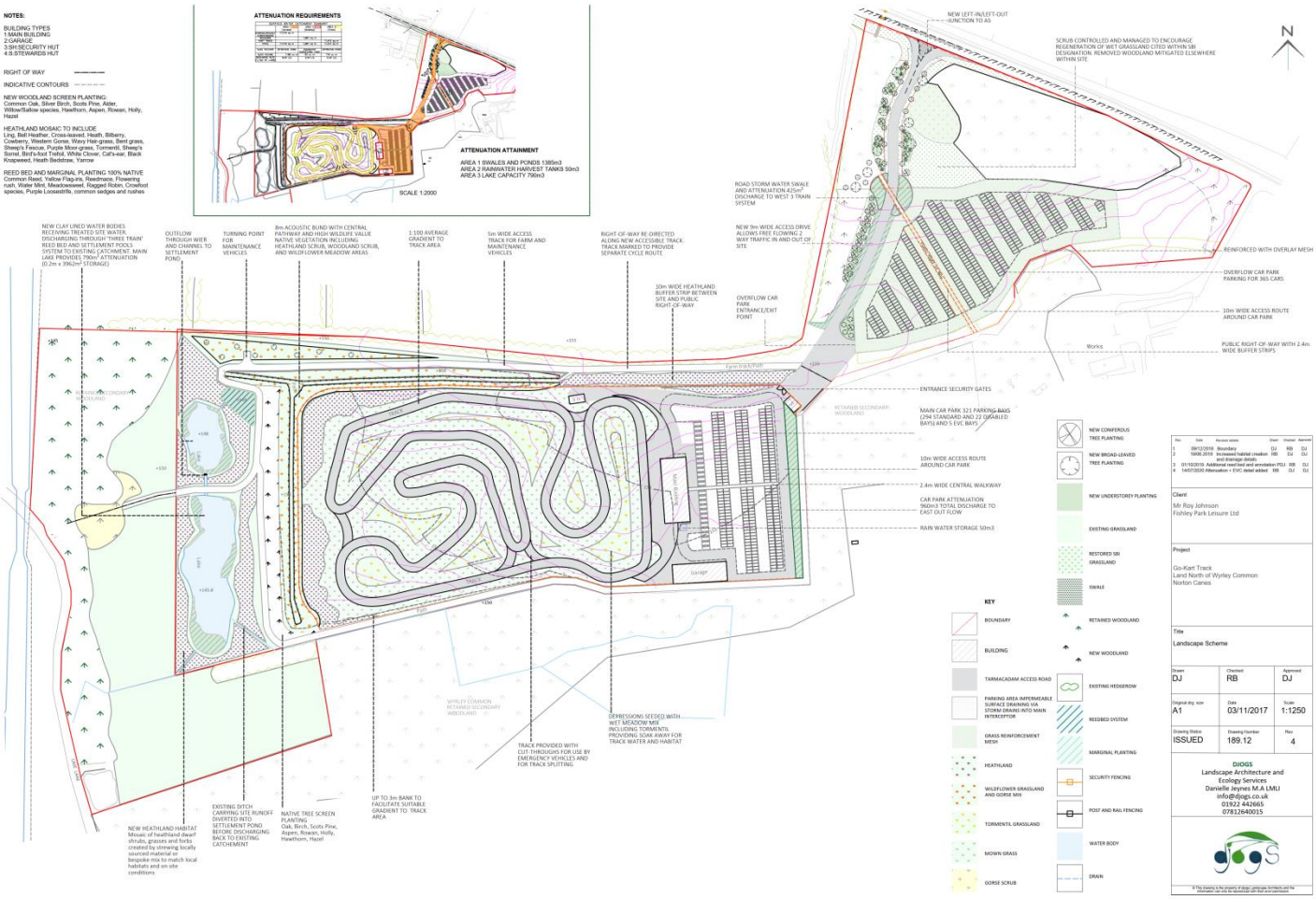
Proposal: Proposed change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works. Details also provided of proposed hospitality/administration, garage/shop and toilet buildings for illustrative purposes only

ITEM NO. 6.1

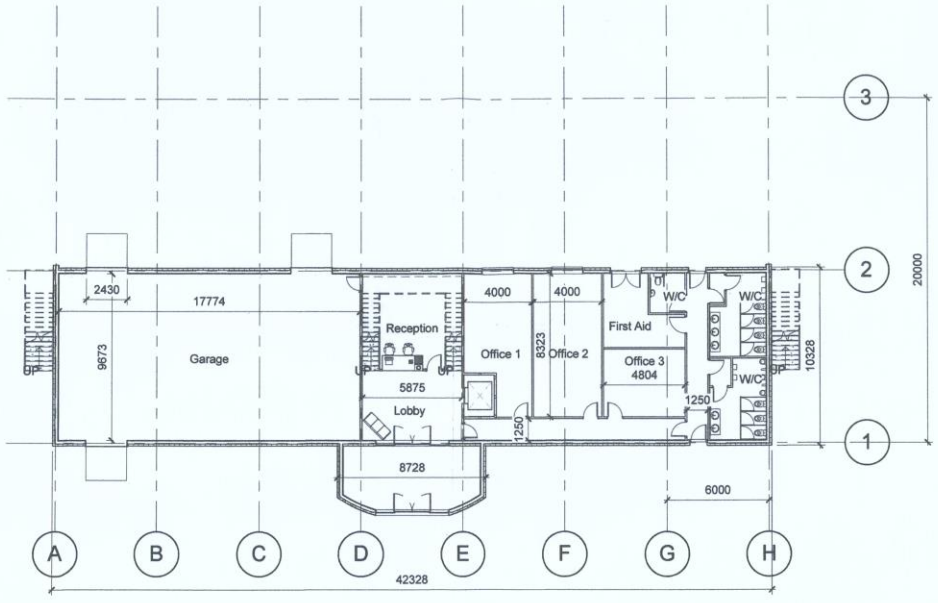
N W E S



Landscape and Layout Plan



Floor Plans



CH/16/267.

No.	Description	Date

PROJECT: Go-Kart Building

CLIENT: Mr. T. R. Johnson

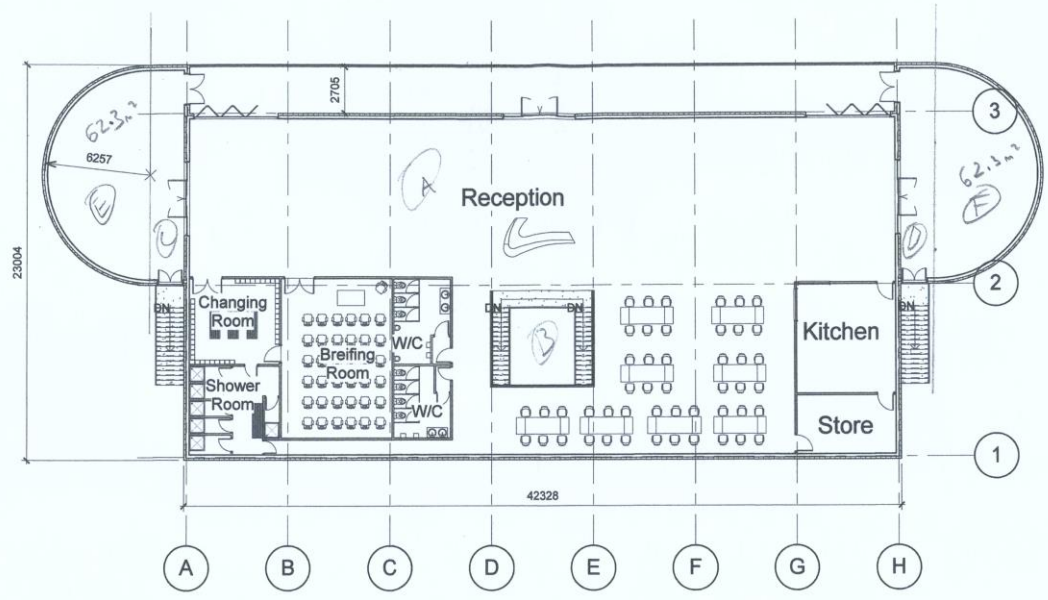
SHEET: Ground Floor Layout

Date	Project number	Scale (@ A3)
24/03/2016	001	1 : 200
Drawn by: D.Oliver	DRWAING NUMBER: A101	REV
Checked by: R.Oliver		

TION | PURPOSE OF ISSUE

FOR ILLUSTRATIVE PURPOSES ONLY.

Floor Plans



No.	Description	Date

PURPOSE OF ISSUE

PROJECT: Go-Kart Building

SHEET: First Floor Layout

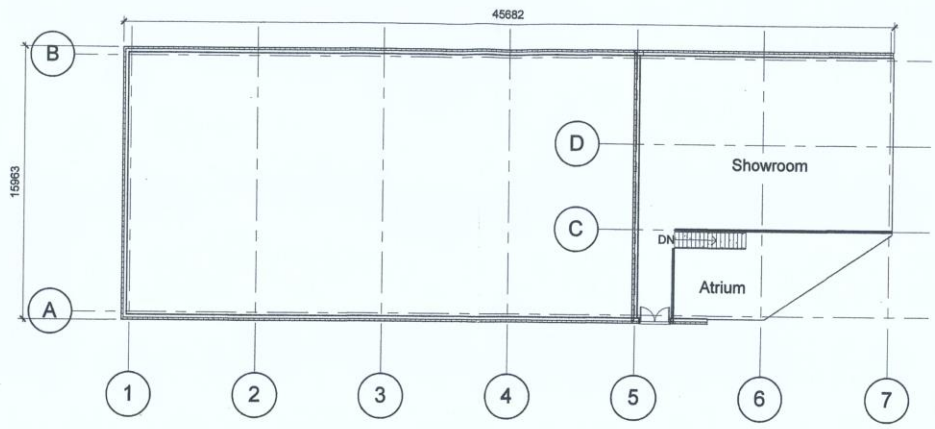
CLIENT: Mr. T. R. Johnson

Date: 24/03/2016 | Project number: 001 | Scale (@ A3): 1 : 200

Drawn by: D.Oliver | Checked by: R.Oliver | DRWAING NUMBER: A102 | REV

FOR ILLUSTRATIVE PURPOSES ONLY.

Floor Plans



CANNOCK CHASE COUNCIL
PLANNING SERVICES
19 JUL 2016
REF. CH/16/267

1 First FLoor Plan
1 : 200

No.	Description	Date

CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE

PROJECT: Go Kart Track
SHEET: Shop & Garage FF Layout

CLIENT: Mr. T. R. Johnson

Date	Project number	Scale (@ A3)
04/06/2015	001	1 : 200

Drawn by	DRWAING NUMBER	REV
D.Oliver	A102	

Checked by R.Oliver

FOR ILLUSTRATIVE PURPOSES ONLY.

Contact Officer:	Richard Sunter
Telephone No:	01543 464481

PLANNING CONTROL COMMITTEE **21st October 2020**	
Application No:	CH/16/267
Received:	19-Jul-2016
Location:	Land to North of Wyrley Common & South of A5 Watling Street
Parish:	Norton Canes
Description:	Proposed change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works. (Details also provided of proposed hospitality/administration, garage/shop and toilet buildings for illustrative purposes only.)
Application Type:	Full Planning Application

RECOMMENDATION:

Reason for Refusal:

1. The site is situated within the West Midlands Green Belt wherein there is a presumption against inappropriate development which should not be approved except in 'very special circumstances'. Paragraph 144 of the National Planning Policy Framework 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, is clearly outweighed by other considerations.

   The proposal would involve a range of engineering and other operations including: -

   (i) 1.2km track
   (ii) a formal car park comprising 107 marked car parking bays (measuring 2.5 by 5m) and a further 23 large parking bays

(measuring 5m by 10m).

(iii) an area measuring 90m by 55m adjacent to the formal car park that could be used for the parking of vehicles

(iv) a 8m high earth bund to the west of the proposed track

(v) a new seven metre wide access through the frontage copse to the A5.

(vi) 2m high mesh fence and the erection of external lighting.

(vi) toilet block and security kiosk.

(vii) introduction of lighting

The above engineering works and other operations and the use of the land as a go-kart track, along with all ancillary uses that would entail, would fail, to preserve the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt and as such the proposal would constitute inappropriate development within the Green Belt.

2. The harm to the Green Belt, to the character and form of this rural location through urbanisation, the loss of agricultural land, loss of open access/ common land, and to the ecological value of the woodland Site of Biological Interest within the site would not be clearly outweighed by matters arising from the previous application, the undemonstrated need for the facility and the asserted absence of other similar facilities, job opportunities and economic benefits and to the proposed 'ecological improvements'.

As such the harm to the Green Belt and harm to the above acknowledged interests is not clearly outweighed by other considerations such that very special circumstances exist that would justify approval of the application.

3. The application site is in close proximity to the Cannock Extension Canal, which is a European designated site (also commonly referred to as Natura 2000sites) and therefore has the potential to significantly affect its interest features). The applicant has failed to provide sufficient information in respect to drainage 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) in order to demonstrate that significant effects can be ruled out.

4. The applicant has not provide sufficient information in respect to a full lighting scheme to enable to allow the Local Planning Authority to undertake a full assessment of the impact of the proposal on a range of bat species that use the site; and therefore to discharge its duties in respect to the requirements of the Regulations and the requirements of Policy CP12 of the Local Plan (Part 1) and paragraphs 170 and 175 of the National Planning Policy Framework

5. The proposal, by virtue of the creation of the access road to the A5 would have a direct impact on a Site of Biological Importance which is considered important due to the presence of wet woodland of a stand type (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.

There is also the potential for contaminated water to enter the Wyrley Common SBI from the discharge of the proposed septic tanks and runoff from hard standings. However, insufficient information has been submitted to allow the Local Planning Authority to undertake a proper assessment of the full impacts on the Wyrley Common SBI.

Policy CP12 of the Cannock Chase Local Plan states that planning permission should be refused for developments that result in adverse impacts on a locally designated site unless

(i) There is no alternative site for the proposal; and
(ii) The need for and the wider sustainability benefits outweigh its adverse impacts taking into account the value of the site and;
(iii) Appropriate mitigation measures or new benefits can be provided to compensate for the loss.

It has not been demonstrated that there are no other suitable alternative sites which could accommodate this development within the West Midlands area, that there is a demonstrable need for the development or that the loss of the wet woodland would be mitigated, or, compensated for.

As such the proposal is contrary to Policy CP12 of the Cannock Chase Local Plan (Part1) and paragraph 170 of the National Planning Policy Framework.

6. The intended use as a go kart track would be for seven days per week between the hours of 09.00 to 18.00 ours. This consequently encompasses more (noise) sensitive periods such Bank Holidays, Public Holidays and weekends (most notably Sundays) when ambient sound levels classically subside rendering any newly introduced sound signatures potentially more invasive. Furthermore, the nature of motorsport activities is typified by an intermittent sound/ noise profile occasioned by a series of events, for example, practice sessions, heats, races and so forth that punctuate the ambient noise profile.

   The proposal therefore has the potential to result in a poor level of residential amenity for the occupiers nearby dwellings and canal boats. The information supplied by the applicants has not satisfactorily demonstrated that nearby residential dwellings will continue to have a high standard of residential amenity in accordance with Paragraph 127(f) of the National Planning Policy Framework and Policy CP3 of the Cannock Chase Local Plan.

7. The proposal would lead to the loss of part of an area designated as ‘open access’ common land which provides some degree of recreational value in connection with the wider common/ open access area of Wyrley Common.

8. 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.

9. 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.

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.

Conditions (and Reasons for Conditions):

Not applicable.

Notes to Developer:

None.

Consultations and Publicity

External Consultees

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

Regarding the issue of the righty 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.

County Highways
No objections subject to conditions.

However the Highway Authority have commented that

(i) The above comments relate purely to the effects of the development on roads for which Staffordshire County Council is the Highway Authority. It is understood that consultation has taken place with Highways England and that the details of the new left in/left out junction with the A5 trunk road have been submitted (drawing 106729-100).
(ii) It is considered that the site would benefit from a safe pedestrian route from the A5 to the main building.
(iii) The County Councils Definitive Map of Public Rights Of Way shows Norton Canes 12,13,14 & 15 (footpaths) crossing the site. The attention of the applicant shall be drawn to the existence of these routes 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.
(iv) Dedicated motorcycle parking should be considered for this site.
(v) These comments are issued on the understanding that the site access road will be privately maintained.

Highways England

Recommend that conditions should be attached to any planning permission that may be granted.

We have previously reviewed this planning application, most recently in August 2020, when we reviewed additional information and recommended that the application be placed on hold pending the submission of further information.

Based on our review of the submitted General Arrangement Drawing (No. 109868-100), we have the following comments.

In May 2018, we prepared a formal conditional response letter which granted planning permission, subject to conditions for the implementation of proposed site access and the submission of a CTMP. However, in November 2019, we recommended the re-submission of the junction details for the site access due to changes in the DMRB since the original submission in 2016.

It is understood that the purpose of the submitted General Arrangement Drawing (Drawing No. 109868-100) is to address our previous concerns regarding the resubmission of junction details for the site access.

Furthermore, as the design standards for both WCHAR and RSA processes have changed, a new WCHAR and RSA will need to be undertaken in accordance with GG 142 and GG 119 respectively. Please see the condition below.

Summary
Based on the above details, Highways England recommends no objections subject to the following condition, which should be attached to any planning permission that may be granted.

Condition
A new WCHAR, in accordance with the current guidance (GG 142), is to be undertaken before any work commences on site.

Staffordshire Police
Staffordshire Police object to this application in its present form; since the original proposal the local road traffic dynamics have changed radically, please see the attached document,

Section 17 of the 'Crime and Disorder Act 1998':

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

National Planning Policy Framework:

- Paragraph 58
  'Planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

- Paragraph 69.
  This paragraph looks towards healthy and inclusive communities. The paragraph includes:-
  "Planning policies and decisions, in turn, should aim to achieve places which promote:

  Safe and accessible developments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion"

The Human Rights Act Article & Protocol 1, Safer Places: The Planning System and Crime Prevention and PINS 953. Staffordshire Police are keen to work in partnership with the County and Local Authority to improve facilities within the district and to encourage people into the area, but have concerns about this application in principle.

Staffordshire Police assume that the proposed hospitality building will want to supply food and possibly alcohol but note there is no information relating to how the four principal licensing objectives will be adequately addressed, which are:

a) The prevention of crime and disorder |
b) Public safety
c) The prevention of public nuisance
d) The protection of children from harm |

In order to obtain a Premises Licence these objectives must be addressed.

A limited amount of information relating to the proposed opening times and days the site will be open has been supplied, however there is no information relating to the number of weekend events, the expected number of vehicles with trailers, personal vehicles, spectators, trade vehicles or pedestrians that could attend.

Since site access from the A5 was agreed in 2004 there has been a considerable amount of commercial and retail development in the locality resulting in an increased local amount of traffic in addition to the national increase in the number of road users. The A5 is a main trunk road used to link Cannock and south Staffs to the M42 and A38, with use as a diversionary route when there are problems on the A34, M6 or M6 (Toll).

Staffordshire Police are concerned that a single entrance/ exit will not be sufficient to cope with removing a high volume of vehicles, most towing trailers, from a trunk road safely without generating congestion, where queueing traffic on the A5 will wait, how traffic from Turf Island direction turning right (across the flow) will be managed, 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.

Clearly a weekend 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.

Anecdotal evidence in the area has shown that when vehicles cannot access a site or occupants do not wish to pay an admittance fee, vehicles are abandoned along the roadside generating congestion and raising the chances of an accident involving traffic intent on negotiating the congested area, 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.

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 order to prevent crime, will there be site security staff before, during and after events, CCTV, entrance checks, car-park patrols, campsite security patrols, building security, will fuel be brought into the site by competitors or will there be a fuel bund.

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.

The applicant has stated in the DAS that the site would be fenced and that footpaths and public Rights of Way will be rerouted but still allow walkers to access the site which effectively negates any form of boundary protection, how will the site be secured? If walkers can access it then so can offenders and those who generate mini-moto related anti-social behaviour on-site (already an issue ion the locality).

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 3/4 to a minimum height of 2.4 m. The base of the fence should preferably be surrounded with well compacted gravel. The rivets should have round fixings and joints should be welded. Gate locks should not aid climbing. Chain link or uncertified palisade fencing is not recommended.

A low growing (0.5m high) thorny hedge planted alongside the outside elevation of the fence will increase security whilst retaining natural surveillance and should not interfere with normal surveillance (CCTV) or manned guarding patrols.

The current terrorist threat level is set at 'severe' and is unlikely to change, recent European terrorist attacks have shown that organised events are being targeted by extremist groups, any large public event could constitute a "crowded place" as defined in H.M. Gov "Crowded Places" document and H.M. Gov Protect Strategy but there is no information in the planning application demonstrating any implementation or consideration of safety measures to protect the public on site.

Mention is made in the additional information that the site is bounded by land identified as being of Nature Conservation Importance with land located to the west of the application site designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) because it contains a threatened species, building close to or leaving it open to enable vehicles to park or for a use as a campsite could trigger environmental protests, however there is nothing in any of the information supplied that recognises either the threat or how the landowner will deal with the mass trespass on land he owns/ controls.

The safety and protection of the public from injury and crime should be of paramount importance for a proposal such as this; with the limited amount of conflicting information provided, and taking all of the above into consideration Staffordshire Police cannot support this application and object to it in its present form.

Comments Received 13 November 2019
After due consideration there is nothing in this amendment to alter my original comments.

<u>Lead Local Flood Authority</u>
A brief drainage design proposal letter has been provided with the application. However there is insufficient information at this stage to confirm that an acceptable drainage scheme is proposed and allow me to recommend a suitable condition. A more detailed surface water drainage strategy should be provided to support the application, to include the following:

- The letter refers to a report on the existing drainage on the site, but I cannot find this report on the planning website. Can this be provided please? Details of the existing drains, point and rates of discharge from the site should be provided.
- Mapping shows an existing Drain/ watercourse on the site. A survey will be required to show whether this conveys flows from an upstream culvert, or is solely for land drainage of the site. If this is a watercourse

conveying upstream flows then diversion would need to be considered, and consent may be required.

- BGS data suggests that ground conditions are likely to be compatible for infiltration SuDS, but site-specific infiltration testing should be undertaken to confirm this and establish infiltration rates (in accordance with BRE365).
- Some SuDS components have been suggested in the letter, but a full management train should be proposed and shown on the plans. Conveyance and any attenuation features will need to be appropriately sized with flow controls specified to ensure that run-off from the site is not increased.
- Permeable paving, or a system of filter strips and swales could be considered instead of the asphalt and gullies for the access roads and car park, in order to provide source control and interception storage.

Comments received 21 January 2019

In the absence of a Flood Risk Assessment/ Sustainable Drainage Strategy we are unable to comment on flood risk or confirm whether or not the proposals will comply with the technical standards fro SUDS. We would therefore recommend that planning permission should not be granted until acceptable details have bene provided. In our previous response to this application we raised a number of points that should be addressed as part of the FRA/ Drainage Strategy:

- Details of the existing drains, point and rates of discharge from the site should be provided.
- Mapping shows an existing drain/ watercourse on the site. A survey will be required to show whether this conveys flows from an upstream culvert , or is solely for land drainage of the site. If this is a water course conveying upstream flows then diversion would be need to be considered, and consent may be required.
- BGS data suggests that ground conditions are likely to be compatible for infiltration SuDS, but site-specific infiltration testing should be undertaken to confirm this and establish infiltration rates (in accordance with BRE 365).
- The Surface Water Flood Map shows some areas of potential ponding within the site.
- A Sustainable Drainage Strategy should be included and shown on the plans. A suitable point of discharge, conveyance and any attenuation features will need to be appropriately sized with flow controls specified to ensure that runoff from the site will not be increased as a result of development.
- The Drainage Strategy should demonstrate adequate water quality treatment (eg Simple Index Approach, CIRIA Suds Manual), as well as suitable flow control and attenuation.

Comments Received 21 February 2020
In my last response I confirmed that we require a fully worked up drainage scheme which would include the prosed rates of discharge and volumes of attenuation storage required, with supporting calculations (eg microdrainage), as well as the proposed water quality treatment measures.

The report attached still does not provide the quantitative information and calculations required, so is not sufficient to demonstrate an acceptable drainage strategy.

Comments Received 8th September 2020

We have reviewed the latest submission and have identified several issues that remain outstanding:

1. Drainage layout plan

   The drainage layout plan lacks the required level of detail, in terms of connectivity and sizing. For example, the carpark drainage is shown as draining via several outfalls into a swale, yet the connectivity of the swale, and the volume of storage provided for this element of the drainage system, is unclear. Please update to fully demonstrate all elements of the proposed surface water drainage strategy.

2. Micro Drainage calculations

   The submitted MicroDrainage calculation sheets do not appear to correspond to the drainage layout plan. For example, flow controls with design rates of 8.3l/s, 2.0l/s and 5.3l/s (areas 1, 2 and 3, respectively) are specified, but this does not match the flows labelled on the drainage plan (6.2l/s to pond & 7.5l/s to swale). Please fully update to ensure the plan and calculations agree.

3. Impermeable areas

   Please provide a plan and schedule of proposed impermeable areas to allow verification of the MicroDrainage values used.

4. 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.

5. Management & maintenance

   Provision of an acceptable management and maintenance plan for the proposed surface water drainage system should be provided, to ensure that measures are in place for the lifetime of the development. To include the name and contact details of the body responsible.

Natural England

Response Received on 7th October 2020 in Response to the Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has endeavoured to undertake 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 authority concludes that not enough information has been provided to ascertain that the proposal will not result in adverse effects on the integrity of Cannock Chase Extension Canal SAC.

Having considered the information available and the advice of the Council's ecologist and local lead flood authority 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.

If the information sought is not provided to your authority to undertake a full appropriate assessment of the proposal then Natural England advises your authority should not grant planning permission at this stage.

Previous Response

No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

have an adverse effect on the integrity of Cannock Extension Canal Special Area of Conservation site.

damage or destroy the interest of feature for which Cannock Extension Canal Site of Special has been notified.

In order to mitigate these adverse effects and make the development acceptable, the mitigation measures as set out in the Ecological Impact Assessment Revision 5 dated March 2020 should be secured along with the detailed drainage plan that safeguards the canal's water quality.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/ landscapes and advice on other natural environment issue sis set out below.

Despite the proximity of the application to European Sites (50 metres to Cannock Extension Canal SAC), the consultation documents provided do not include information to demonstrate that the requirements of Regulation 63 of the Conservation of Habitats and species Regulations 2017 (as amended) have been

considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England advice that the proposal is not directly connected with or necessary for the management of the European site. our authority should therefore determine whether the proposal is likely to have a significant effect on any European site , proceeding to eth Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment.

Natural England notes that the Ecological Impact Assessment contains elements of a Habitats Regulations Assessment (HRA). This has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

Common Land Consent

Natural England's also reminds you that a small section of the proposed 'change of use' site is designated as 'open access' common and. A separate consenting process applies where works or development is proposed on this type of land.

Please note that of your authority is minded to grant planning permission contrary to the advice in this letter, you bar required under section 281(6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how , if at all, your authority has taken into account Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Staffordshire Wildlife Trust
No comments received.

Staffordshire County Council Minerals and Waste Planning Authority
The County Council as Minerals and Waste Authority has no comments on this application as the site is

- Not within or near to any permitted waste management facility; or
- Exempt for the requirement of policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015-2030); or
- Is development subject to our standing advice for development proposals within mineral safeguarding areas.

Staffordshire County Council Footpath Officer
The document reportedly addresses the rights of way issues but this does not actually appear to be the case. There is mention of the need to divert two public rights of way and extinguish another to allow the development to take place but there does not seem to be an amended plan showing the proposal to amend the public rights of way and therefore I cannot submit any new comments on the application.

An assessment of the rights of way has taken place but this should not be used to assess the value of the route as this can vary throughout the year and depending on a number of different factors.

Reference to the Woodland Trust HS2 Factsheet that recent research indicates that in certain circumstances planting can reduce noise is noted. A brief look at the research papers into this subject suggest to scatter the effect of sound waves planting belts must be very densely planted, are best if evergreen, and are most effective 10-20 metres wide or more. On this basis it would seem that planting proposed by the application is unlikely to offer any meaningful reduction.

I note that the letter dated 1st October stated that the amended LVIA does not consider it necessary to enhance screening, therefore the position on landscape does not appear to have changed.

Landscape
I am concerned that the Landscape and Visual Impact Assessment is not fully informed by local landscape character assessments such as Planning For Landscape Change (Landscape Character Assessment for Staffordshire) or the Landscape Character Assessment of Cannock Chase District. In addition there are shortcomings in the identification and assessment of the likely effects of development. The assessment should separately consider the baseline situation, the effect of the proposals and the effect of mitigation. There are a number of statements made in the assessment under landscape, such as relating to employment opportunities that are not relevant to landscape effects and should be ignored.

There is confusion in the document between effects in Reception Area B and C. The District Council are advised to carefully consider the assessment of Landscape Reception Area B and C, particularly in relation to views of the proposed buildings, carpark and lighting from the A5 Watling Street and Lime Lane, which would result in adverse landscape impacts and affect the openness of the Green Belt. Clarity should also be sought on the visual effects of development on users of the Rights of Way users. Rights of Way users are considered more sensitive receptors than road users.

In the table Assessing the Significance of Effects there is no assessment for Landscape. Under visual impact significance I question both whether effects during construction could be considered low beneficial and the relevance of considering spectating and vistas from the viewing lounge in a landscape and visual assessment.

On more detailed matters the District Council would be advised to seek clarity on the extent of the bund, which would not provide full visual mitigation for rights of Way users, and only limited visual screening of the proposed buildings, particularly from more elevated viewpoints. It should be noted that new planting will take some years to mature into an effective screen, and it is important to note that there is no research evidence that supports the statement that woodland planting provides a sound barrier.

Rights of Way

A number of public rights of way run across the proposed application site which is not recognised in the application documents. The application form states that no public rights of way will be affected. This is incorrect and the County Council must therefore submit a holding objection to the proposals as they currently stand. The Definitive Maps aren't available online though an interpretation of the routes is available through our online mapping

https://www.staffordshire.gov.uk/environment/eLandRightsofWay/Footpaths-bridleways.aspx

and also here:

https://apps2.staffordshire.gov.uk/WEB/OnTheMap/RuralAccess

The attention of the developer should be drawn to the existence of the paths and to the requirement that any permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way circular (1/09).

If any of the footpaths do need to be diverted to allow the development to take place your Council will need to process an Order under section 257 of the town and country Planning Act 1990. The County Council will need to be formally consulted on any proposal to divert the public rights of way. It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpaths must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. Further details are required regarding how the surface will be safeguarded during the development.

Finally, 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 route.

It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development.

We would ask that trees are not planted within 3 metres of the public right of way unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility. It is also un likely that any of the 'new linking ' footways created through the development will be included on the Definitive Map of public Rights of Way. Alternative arrangements will need to be made to ensure their maintenance in the future either by the Highways Act 1980 but this will be the responsibility of the developer.

Additional Comments Received 18 November 2019
The application site is crossed by multiple public rights of way, including PROW's 10, 12, 13, 14 and 15 Norton Canes Parish. It appears from the planning documents that the development proposals will directly impact on the public rights of way. The amended plan indicates the right of way will be re-directed along the new accessible track.

The paths will need diverting as part of these proposals therefore the developer will need to apply to Cannock Borough Council under section 257 of the Town and Country Planning Act 1990 to divert the rights of way to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert the right of way. It is important that users of the path network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpaths must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

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.

Archaeology and Historic Landscape Character
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, this road represented 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 for Romano British activity beyond the corridor of the Roman Road. The SHER does record a number of undesignated heritage assets (apart from the Roman Road) in the area surrounding the scheme, these are generally associated with the development of the Brownhills Colliery (Cathedral Pit) during the later 19th Century. The line of 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 proposed scheme, couple with demonstrable low archaeological potential it is advised that 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, 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.

Ramblers Association
The Ramblers Association understands that a public right of way is affected by this development, the Ramblers Association objects to this 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

Original Comments 2016

Land Use and Planning Policy
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 of the 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

Pollution Control -Noise
The key environmental pollution aspect in so far as Walsall Council is concerned rests with the noise impact and the associated requirements/ principle set out under the National Planning Policy Framework (NPPF). This applies in context to any neighbouring noise sensitive development within Walsall Borough.

In support of the planning proposal an Environmental Noise assessment has been prepared by Hill Engineering Consultants Limited (Report No E15094/01) dated 12th April 2015 which is subject to the following analysis:

The intended use is for seven days per week between the hours 09:00to 21:00 hours. This consequently encompasses more (noise) sensitive periods or evenings (post 19:00 hours), Bank Holidays, Public Holidays and Weekends (most notably Sundays) when ambient sound levels classically subside to reduce commercial and

industrial activity etc, rendering any newly introduced sound signatures potentially more invasive.

The intended use is for seven days per week between the hours of 09.00 to 21.00 ours. This consequently encompasses more (noise) sensitive periods or evenings (post 19.00 hours), Bank Holidays, Public Holidays and weekends (most notably Sundays) when ambient sound levels classically subside to reduce commercial and industrial activity etc., rendering any newly introduced sound signatures potentially more invasive.

The appraisal draws reference to British Standard BS 4142: 1997; this was actually superseded in 2014 and retitled as "*Methods for rating and assessing industrial and commercial sound*. Whilst the basis of this British Standard is expounded and it is stated in regard to the rating section that in "*assessing the acceptability of noise from temporary, intermittent or mobile sources is may prove useful to consider the predicted levels at the nearest noise-sensitive developments and compare with criteria for similar operations*". BS 4142: 2014 explicitly states in its Scope:

"*The standard is not intended to be applied to the rating and assessment of sound from:*

a) recreational activities, including all forms of motorsport"
b) …

As a BSI EH/1/3 Committee Member responsible for the revision and redrafting of BS 4142, I can confirm that its use is inappropriate under these circumstances and specific consideration was given to its disapplication to motorsports.

The assessment continues by introducing the World Health Organisation (WHO) *Guidelines for Community Noise*, a publication that introduces the concepts guidelines for community noise in specific environments as a series of Critical Health Effects criteria based on the lowest noise level that produces an adverse health effect (i.e. the critical health effect). The intent of this is to act as strategic informative to inform noise management and the need for interventions and not to act as a definitive noise rating tool.

Further to this, the Noise Council's *Code of Practice on Environmental Noise at Concerts* is cited, this has no relevance to motorsport activities and with respect to Go-Karting, neither does the British Speedway Promoters' Association, *Preliminary assessment of environmental noise from Speedway in the UK*" (March 2003).

For the purposes of assessing impact of the development a 1 hour prediction cycle has been adopted, which is presumed to be extracted from the approach advocated by BS 4142, not least as the development is treated as a "fixed installation" (as per the application of the former BS 4142: 1997).

Commentary

The nature of motorsport activities is typified by an intermittent sound/ noise profile occasioned by a series of events, for example, practice sessions, heats, races and

so forth that punctuate the ambient noise profile. This, coupled with the fact that the sound is anthropogenic, renders it more likely to provoke an adverse reaction among receptors.

An incorrect approach is advanced for the purposes of noise impact assessment. In the first instance, it would be appropriate to consider the installation as an area sound source (rather than a standard hemispherical format) to inform a noise modelling exercise based on a worst case scenario utilising spectral sound pressure level/sound power data. Ensuring from this, noise levels at sensitive receptors can be determined in conjunction with the need for mitigation.

A factor that is not adequately catered for is the likely audibility of Go-Karting noise as distinct from its level(s) comparative to existing ambient or Background Sound Levels. The introduction of a new, mechanised acoustic feature allied to its perceived need by non-participants/users of the facility can be instrumental in the likelihood of complaint responses. Concerns are also raised in that all noise sensitive receptors within the sphere of impact have not necessarily been evaluated.

Use of the WHO based 50 dB Leq metric for annoyance (which is int3ended as an 8 hour strategic indicator) is applied over 1 hour periods is not fully justified and on one hand is applied to demonstrate compliance with a notionally acceptable criteria, whilst concurrently exceeding a Background Sound Level by a margin of 10 dB(A), which if accepting the philosophy of BS 4142, would render the noise impact as problematic.

It is feasible that suitable mitigation might be attained to render viable this application, perhaps by use of suitable earth bunding, to allow for reasonably unfettered usage. This would need to be qualified by correct predictive modelling of the circuit etc. set against lowest ambient/Background Sound levels, maximum and energy-averaged sound immission levels (as opposed to sound emission) at sensitive receptors whilst legislating for all activities, plant, machinery and Go-Karts to be deployed.

Lighting

While no reference appears to have been made to whether the proposal includes the installation of floodlights along the route of the track, as the proposal states that the facility would operate from 9 a.m. to 9 p.m. 7 days a week – with no indication that the operation hours would be reduced during the months of the year unable to provide sufficient natural light for the proposed activity – if there is a prospect of lighting later being sought this matter should be addressed at this stage of the planning process. If lighting were to be required, or to be sought later on, for the proposal this would have important implications as an assessment should be made of the potential impacts this could have on users of the surrounding road network, the amenity of surrounding residents, landscape, Green Belt openness and wildlife.

Response dated 31 January 2019

A new green belt study has been produced by CT Planning which sets out a justification for development in the green belt. It is correct to say that change of use

of land for outdoor sports and recreation is now identified as a not-inappropriate use in the green belt under the revised NPPF, and that associated facilities are also generally considered to be exceptions to the presumption against development. The relevant section of the July 2018 NPPF says:

> 145b the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreati9on, 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;

It will be for Cannock Chase to determine whether the proposed facilities preserve the openness of the Green Belt at this point, while the provision of a track itself may not impact on the visual and spatial openness of the land, large numbers of cars and other vehicles visiting/ parking at the site and new permanent buildings (and the adverse impacts of noise and disturbance on adjacent residents) may cumulatively have an harmful impact on the green belt. In light of the High Court judgement Boot vs Elmbridge, any adverse impact on openness will effectively make the development inappropriate and very special circumstances would have to be provided to justify a grant of permission.

The original comments on behalf of this authority reflect the previous policy situation set out in the original NPPF. The initial section of the letter (dealt with the policy position in regard to the proposed change of use, and also contained a clear objection based on the likely adverse impact on the openness of the green belt of the scale and details of the proposals.

In relation to the various documents addressing potential impacts on local flora and fauna (and the adjacent Wyrley and Essington Canal SAC), we assume Cannock Chase Council will be looking to obtain their own ecological advice on the details of what has been submitted. As the canal is a site of European importance, again we assume a HRA has been undertaken to look at likely impacts on it.

It is not clear to me whether the additional material included on the APAS page is also to be considered as part of this consultation, as most of the other documents and plans referred to as "additional information" and "amended plans" seem to date from 2017. If you could confirm whether these documents are also to be treated as part of the additional "new" data that would be helpful; given the noise impacts, the council's Pollution team may also wish to comment on any additional material that has been submitted since they were last asked for their views.

In light of the above (with the caveat that the change of use elements of our objection has been addressed in part through the wording change to the July 2018 NPPF), our comments are as previously set out, subject to any additional views that colleagues may have on noise issues.

<u>Canal and River Trust</u>

Original Response

Planning permission should not be granted.

The application site is located on land to the east of the Cannock Extension Canal. The canal is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) due to its importance of the aquatic plants found on the canal. A total of 34 different aquatic plants have been recorded, making it the richest known waterway of its type in Staffordshire. If particular importance is the large population of nationally scarce floating water plantain.

Although the submitted Preliminary Ecological Appraisal and Landscape Management Proposal documents acknowledge the proximity of the Canal SAC/SSI, neither document contains any detailed assessment of the potential impact that the development could have on the SAC/ SSSI. The Drainage Design Proposal document comprises a brief statement on drainage by Young Technical Services without providing any detailed surface water scheme. Again the SAC/SSI is acknowledged, but no information is provided to show how adverse impacts will be avoided. The statement notes the presence of existing outfalls to the canal, but it is not clear whether surface water from the development is intended to utilise these outfalls.

The Canal SAC/ SSSI has been harmed in the past from suspended solids discharging from adjacent land and entering the canal via drainage pipes and potential contamination risks from the development, in the form of fuel/ oil spills (whether on the track, in the pit area or the car parking areas) need to be carefully assessed.

We are concerned that the potential risk of adverse impacts on the Cannock Extension Canal SAC/ SSSI has not been adequately considered by the applicant. The applicant does not provide sufficient information to permit an understanding of the expected surface water drainage arrangements and whether or not any risk to water quality in the canal is posed, whether from direct discharges or from contaminated run-off finding its way in the canal via existing drainage systems. We would further advise that any discharges to the canal are likely to require the prior consent of the Trust.

Without further information, it is difficult to make any assessment of the acceptability of the proposal in terms of compliance with Policy C12 of the adopted Cannock Case Local Plan Part 1 2014. In addition the SAC is a European designated site, and therefore a Habitats Regulations Assessment would appear to be required under regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2010 (as amended). This should fully consider the extent of the risk of significant effects occurring as a result of the proposed development, taking account of the proposed drainage arrangements and measures to minimise the risk of contaminants entering the canal, as well as impacts arising from adverse effects on air quality from vehicle exhausts etc.

We would further comments that potential impact on the SAC/ SSSI and also wider local wildlife and ecology supported by the canal from any external lighting that may be required should also be properly assessed. Operating hours for the track are indicated to be 10am -7pm, seven days a week, but no information on layout the

type or extent of lighting required to facilitate this during the winter months has been provided. We consider that this matter should also be addressed prior to determination of the application.

Although a noise assessment has been undertaken, the report does not include any explicit consideration of potential noise impacts on users of the canal. The operating hours (10am-7pm, seven days a week, including some bank holidays) include periods such as evenings and weekends which are generally more noise sensitive when background noise from nearby businesses, road traffic etc. will often be lower, thus increasing the effect of noise generated by this proposals on the surrounding area. The canal and towpath are used as a recreational resource and there are a significant number of boat moorings on this stretch. Intrusive noise impacts could significantly affect the popularity of the canal in this respect, as well as potentially affecting local wildlife supported by it. Again, a proper assessment of the proposal against Policy CP12 of the adopted Local Plan is difficult in terms of identifying noise impacts on the biodiversity value of the canal.

The report does not consider the potential noise impact on boaters using the canal or whether there are any residential moorings that may be affected by noise from the development. Occupiers of canal boats are generally more susceptible to noise impacts than occupiers of houses, due to the construction of the boats, and this is relevant whether they are used as a permanent residential moorings or simply short stay visitor moorings (where boaters may stay for a number of days at a time and are, in effect living at the location for that period) and this should be fully taken into account in considering potential noise impacts.

Additional Comment Received on 21st January 2019

The additional information submitted appear to be the same as those previously submitted and retain the same dates/ references. The reports have not been updated to acknowledge and assess the potential impacts of the proposed development on the Cannock Extension Canal Special Area of Conservation (SAC).

The Trust therefore re-iterate the comments in our original response (above)

Additional Comment 17th October 2019

Do not consider that the additional information provided addresses our concerns set out in previous responses.

<u>Inland Waterways Association</u>

The Inland Waterways Association (IWA) is a national charity which campaigns for the conservation, use, maintenance, restoration and development of the inland waterways for public benefit. The Lichfield Branch of IWA has considered this application in relation to the environment of the canal and the interests of its users.

The Cannock Extension Canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area.

Noise Impact on Residential Boats

The Noise Assessment considers the two houses on Lime Lane as noise sensitive properties but fails to assess the impacts on the many residential boats along this section of the canal. Between the Pelsall Road Bridge and the canal boatyards there are about 10 boats occupied as main residences, with about 7 more between the boatyards and the A5 and another 2 in Grove Basin south of the road bridge. Other boats moored along this section of the canal are also used residentially for shorter periods, but the 19 full-time residential boats should be given at least the same consideration as the residential buildings.

Boat residents, however, are inherently more susceptible to external noise than occupants of buildings due to the boats construction, generally of steel and with only single glazing and the more outdoor orientated lifestyle of boaters.

Therefore, it is imperative that no decision to approve this application is made unless and until a further noise assessment is carried out to fully address the impact on the residential boat occupiers.

The plans do show a 6 m high baffle bank to the west side of the track and additional screen planting towards the canal which will help reduce transmission of noise from the go-karts to a few of the boats moored directly opposite the site nearest Pelsall Road bridge. This bank would need extending along the north and south sides to screen the direct transmission of noise from the track to the majority of the residential boats moored further north up to the A5 and those to the south at Grove Basin.

The noise measurement given for other karting tracks indicate high noise levels at source which will be partly reduced by distance and the banking. However, the claim that the resulting noise level at Lime Lane will be less than the existing background level does not seem credible. Local experience of the former kart track at Chasewater was that it could be clearly heard about 2 miles away.

Furthermore, the report does not adequately recognise that higher frequency noises travel further and are more audibly disturbing to people than lower frequencies and the high pitched whine of 2-stroke engines is particularly intrusive. It also assumes much more limited use than the proposed operating hours. Allowing the track to operate from 9 a.m. to 9 p.m. every day would simply not be acceptable.

Other Planning Issues

This application is a revival of proposals given outline permission in 2004 although never proceeded with, but there have been significant changes to the planning system since then so this should not be regarded as a precedent and the present proposals should be judged anew on their merits.

It is misleading to portray this as a replacement for the former Chasewater track. If there had been a local need for this it would have been developed under the earlier consent. It is also deliberately misleading to say that the nearest equivalent facility is

at Daventry when there are several closer tracks including one at Fradley near Lichfield.

IWA commented on the 2004 application and pointed out then the presence of residential boats and the need to assess them as noise receptors, yet it seems that nothing has been learned from past failures and the applicant again falsely claims that only inhabited buildings are affected.

The site is in the Green Belt which has strong protection from inappropriate developments. Although some low impact recreational facilities can be allowed in Green Belt, the extent of the hard surfacing, the size of the proposed buildings, the intrusive security fencing and the horrendous noise impacts close to the track are all factors against such an exception being appropriate in this case.

It would also result in the loss of recreational access to part of Wyrley Common and the loss of tranquillity over a very large area, be a barrier to the movements of the long-term resident deer population that is locally cherished and impact on other wildlife.

There are also concerns that oil and fuel spillages and tyre rubber particles would enter local watercourses draining into the Cannock Extension Canal. This is protected as a SSSI and a SAC for aquatic species that would be directly affected by any such pollution.

For all these reasons IWA considers that this application should be refused.

Additional Comments received 15 January 2019

The additional information largely concerns access and transport issues but also includes a Landscape Scheme plan. This differs from the Masterplan in showing a raised and extended 8m Acoustic Bund along the western and northern sides of the track, in response to earlier comments from IWA and others concerning noise impacts on the canal and its users.

The higher and extended earth banking will, along withy the proposed screen planting, assist in reducing the noise transmission from the track towards the canal and the residential boats moored north of Pelsall Road Bridge, although the gap between its southern end and the adjacent woodland will allow some noise 'spillage' which may affect the boats moored in the Grove Basins.

However, it is disappointing that the previous Noise assessment has not yet been updated to include a proper assessment of impacts on the residential boars. This should be required before nay decision is taken on the application, and if the assessment does not demonstrate that the residual noise impacts will be minimal as a result of the enhance screening than the application should not be approved.

Additional Comments Received 16 January 2020

Thank you for a copy of the Hill Engineering Consultants Ltd letter of 3/6/2019 which we have received from Julie Purle.

It is most disappointing to see that there is still no consideration of the noise impacts on the residential boats on the Cannock Extension Canal, over 3 years since we objected to this deficiency. It is equally concerning that there is no indication in the noise consultant's letter that such an assessment has even been requested by the Council. We refer you to our earlier responses (below) for the reasons why this is imperative before any decision to approve the application is considered.

With regard to what the letter does cover; this appears to just repeat the original assessment and does not take account of the changes since made to the plans. We consider that the comparison with background road traffic noise is spurious as this is generally perceived as a low-pitched rumble whereas go-karts, particularly the two-stroke engines, produce a high-pitched whine that can be clearly heard above other background noises. Unless the noise analysis takes account of these differences in pitch then the claim that the kart noise "will prove indiscernible when compared to.. road traffic" and "virtually inaudible at all local properties" is simply not credible.

I would also remind you of our concerns about the practicality of construction of the steep sided baffle mounds now proposed.

Residential Boat Owners Association

We wish to object to this application until the noise assessment measures as detailed below are implemented and the results satisfactorily resolved.

The Residential Boat Owners' Association (RBOA) is the primary organisation representing the interests of those who choose to live on boats, on the canals, rivers and coastal estuaries of England and Wales. The RBOA is recognised by government and navigation authorities as the source of expertise on all matters related to residential boating including planning matters.

As well as residential matters the RBOA recognises that the Cannock Extension Canal is a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area.

The Noise Assessment considers the two houses on Lime Lane as noise sensitive properties but fails to assess the impacts on the many residential boats along this section of the canal. We understand that along the length of the Cannock Extension Canal including the Grove Basin there are around 20 permanently residential boats plus others who may stay there for shorter periods in the course of cruising.

Government advice has confirmed that residential boats situated on recognised moorings are appropriate to meet housing needs and should therefore benefit from any protective legislation such as noise assessment to the same degree as other housing.

Boat residents are inherently more susceptible to external noise than occupants of buildings due to the boats construction, generally of steel and with only single glazing and the more outdoor orientated lifestyle of boaters.

The plans do show a 6 m high baffle bank to the west side of the track and additional screen planting towards the canal which will help reduce transmission of noise from the go-karts to a few of the boats moored directly opposite the site nearest Pelsall Road bridge. This bank would need extending along the north and south sides to screen the direct transmission of noise from the track to the majority of the residential boats moored further north up to the A5 and those to the south at Grove Basin. The RBOA question the claim that the resulting noise level at Lime Lane will be less than the existing background level.

Furthermore, the report does not adequately recognise that higher frequency noises travel further and are more audibly disturbing to people than lower frequencies, and the high pitched whine of 2-stroke engines is particularly intrusive. It also assumes much more limited use than the proposed operating hours, allowing the track to operate from 9 a.m to 9 p.m. every day would simply not be acceptable.

It is imperative that no decision to approve this application is made unless and until a further Noise Assessment is carried out to fully address the impact on the residential boat occupiers. Without the results of this and the implementation of appropriate remedial action, the RBOA will retain its objection to this application.

Open Spaces Society
Have no comment to make regarding the proposed development, however there are a number of footpaths affected by the development, which will need to be diverted. We look forward to the diversion consultation and may object to that stage.

INTERNAL CONSULTATIONS

Policy

It is understood that the additional information constitutes a 'Green Belt Statement' and amended plans for layout and indicative buildings.

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

The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary. These policy comments are restricted to matters concerning the Local Plan (Part 1), Neighbourhood Plans and supporting guidance.

The proposal is for a change of use of the land and associated operational development for an outdoor go-karting facility. The site is a Greenfield site. It is not allocated for any specific use on the Policies Map; however it lies within the Green Belt. As per the NPPF (paras 143-147) and Local Plan (Part 1) Policy CP1 certain forms of development are not considered to be inappropriate development in the Green Belt. In terms of relevance to this proposal, engineering operations and material changes in the use of land are not inappropriate developments provided they preserve its openness and do not conflict with the purposes of including land within it (the five purposes of Green Belt are set out in para 134). Should openness not be preserved, then the development is considered to be inappropriate development within the Green Belt and it would need to demonstrate very special circumstances which outweigh the harm caused to the Green Belt (and any other harm) by reason of inappropriate development.

The proposal also provides indicative plans for the erection of associated buildings but it is understood that these do not form part of the planning application. However, for information the NPPF (para 145) outlines that the construction of new buildings in the Green Belt should be considered inappropriate development, but exceptions to this include the provision of appropriate facilities (in connection with an existing use or change of use) for outdoor sport, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In terms of openness, this is not defined in any national planning policy documents or guidance, but the NPPF (para 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Case law gives some indication of what should be considered and outlines that the effect on openness is a matter of planning judgment for the decision-maker. Impacts upon openness can be assessed in spatial (quantum of development) and visual impact terms[1]. 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. NPPF (para 144) outlines 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.

Paragraph 141 of the NPPF states that once defined Green Belts should be able to provide benefits, including opportunities for outdoor sport and recreation. However, this needs to be considered in the context of the policy context outlined above in relation to specific development proposals. The paragraph also refers to the need to retain and enhance landscapes, visual amenity and biodiversity.

The applicants suggest that the benefits of the scheme could be used to demonstrate very special circumstances, if required. Should it be necessary to

[1] As set out in the Court of Appeal judgement in John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466 and repeated in:
- Samuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489
- Euro Garages Ltd v SSCLG and [2018] EWHC 1753

demonstrate very special circumstances it is suggested that additional information could be provided by the applicant to demonstrate their case e.g. the applicants could provide commentary on what alternative sites for the proposal have been considered and why this location is the preferred one (particularly given the passage of time since the closure of the facility at Chasewater, which this scheme is intended to act as a replacement for). More quantifiable benefits to the local economy e.g. numbers of visitors and associated economic benefits could also be outlined.

In terms of local policy context, the Local Plan (Part 1) makes no provision for this scheme. Figure 4.4 of the Local Plan (referenced in the applicant's planning supporting statement from 2016) refers to the potential for the restoration of Grove Colliery Landfill and former works- it is not related to the application site and/or proposal (the asterisks identify the existing employment areas in the Green Belt- Watling Street and Lime Lane Business Parks). Policy CP9 refers to proposals which contribute to the visitor economy being positively supported, but also states that this is subject to compliance with Green Belt policy and other Core Strategy policies. As outlined above, further detail on the extent to which the scheme could contribute to the local economy in terms of numbers of visitors, expected linked trips etc. could also be useful for the applicants to provide.

In terms of other relevant planning policies, the proposal is in close proximity to the Cannock Chase Extension Canal SAC and a number of locally designated sites. In accordance with Policy CP12 the proposal should demonstrate that there would be no adverse impacts upon this internationally protected site- guidance from Natural England should be sought. Impacts upon locally designated sites should also be taken into account. CP10 and CP16 require schemes to ensure they mitigate any impacts upon the transport network and contribute to sustainable transport. The site is situated along the A5 and in proximity to the A5 AQMA. Comments from the Highways Agency regarding the potential impact upon the trunk road and from Environmental Health regarding the air quality implications should therefore be taken into consideration. As the proposal lies within a largely undeveloped area of open landscape, Policy CP14 should also be considered with regards to landscape character.

As the proposals are for change of use and operational development only (no additional floorspace over 100m2) the scheme is not CIL liable. Any proposals for buildings over 100m2 should have regard to the Council's most up to date CIL charging schedule (which currently only charges for housing and retail developments). Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

Site lies within designated Norton Canes Neighbourhood Area. The Parish Council is in the early stages of producing a neighbourhood plan (public consultation on issues the plan should consider in autumn 2018). No draft plan or policies have been consulted upon to date. The most up to date position with regards to the Neighbourhood Plan should be considered at the point of determination.

<u>Environmental Health</u>

Original Response
The application site is within 500m of the Walsall Council's Metropolitan District boundary and residential properties therein. Noise emissions form the proposed go-kart track will be audible at this location therefore I would recommend comments are also obtained from Walsall Council's Pollution Control team.

A review of the Environmental Noise Impact Assessment undertaken by Hill Engineering Consultants (ref E15094) dated 12th April 2015, has been completed, and concerns are raised regarding the monitoring methodology applied and conclusions that have been drawn within the report.

In the terms of the guidance & standards quoted within the report:
The now repealed (2014) British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' is quoted on page 8 of 25. BS4142 is not an applicable standard for the assessment of motorsport, this is detailed in the scope of the current 2014 update of the standard.

The Noise Council – Code of Practice on Environmental Noise Control at Concerts is quoted on page 9 of the karting/motorsport.

Page 10 of 25 quotes the British Speedway Promoters' Association @Preliminary assessment of environmental noise from Speedway in the UK (2003)'. This document is not formally recognised guidance document or code of practice for the assessment of motorsport noise and its application for the assessment of noise from a proposed go-karting track is clearly not applicable.

The noise emission data obtained from the assessment of Sodikart GT4 karts at Sutton in the elms & X30 two-stroke go karts at Whilton Kart Club respectively, is based on what appears to be limited monitoring data from a single monitoring position located adjacent to the respective tracks. This limited data does not suitably assess potential noise impacts from the respective karts and therefore, cannot be deemed as being representative.

Receptors Locations
It is noted that ambient background noise levels and predicted noise impacts of the karting track were assessed at the nearest residential receptors in Lime Lane, Little Wyrley (300m to the western edge of the proposed track). A large residential estate (within Walsall Councils boundary) is located approximately 500m to the north-east of the site. The potential impacts of noise emissions from the track clearly need to also be assessed from this location.

The use of a 10dB(A) exceedance over background noise level is not recognised approach for the assessment of motorsport noise and compliance with World Health Organisation guidance of LAeq 50dB(A) is not considered applicable as this is intended to apply to continuous noise over the daytime 16 hour period.

On the basis of the issues within this response, the Environmental Protection Team recommends that this application is refused on the grounds that it has not been satisfactorily demonstrated that nearby residential dwellings will not be adversely impacted by noise emissions from go-karting activities.

Additional Comments Received 10th January 2019

The applicant does not appear to have submitted a revised noise survey, taking on board my colleague's comments. As such, I recommend refusal of the application unless these matters are addressed. For reference, Mr Richardson's comments were as follows:

1. The application site is within 500m of the Walsall Council's Metropolitan District boundary and residential properties therein. Noise emissions from the proposed go-kart track will be audible at this location; therefore, I would recommend comments are also obtained from Walsall Council's Pollution Control Team.

2. A review of the Environmental Noise Impact Assessment undertaken by Hill Engineering Consultants (ref E15094) dated 12th April 2015, has been completed, and concerns are raised regarding the monitoring methodology applied and conclusions that have been drawn within the report.

In terms of the guidance & standards quoted within the report:

The now repealed (2014) British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' is quoted on page 8 of 25. BS4142 is not an applicable standard for the assessment of motorsport; this is detailed in the scope of the current 2014 update of the standard.

The Noise Council - Code of Practice on Environmental Noise Control at Concerts is quoted on page 9 of 25. This Code of Practice has no relevance whatsoever to the assessment of noise from karting/ motorsport.

Page 10 of 25 quotes the British Speedway Promoters' Association 'Preliminary assessment of environmental noise from Speedway in the UK (2003)'. This document is not a formally recognised guidance document or code of practice for the assessment of motorsport noise and its application for the assessment of noise from a proposed go karting track is clearly not applicable.

3. The noise emission data obtained from the assessment of Sodikart GT4 karts at Sutton in the Elms & X30 two-stroke go karts at Whilton Mill Kart Club respectively, is based on what appears to be limited monitoring data from a single monitoring position located adjacent to the respective tracks. This limited data does not suitably assess potential noise impacts from the respective karts and therefore, cannot be deemed as being representative

Receptors locations

4. It is noted that ambient background noise levels and predicted noise impacts of the karting track were assessed at the nearest residential receptors in Lime Lane, Little Wyrley (300m to the western edge of the proposed track). A large residential estate (within Walsall Council's boundary) is located approximately 500m to the north-east of the site. The potential impacts of noise emissions from the track clearly need to be assessed from this location.

5. The use of a 10dB(A) exceedance over background noise level is not a recognised approach for the assessment of motorsport noise and compliance with World Health Organisation guidance of LAeq 50dB(A) is not considered applicable, as this is intended to apply to continuous noise over the daytime 16 hour period.

On the basis of the issues highlighted within this response, the Environmental Protection Team recommends that this application is refused on the grounds that it has not been satisfactorily demonstrated that nearby residential dwellings will not be adversely impacted by noise emissions from go-karting activities.

Additional Comments Received 16th January 2019

The site adjoins an Air Quality Management Area covering the A5. Furthermore, as a site exceeding 1ha combined with more than 10 parking spaces, and generating over 100 LDV movements per day it is essential that an air quality assessment is undertaken together with provision of direct air quality mitigation measures or makes contributions towards air quality action plan measures, following good practice examples in EPUK/IAQM guidance 'Land-Use Planning & Development Control: Planning For Air Quality', May 2015. Examples of such measures include:

- Provision of or contributions to low emission vehicle refuelling infrastructure;
- Provision of incentives for the uptake of low emission vehicles;
- Financial support to low emission public transport options; and
- Improvements to cycling and walking infrastructure.
- Support for and promotion of car clubs;

To this extent pollutant emission costs should be calculated, based on Defra's damage cost approach utilizing guidance found at

https://www.gov.uk/government/publications/green-book-supplementary-guidance-air-quality and https://www.gov.uk/air-quality-economic-analysis.

Response Received 10th January 2019 and Reiterated 01 February 2020

Comments were previously made by my colleague in 2016 regarding the original noise assessment. The applicant does not appear to have submitted a revised noise survey, taking on board my colleague's comments. As such, I recommend refusal of the applicant unless these matters are addressed.

Response Received 10 February 2020

It is proposed that go karting would be available at the site from 0900-21.00 hours, seven days a week, and to include some bank holidays.

The report submitted in 2015 (Proposed Go-Kart Track- Environmental Noise Impact Assessment, report no. E15094/01, dated 12th April 2015) identifies the nearest noise-sensitive receptors as being 143-145 Lime Lane (two semi-detached properties) to the west of on Lime Lane. The report states this NSR is 22m from the nearest boundary of the proposed development, but 30m from the nearest edge of the proposed go-kart track. This is at which shows the nearest track edge to be approximately 260m away from this NSR. This detail would reduce the accuracy of the attenuation calculations relating to the propagation of sound from the go-kart track (referred to below).

The report doesn't note or discuss the distance to any other NSRs, e.g Commercial buildings to the north, Farmhouse to the eats, canal boats, any other properties not shielded by the bund. A table would be appropriate to present these.

Receptors to be considered (distances are measured from the closest point of the track to individual NSR):

Cannock Chase Council Receptors

a) 143-145 Lime Lane, to the west of track area (screened by bund): 260m.
b) Unknown property, to the east (south of A5) of track area, at 402816, 306423 (unscreened by proposed bund): 340m (closest façade of residential building).
c) Watling Street Business Park, to the north of track area. Multiple business units (unscreened by proposed bund): 185m (to closest façade of commercial unit).
d) Starbucks Drive thru, to the north of track area (screened by bund): 300m (closest façade of commercial unit).
e) Canal boats moored near Lime Lane (screened by bund): 230m.

The noise impact on transient canal boats moored north of the Lime Lane receptor should also be considered and assessed. The argument could be made that as temporary inhabitants, they should not expect the same degree of amenity protection as permanent residents. This doesn't stand up to scrutiny however, as:

(i) the acoustic attenuation of a canal boat is less than that of a standard house;
(ii) if the noise regime is at or above suitable criteria (if minded to use the not ideal WHO 8 hour metric of 50dB Laeq, within the boat, as an example), it would effectively sterilise those mooring points as uninhabitable.

This is a concern also raised by the owners of the moorings, who are concerned with the quality of life impact on those using the facility.

Walsall Council receptors (all unscreened by bund):

f) Shannon Walk: 570m (closest residential curtilage).
g) Shannon Drive: 630m (closest residential curtilage).

h) Brownhills West Primary School: 600m/ 680m (to playing fields/school building).

The April 2015 report references BS4142:1997, even though the 2014 update was released in October 2014. The amendments included some changes for clarity, and a more detailed approach to sound character corrections. For completeness, the current version of this standard is BS4142:2014+A1:2019. The 2014 standard explicitly states that is not intended to be applied to "...all forms of motorsports"

Section 3.4.2 of the report states "an excess greater than 10dBA is considered acceptable for a short term, occasionally noisy event" following a paragraph on the Code of Practice (CoP) for music concerts. I disagree with the assertion made as the proposed use will not be “short term, occasionally noisy.” There is no reason to conclude that an excess greater than 10dBA would be acceptable for the proposed use of the site.

Section 3.5 discusses a draft report produced by the British Speedway Promoters' Association (BSPA), which found that it is common to find noise levels of 15dBA and greater above the background noise level at the residential premises neighbouring the tracks (my underlining as statement is vague with regards to exact distances etc). It goes on to suggest that 15dBA to 18dBA above background would be an appropriate criterion for rating speedway noise, as evidenced by no complaints to Local Authorities from residential neighbours (the report notes itself that only a limited amount of monitoring has taken place to support this position). I don’t consider this to be a convincing argument; speedway is not karting, and the evidence base of 15-18dBA being acceptable is poor.

Lastly, it recommends peak noise limits as: an absolute limit in the region of 80dB LAmax,fast or a level of 75dB LAmax,fast to not be exceeded a *specified number of times* within a *representative time period* (my italics to highlight details that are pertinent, but not well defined/ no evidence base in order to be able to define). It is unknown as to whether or not the proposed use could comply.

Overall, I don't find the comments from the draft BSPA to be particularly compelling, particularly when considered against the NPPF, NPSE and BS4142:2014.

Following the above, the report contends that with the 9am till 9pm operating time, subject to consideration of existing ambient noise, an excess above background of 10dBA at the nearest NSR would be acceptable. It is not clear how this outcome was derived, based on the foregoing statements as discussed above.

The submitted report utilises the LA90 results as a background noise level, which gives a range from 40 to 47dBA. It chooses the lowest value as a 'reasonable minimum ambient background noise' (no calculation of the mean value is noted). The report then recommends that noise should not exceed 50dB LAeq,1hr at the noted single NSR, noting that this level would not exceed the selected ambient background level by more than 10dBA, and also not exceed the WHO evening guidelines of 50dBA Leq,1hr for the onset of community noise nuisance.

Surrogate monitoring is utilised within the report, from an existing race track

operating the vehicle types intended for the proposed development. This includes a Sodikart GT4, and the noisier two-stroke engines of the X30 kart. This data is manipulated within the report to match the proposed development scenario of a maximum of 18 karts at any one time (only one type of vehicle would be running at any particular time). One-third octave band analysis should form part of the investigation, and these values should also be used within any barrier calculations.

Based on the submitted plan (Landscape Scheme, Drawing Number 189.12, rev. 2, dated 3/11/17), the proposed noise barrier (berm) runs from north to south immediately west of the track, with an additional limb heading approximately 180m east from the northernmost point (this limb is positioned north of the track, providing screening to some northern receptors). This berm will be 6m high, and is stated to prevent direct line of sight to the single NSR windows (including the roof-level bedroom window of no. 143). Barrier attenuation was derived using the barrier shielding calculation in the Calculation of Road Traffic Noise (issued 1975, revised 1988), which predicted shielding offered by the proposed earth bund to be 13dB.

ISO 9613:1996 describes a method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at distance, and this should be the primary reference to derive barrier effect.

Report conclusions
By manipulating surrogate data, the report outlines the following use scenarios (based on 18 karts, being the proposed site maximum, for the single NSR detailed in the submitted report):

X30 karts, over a 300m path length, allowing 13dB reduction for the installed berm = 46dB LAeq at NSR

GT40 karts, over a 300m path length, allowing 13dB reduction for the installed berm = 32dB LAeq at NSR

Aside from the path length being incorrect, the above values do not seem to take the character of the noise into account, which would be incongruous within the existing noise climate and should receive appropriate character corrections, for tonality (no spectral analysis of the kart noise is provided), impulsivity, intermittency and perceptibility.

Further submission, from Hill Engineering Consultants Limited.
Letter dated 3rd June 2019, ref. ENV/15094/001/NH/jh/dL.

This submission notes that there is no recommended national or international guidance for the environmental noise impact assessment of motorsport noise being introduced into a residential area. The letter notes surprise at the notion that not all relevant receptors have been considered, but no further consideration of other NSRs is presented, with comparison to how much bund protection they may or may not receive. I consider the overall assessment lacking in this regard, as noted above.

It is also stated that the chosen ambient background noise level is 40dB LA90 (being the worst case noted at Lime Lane). Figure 4.1.5 from the submitted 2015 report

shows the LA90 figures do vary, with typical levels being 47-48dB on a Monday morning. This is referred to again on page 2 of the June 2019 letter, bullet point 1. It's worthwhile noting that the lowest LA90 occurs during the proposed hours of the application site (Sunday, 20.30 hours), and would therefore be validated as the value of choice.

Bullet point 2 states that, with reference to Figure 4.1.5, at all times, that the ambient background noise at Lime Lane exceeds 55dB Laeq. This is not correct. That figure shows the ambient background noise at Lime Lane to be equal to or exceed 50dB Laeq (at all times).

The remainder of the report revisits the conclusions of the 2015 report, which will need to be revisited following the above comments.

At this stage, I do not consider that I have the sufficient information required to be able to recommend appropriate planning conditions. I would require an updated noise assessment that addresses the above comments.

LIight
Additionally, there appears to be no detail on any lighting scheme proposed for the development. It is assumed this is intended to be present due to the late closing of the facility. Details of the proposed scheme, including type, height, luminaires and an illuminance plot should be submitted to confirm the light levels produced on and off the site. Where overspill light is created, an assessment of impact shall be submitted for approval.

Review of letter report, ref: MDR/J4277b, dated 10th May 2020. Authored by M D Randall, RandTech Consulting.

Comments
The letter report refers to some variables raised in previous comments from Environmental Health; it suggests likely impacts in terms of decibel numbers, and then discredits them individually as follows:

a) Discussion of incorrect path length (300m down to 260m), resulting in an increase in noise at the receptor by 1.24dB. The report states "that would be rounded down to 1dB; an insignificant increase in radiated noise that would have no impact".

b) Tonality correction of 1 to 5dB, suggested by the report as a response for the fact that no 1/3 octave analysis is available, and referred to as "unlikely to push the noise into the realms of a defined noise nuisance".

c) Increasing number of go-carts to 30 - increase of 2.2dB is "unlikely to be noticed".

The end result is that none of these variables are incorporated into the noise assessment, even though the cumulative impact (1.24 + 5 + 2.2, added logarithmically) is 7.9dB.

Is this not significant? The glossing over of individual factors is why modelled assessments often do not reflect real world situations. None of the individual corrections are taken forward into an updated assessment (using the existing data).

These points are discussed further below:

a) Propagation of noise

The surrogate measurements have been reconsidered, presented as having being been obtained at 27m (Sodikarts) and 40m (X30s) from source.

The calculations are not provided within the report to allow closer scrutiny, e.g. it is not clear whether the hemispherical propagation is based on a further 300m from the measurement points (i.e. a total distance of between 327 and 340m from the track, which would be inappropriate for the assessment). As the total distance should be 260m from track to Lime Lane, I have calculated results myself as a 'sanity check' and find the following:

18 Sodikarts = 33dB Laeq,1hr at 260m, including barrier (this would be 31.6dB at 300m)
18 X30 = 41dB Laeq,1hr at 260m, including barrier (this would be 39.6dB at 300m)

The 'at 300m' figures agree with those presented within the 2015 report (32 & 40dB respectively), although of course the 'at 260m' figures are the ones that will be referred to from here onwards (33 & 41dB). I would also consider 'continual karting noise' to be relevant for the purposes of this assessment, as referred to in the 2015 report.

b) 1/3 octave data
The letter states that Environmental Health demanded 1/3 octave noise data for the go-karting. That is incorrect - I commented it had not been submitted, and that it would have helped to ensure a more exact determination of the characteristics of the noise, to be incorporated into the noise assessment. The letter responds by stating there is no published noise data for the vehicles in question, and that lack of events during the pandemic means that monitoring cannot be undertaken.

This is reasonable to a point, but the letter does not then offer a pragmatic method to account for this uncertainty, other than to say "a tonality correction of 1-5dB could be added to the modelled go-karting noise, which is unlikely to push the resultant noise into the realms of a defined noise nuisance".

It's worth noting that this correction does not seem to have been included in the values quoted in the rest of the letter report, and so whilst mentioning it would be a good idea to do so, fails to do it. Also, the aim of the planning process is not to cause impacts 'just below a statutory nuisance' as this would still entail moderate impacts on existing residents. 'Suitability for use' is not demonstrated by being just below statutory nuisance level, and a Planning Authority would be in error if this was the applicable standard.

In the absence of more authoritative standards, this department has regard to BS4142:2014, and in particular the character correction and rating system, which I can confirm is compared to the LA90 in order to determine the excess over background level.

BS4142:2014 gives more detail on character corrections. The 1997 version of the standard allows for up to a 5dB penalty to incorporate all acoustic features, and it seems this is where

the letter report sources its “1-5dB” from. The 2014 standard gives more detail and graduated responses. For tonality, this is up to +6dB; impulsivity up to +9dB; intermittency up to +3dB. These are added non-logarithmically to derive a rating level, which is then compared directly with the LA90.

c) Impact of increasing the proposed number of go-karts
The letter report states there is intent to increase the number of vehicles running on the track at any one time to 30 (from 18, of either type) The letter rightly states that by application of the doubling of sources = +3dB, the effect of an increase of 12 sources would equate to +2.2dB. But again, this increase is rounded down and dismissed.

In summary, to properly reflect the above comments and variables, I would expect to see values as follows, e.g. for the 143-145 Lime Lane receptor (Laeq,1hr at 260m, including barrier):

18 Sodikarts = 33dB
18 X30 = 41dB

PLUS

- Increase to 30 vehicles at any one time (35dB and 43dB respectively)
- Applicable character corrections as referred to above. All correction types are to be considered, with justification of chosen corrections, including surrogate studies or other research relevant to the proposed use in order to evidence the selected corrections.

This should be completed for all receptors discussed in the submitted letter report.

Receptors
In the May 2020 letter, I am somewhat puzzled by the statements made under the Environmental Health Receptors section. For 143-145 Lime Lane, it states that the resulting noise from the go-karting activity will be 33-47dB Laeq. I can see where 33dB comes from (18 Sodikarts on track, presumably), but I do not seem to be able to find any data which explains why this value can vary by such an amount. Indeed, if the upper value is 47dB Laeq, I would question why the assessment uses 33dB. Or, have character corrections been applied? If so, it does not seem to be detailed in the text.

This should all be clarified, and presented in a table showing: receptor identification, distance from track, direction, whether or not the receptor is protected by the bund (full/partial/none, with appropriate barrier effects for those), the uncorrected noise

level from 30 karts, the character corrections relevant (evidenced in the text), and the resulting rating level at each receptor.

Note: Houseboats
There is an assertion within the letter report that a houseboat with an open window still gives 15dB noise attenuation to the whole interior. This would seem to assume the remainder of the boat structure is as insulating as a house – this is not realistic.

Stated conclusion
The letter report concludes there is no need to revisit the original noise assessment from Hill Engineering (2015), and that if the noise monitoring were repeated, the resulting traffic noise would be greater than it was in the 2015 measurements. I sense a general unwillingness to carry out subsequent monitoring of local conditions (which could include 1/3 octave band analysis). I am in agreement that repeating the monitoring exercise is not considered mandatory by Environmental Health. But, the above uncertainties cannot, in their totality, be ignored.

I request that a complete noise assessment is submitted, that uses the original noise data and also incorporates the discussion points raised in my previous comments of 10/2/20 and the comments made above, specifically:

- Inclusion of all receptors as discussed above, and the bund protection available.
- Detailed consideration and incorporation of the previously dismissed corrections referred to above (path length, character penalties, increased numbers of carts).
- It may be worthwhile to consider strategic noise mapping data in order to evidence relative impacts from traffic noise on some or all receptors.
- Specific information relating to the noise insulation properties of houseboats (this should require a practical test or evidence research), and incorporation into the noise assessment in order to determine a more plausible impact on occupants.
- Consideration of internal noise as per BS8233 should be included as required (notwithstanding the comments above on houseboats).

It is expected that the report referred to here should be a complete document, without reliance on previous communications (any addendums to previous reports/letters etc will be rejected without consideration).

<u>Economic Development</u>

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.

<u>Trees, Landscape and Countryside</u>

The proposed site is designated as Green Belt (policy CP1). A triangular area adjacent the A5 and woodland south of the site is designated as Site of Biological Interest (SB1) Policy CP12. The site also lies within the Forest of Mercia.

The proposals seek a change of use of the land however key elements to the operation of this change of use are buildings for hospitality/administration, garage, shop and toilet facilities but details of these are only shown for illustrative purposes. Such structures would increase the urbanising effect of the development and therefore greatly affect the character of the Green Belt. As key aspects in terms of operation of the site these facilities need to be part of the application to reflect the change on the landscape and thus character of this Green Belt location.

The proposal alters the physical make-up of the existing landscape

Removes the field pattern.

Introduces mounding and screen planting – a new landscape that does not match the pattern of the existing landscape.

Creates small fields that will have little agricultural use/ value.

Enclosure by means of tall fencing a large area of land – this will affect movement of wildlife and also route of public footpaths.

Introduces large areas of permanent paved surfaces/structures into the present agricultural land/ area.

The physical changes are to enable the site to be used for go-karting and associated activities/ events. This will greatly increase 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.

The proposal, by virtue of the introduction car parking, turning and circulation areas, the introduction of cars with bright, reflective finishes, lighting, and fencing would result in an urbanising impact and encroachment of urban form into this Green Belt location and therefore detract from the tranquil, rural nature of the site and its surroundings and from the enjoyment of the users and visitors to this area.

Whilst the site area is noted as 120,000m^2 with 15,000m^2 of car parking, 13,600m^2 of tarmac track and 1,200m^2 of buildings, there will be a large amount of grass area left. This however will generally be enclosed and will have very little ecological/wildlife value due to the need to keep it close/regularly mown for safety visibility and access. The high level and/or intensity of use will result in constant disturbance which will not favour potential use by ground nesting birds or other wildlife within that area.

Proposals state the intention is to operate to 9pm which will require the installation of lighting into the presently dark landscape. Whilst the impact on wildlife is not easy to prove or disprove it would introduce an urban feel into the area which would not be compatible with the nature nor character of this Green Belt location.

Once established the proposed go karting track would necessitate further development to make it viable which would exacerbate the impact on the character

and from of the area. As such the full impact of the full proposal cannot be ascertained at this stage.

Given the original proposed development (CH/02/0696) and subsequent reduced application the likelihood following any consent would be a strong desire to increase the available facilities (Ref original application) which would increase the urbanising effect and thus the effects of change on the character of the Green Belt location.

The proposed woodland management relates to Wyrley Common which is not within the application site. The document states that 'the proposals could be achieved by the following management…' It uses words such as 'suggest & should' and does not state what would/ will occur. The first paragraph in section 5.0 Summary states '…further work is required before implementation of any management works and so as to inform the management plan'. This appears to be base line info that would be required in order to produce a workable management plan. Therefore the principles in the document may appear to be fine on paper but could be totally inappropriate or impractical for the site. As such only very limited weight should be attached to this benefit in the determination of this application.

The proposals will result in: -

Altering the pattern of the landscape.
Alter the pattern of use and access within the landscape.
Increase the intensity of use of the area.
Affect the openness of the site.
Introduce built elements/structures into an open site.
Introduce lighting into the dark area.
Introduce noise and disturbance into the area.
Affect the tranquillity of the site/area.
Removes land from agricultural production.
The proposals will change the physical aspects of the site and thus the landscape. It will increase the urban feel and look of the area and as such will have a detrimental impact on the character of the site and the landscape of the area.

The proposal, by virtue of the loss of part of the additional effects on the Site of Biological Interest sough of the A5, the disturbance to ground nesting birds and the prevention of movement of wildlife through fencing would result in substantial harm to acknowledged nature conservation interests in the locality.

The revised LVIA [landscape visual impact assessment] whilst reorganising some information does not reduce or alter the concerns and issues noted in the previous memo of 31 August 2016.

Objection to the proposals for the following key reasons: -

Detrimental impact on the character and nature of the Green Belt contrary to policy CP1.
Impact on the SBI area, contrary to Policy CP12.
Detrimental visual impact for users of the footpaths

Change of use does not reflect the requirements of the site which will have a significant impact on the character of the Green Belt.

I would recommend that great weight should be attached to the harm to the character and form of the landscape that would result from this proposed development.

Additional Comments Received 16 January 2019

- Para 3.2 of the planning document notes that LA's should look in respect of development in green belt 'for opportunities to provide access: to provide opportunities for outdoor sport and recreation: to retain and enhance landscape, visual amenity and biodiversity: or to improve damages and derelict land'.
- The proposal shows a new access of the A5 which runs through an area of SBI. This is a key aspect of the site and as such should be retained. The reduction in size of the SBI and the associated physical changes would reduce its viability as a unit. The proposal would also alter the visual character and setting of the SBI as well as reducing biodiversity/habitat value.
- Justification is made that development would fund the future long term maintenance of the reduced SBI. Whilst this could be included within a S106 agreement, practical implementation and enforcement of such would be impossible. Add to this the fact that the SBI has not been maintained to date shows a general lack of commitment to such works. The raceway group will be chiefly concerned with maintaining the key facilities not exterior landscaping.
- An access of Lime Lane would be more appropriate. This was originally an issue in terms of the tight bend over the canal bridge, since replaced by a new bridge and associated alignment.
- The site is crossed by several public footpaths connecting Lime Lane to the A5. The southern half of the car park and main building and part of the adjacent track lie on land classed as open access that also encloses the majority of Worley Common. Clearly there is good public access to and through the development area. The proposed development would by virtue of its enclosure would reduce this, not improve it.
- Propose landscaping indicates small/narrow areas of heathland in and around the track area. The disjointed and small scale of these units will have little value apart from being extremely difficult to establish let along maintain appropriately. Areas of heathland need to be in large blocks to be viable and effective.
- Combining heathland scrub, woodland scrub and wildflower meadow areas on an 8.0m tall bund and with associated path ways would be impractical especially in the medium to long term and also carry a require a very high level of maintenance.
- The 8.0m bund would add an incongruous feature in the existing open and relatively flat landscape. Why need an acoustic screen between the site and the business park to the north?
- The overall development whilst creating some slivers of semi natural landscape would not increase the overall natural landscape value physically or visually. Users of the public footpath would have a reduced visual and

physical experience as a result of the development and its impact on the green belt.

Comments received 7th August 2020

With reference to the additional submitted detail including:-

Doc Ref Title
189.12 rev4 Landscape scheme (A1)
YTS-005/19-RJ01-D Drainage layout (A1) Received 28 July
Percolation testing report 29 June 20 (A4)

and previous memos of 29 August, 19 April & 16 Jan 2019, 15 December & 31 August 2016, I have the following comments:-

The proposed drainage scheme indicated car park drainage to the rear of the main building running into an adjacent pond outside the site however no plans supplied show this pond which would be within the adjacent Site of Biological Importance (SBI).

The proposed drainage also routes the treated foul flow into this pond. Such outflow would be highly nutrient rich and would thus impact negatively on the present habitat/ecology of the adjacent SBI. (Policy CP12)

It is highly likely in periods of heavy rain the swale would simply overtop resulting in contaminants finding its way into the SBI that is if they do not percolate out into the surrounding soils in the first instance.

It should be noted that all the drainage in the land to the south runs westwards towards the Cannock Extension Canal Special Area of Conservation (Policies CP12 & 13)

The landscape scheme indicated several spot levels and several indicative contours. The drawing also shows numerous red lines but no identification of these (possible exiting contours?) The site slopes increasingly westwards to Lime Lane and the Canal and to achieve the required grade on the track of 1:100 will require considerable ground alteration but there is no accurate information as to its extent or how it would marry into the adjacent exiting levels. Reference is made on the southern boundary of ‘up to 3.0m bank to facilitate suitable grade to track area’ but no detail as to its extent of form. If the western end of the site is built up then the resultant ‘screening embankments’ of 8.0m will need to increase in height. Why have no site sections been provided to illustrate the existing & proposed changes to the site levels or details of how the increase in levels are to be achieved.

The porosity tests indicate a topsoil depth of approximately 250mm with impermeable clay subsoil. The later will have a major impact on the construction of roads, buildings etc. in that greater depth will need to be removed to support the finished construction. This will have two effects:-

Firstly the increased importation of material (with high limestone content) and its potential to leach into the surrounding high water table and alter the soil water chemistry of the area over time and thus the ecology of the site and adjacent areas.

Secondly the disposal of the clay subsoil that would have limited potential for plant growth.

The overall proposals will require considerable engineering operations including, regrading, alteration of levels, importation of large volumes of material, formations of large and highly visual embankment all to accommodate the proposals. It is thus not a simple change of use as portrayed but a large scale engineering operation. This by its nature will alter the character of the site physically and visually and in so doing have a detrimental impact on the character and openness of the Green Belt, contrary to Policy.

The submitted information has still not addressed any of the previous issues raised.

Summary

As such all the previous comments and objection remain.

Objection to the proposals for the following key reasons:-

Detrimental impact on the character and nature of the Green Belt contrary to policy CP1.
Impact on and loss of SBI area, contrary to Policy CP12
Potential impact on SAC contrary to Policies CP12 & 13
Detrimental visual impact for users of the footpaths.
Change of use does not reflect the requirements for use of the site and which will have a significant detrimental impact on the character of the Green Belt.

I would recommend that great weight should be attached to the harm that will result on the character and form of the landscape from this proposed development.

Council's Ecologist

International Sites
The application site is directly linked via watercourses to the Cannock Extension Canal Special Area of Conservation.

The SAC is designated primarily due to the presence of an internationally significant population of floating water-plantain *Lurunium natans*. The plant is sensitive to pollution and changes in water quality.

The Habitats and Species Regulations 2010 require all competent authorities including local planning authorities to decide whether or not a plan or project with potential to affect a SAC can proceed having first undertaken a Habitat Regulations Assessment. The assessment must be made prior to the granting of consent for any action that may affect the features for which the site was designated and must take a precautionary approach. The legislation requires that where there is reasonable

uncertainty that any plan or project may affect a SAC the precautionary principle will apply and it will be taken that the affect will take place. Therefore it must be shown beyond any reasonable doubt that the development will not adversely impact upon the SAC.

Due to the direct link with the application site and the fact that water courses flow directly from the development area to the SAC any change in water quality resulting from the development during the construction phase or when operational has potential to impact upon the designated site. Therefore Cannock Chase Council as the competent authority will be legally required to undertake a Habitat Regulations Assessment.

The letter from Young Technical Services dated 24 February 2016 highlights a range of measures necessary to progress a drainage scheme including investigation of runoff quality, ground porosity and potential contamination of silt within existing ditches and drains. It would appear that these investigations have yet to be undertaken.

Whilst it is acknowledged that some basic drainage proposals have been submitted it should be noted that the HRA will require very detailed and potentially complex data to enable changes in water chemistry at the point of discharge into the canal to be properly assessed.

In the absence of the further investigations and technical appraisals outlined in the Young Technical Services letter it will not be possible to carry out the necessary Habitats Regulations Assessment and show without reasonable doubt that there will be no effect on the SAC.

National Sites
The Cannock Extension Canal is also a Site of Special Scientific Interest and further extends the interest features in that it is designated due to its clear unpolluted water with diverse aquatic plant communities and uncommon dragonflies.

Comments regarding the potential impact on the SAC apply equally to the necessity to demonstrate that there will be no deterioration in the interest features for which the SSSI is designated. It is essential that the applicant submits sufficient information to demonstrate that there will be no deterioration in water quality at any stage of the development process. At this stage there is insufficient information available for Cannock Chase Council to determine that the proposals will have no adverse impact upon the SSSI and the interest features for which it is designated.

Local Sites
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 Staffordshire wide context.

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.

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 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.

Whilst there would appear to be no direct encroachment into Wyrley Common SBI there would be buildings and hard standing very close to the boundary. There would appear to be potential for contaminated water to enter this area from the discharge of the proposed septic tanks and runoff from hard standings. Given the nature of the plant communities in this area and their requirement for water that is relatively low in nutrients there is potential for significant harm to the SBI. However, as with other potential issues pertaining to this application there is insufficient information given to fully ascertain the potential impact of the development upon the Wyrley Common SBI. In order to make a robust assessment of the development impact it is essential that detailed drainage proposals are submitted.

Protected and Priority Species

The bird survey carried out in May 2015 showed that there are a number of priority bird species present. Whilst it is difficult to fully ascertain the impact of the proposed development on these species as tolerances species and individuals are subject to significant variation it is likely that constant noise and human disturbance will have an adverse impact on birds in and around the application area. Scientific studies have shown that traffic noise and other human disturbance and result in reduced densities of breeding birds extending up to several hundred metres from the source. Whilst it is noted that new habitats are to be created on the site it is probable that disturbance factors will result in poor utilisation of these new features.

There have been no recent detailed bat surveys carried out but the area will certainly be utilised by bats. Woodland edge and mature hedgerows around the site margin would appear to provide good potential for foraging bats and commuter routes roosts and feeding areas. It should be noted that I aid visit part of the site where it adjoins Wyrley Common on 13 August and it was evident that there were moderate levels of activity by uncommon pipistrelle, soprano pipistrelle and brown long-eared bat. Floodlighting which would be essential for the proposed night-time operation of the track has potential to significantly disrupt bat activity in and around the application area. However the degree to which this is likely to take place would be dependent upon lighting design and the positioning of lighting columns. This will be an

important consideration when determining the acceptability of the application but no details have been submitted.

There is an occupied badger sett close to the application boundary that is likely to be negatively impacted by the development proposals. Night-time operations will be the most damaging in this respect although it should be noted that badgers can become accustomed to quite high levels of disturbance over time.

Overall it can be expected that there will be a negative impact on protected and priority species. There is particular concern with regards to bats in that the total absence of lighting details and predicted light levels prevents any meaningful assessment of the likely impact on these species.

Habitat Creation

Although it is noted that there are proposals for habitat creation on the site the various reports that have been submitted appear to lack any detailed assessment as to the actual viability of the proposals. Some habitat types particularly heathland will require very specific soil conditions in order to become established but sol analysis would not appear to have been undertaken. In the absence of this information it is not possible to demonstrate viability of the proposals and claims of habitat improvement should not carry any great weight in the decision making process.

Conclusions

There is a legal requirement to carry out a Habitats Regulations Assessment but there is insufficient information on drainage aspects to undertake that assessment. At the present time it is not possible to rule out adverse impacts on the Cannock Extension Canal SAC.

Due to lack of information it is not possible to assess the potential impact on interest features within the Cannock Extension Canal Site of Special Scientific Interest as legally required and to demonstrate compliance with Cannock Chase Local Plan Policy CP12.

Due to lack of drainage information it is not possible to fully assess the impact of the proposals on the Wyrley Common SBI and demonstrate compliance with CP12.

Due to lack of detailed information on lighting arrangements and predicted light levels it is not possible to assess the likely impact on bats and demonstrate compliance with CP12.

There will be a significant negative impact on the SBI site within the application area resulting from road construction. Destruction of part of a SBI would not accord with policy CP12.

Comments Received 26 February 2020
The updated EcIA does not provide anything that has not already been submitted. It should be noted that conclusion are based largely upon survey data gathered in 2015. Such conclusions should be treated with caution given that significant species population changes can potentially take place over the long time periods involved. No apparent site change does not necessarily mean that individual species have retained their original status or distribution.

There still remains insufficient data on potential pollutants. I have previously raised the issue of potential landfill and recontouring of the site. The applicant appears to be remaining silent on this issue thereby making it impossible to be certain that there will be no pollution of the canal. No detailed information appears to exist on how pollution will be controlled during the construction phase. In absence of this information I would be of the opinion that it is not possible to show that there cannot be significant adverse ecological impact on the SAC as required for Appropriate Assessment.

With regards to the impact on Local Wildlife Sites and species my comments remain unaltered.

I maintain my previous objection to the application.

Response received 9th and 14th September 2020

I can confirm that I have read the documents submitted in support of this application and have the following comments:

Comments and objections made repeatedly and in detail over the past four years that this application has taken to process remain unaltered. The issues surrounding damage to Local Wildlife Sites remain, there is still insufficient information to complete the Appropriate Assessment to a standard required by legislation.

I have repeatedly raised the issue of how the proposed landforms are to be achieved as there are no cross sections for the proposals to which there has been no response. It appears that to achieve the contours proposed there would need to be major cut and fill or a landfill operation which takes the application way beyond a simple change of use. Given the extraordinary time taken to process this application no weight can be given to ecological appraisals as they are now largely based upon out of date information.

Local Wildlife Sites

The proposed development will have a direct negative effect on the designated Local Wildlife Site at the northern end of the application site where it adjoins the A5. The development if approved would drive a nine metre wide access road through this site. Whilst there have been arguments put forward by the applicant stating that the site is degraded this is a designated Local Wildlife Site at the present time and must be considered to be so when determining the application.

It is acknowledged that natural ecological changes have taken place since the site was originally designated in 1990 but is of high value and still meets the necessary selection criteria. Essentially this site has undergone natural succession from more open wet acidic grassland to woodland. Whilst in some instances this may be considered to represent a decline in a sites ecological value in this case an uncommon wet woodland stand type has developed that conforms to National Vegetation Classification type W4 Betula pubescens-Molinia caerulea woodland. Reference to the Guidelines for the selection of Local Wildlife Sites in Staffordshire Version 6 states that any area of semi-natural woodland or scrub over 0.25ha of a type considered rare or uncommon in a Staffordshire context would meet the criteria necessary for designation. Woodland type W4 is clearly listed as being a type considered rare in the county of Staffordshire. The site was visited on 12th September 2020 to assertion the extent of the W4 stand and it was found to cover most of the designated site. The extent of the stand type was found to be significantly larger than that shown on habitat maps submitted by the applicant. The stand is approximately 1.2 hectares in extent and would be directly impacted by construction of the access road.

The grass on the woodland floor is Molinia caerulea purple moor-grass which is one of the defining characteristics of this stand type.

There are concerns regarding the potential impact of the development on a second Local Wildlife Site, Wyrley Common SBI, which adjoins the application area to the south. This area supports rare wet woodland communities very similar to those on the A5 site. The vegetation in this area is of a type susceptible to damage from elevated nutrient levels in the surface waters that maintain the wet woodland habitat.

There is concern that the proposal to discharge water from the sewage treatment plant into the site will result in increased nutrient levels resulting in a loss or modification of the important plant communities for which the site is designated. It is noted that the applicant has stated that this water would flow directly to the south east of the discharge point taking it away from important wetlands within the SBI. However, on visiting the site and walking the route it was evident that after a short distance the land starts to slope uphill from the proposed discharge point making it impossible to take the drainage in this direction. In fact the contours are such that water would need to flow in a westerly direction and would go directly into an important wet woodland area approximately 150 meters from the discharge point.

From there water would flow into the small watercourse that feeds directly into the Cannock Extension Canal Special Area of Conservation.

Beds of bog moss and sedge on Wyrley Common are highly susceptible to damage from increased nutrient levels.

Wet woodland found on both sites meet the criteria necessary to be considered a priority habitat type as mentioned in Policy CP12 of the Cannock Chase Local Plan 2014.

Cannock Chase Local Plan Policy CP 12 states that planning permission will be refused for developments resulting in the loss of or adverse effects upon a locally designated site, ancient woodland, veteran trees or priority habitat unless:

> there is no alternative suitable 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 the loss.

All three of these tests should be met. In this case it is felt that it would be difficult to show that the need for and wider sustainability benefits of the proposal outweigh its adverse impact upon one and potentially two wildlife sites of county significance supporting priority habitat types.

Whilst it is acknowledged that the landscaping proposals incorporate a number of new habitat features these are more widespread types than those under threat and there can be no guarantee of successful establishment. It should be noted that the habitats that will or are likely to be affected are of a type not easily recreated and therefore represent irreplaceable landscape features. These are scare habitat types because the conditions necessary for their formation are themselves scarce and take significant periods of time to develop.

Attention is drawn to National Planning Policy paragraph 175 (c) which states “development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons”.

Cannock Extension Canal Site of Special Scientific Interest, and Special Area of Conservation.

Water from this site currently drains directly into the Cannock Extension Canal Site of Special Scientific Interest, and Special Area of Conservation, via a culvert under Lime Lane. Due to its conservation designations the canal considered to be of international importance. The canals diverse aquatic plant communities and the presence of an internationally significant population of floating water-plantain Luronium natans are the principle reasons for designation. Good water quality and low levels of pollution are crucial to the maintenance of the sites conservation status.

The Conservation of Habitats and Species Regulations 2017 (as amended) require all competent authorities including local planning authorities to decide whether or not a plan or project with potential to affect a SAC can proceed having first undertaken a Habitat Regulations Assessment. The assessment must be made prior to the granting of consent for any action that may affect the features for which the site was so designated. The legislation requires that where there is reasonable uncertainty that any plan or project with potential to significantly impact upon the features for which a site is designated the precautionary principle must apply. It must be taken that negative impacts are likely to take place unless there is clear evidence to demonstrate otherwise.

The applicant has submitted a number of documents detailing the proposed drainage layout and measures to prevent pollution. However, these relate principally to the operational phase of the development, there is very little information relevant to that of construction which is necessary in order to be satisfied that there can be no significant adverse impact.

Of particular concern is a total lack of information relating to the means by which the final land contours and construction of the acoustic bund are to be achieved. No cross sections have been provided but landscape drawings clearly show that there would be increased surface levels of at least three metres along the southern boundary. Taking into account existing contours this cannot be achieved without substantial surface raising over a very significant proportion of the site.

It is a legal requirement that Cannock Chase Council fully satisfies itself that there can be no adverse impact upon the SAC under any circumstances that may arise from the granting of planning consent. Clearly if there is no information on the nature or origin of infill materials it is impossible to come to such a conclusion. The applicant has remained silent on this issue despite it having been previously raised.

Conclusion

I object on the grounds that the proposals will have a significant adverse impact on local wildlife Sites, the loss of irreplaceable habitat and adverse impact upon UK priority habitats contrary to CP12 of the Cannock Chase Local Plan 2014.

In addition there is insufficient information relating to construction methods to fully determine that the granting of planning consent would not have adverse impacts upon the Cannock Extension Canal SAC and that it can pass tests that are legally required by the Conservation of Habitats and Species Regulations 2017 (as amended).

Response to Publicity

The application was advertised by site notice, neighbour letter and newspaper advertisement. Over 34 letters of representation have been received raising the following issues: -

Support

We are presently having to travel to Tamworth, Fradley, Daventry and Wales in order for my son, partner and grandchildren to participate in go kart racing/ for our nearest race tracks. My son and partner were regular racers at the former Chasewater Go Kart track and the venue has been sadly missed for too long. Chasewater Kart track was a much loved venue and attracted visitors from across the country.

The track would be a great asset to the community, bringing money in to the local businesses, since the loss of the Chasewater track many karters have had to travel long distances to use their karts it is about time Chasewater was replaced as promised by the council all those years ago. Great care has been taken to ensure the noise levels are kept to a minimum so all of the objections to the track do not hold any merit as the location of the track does not effect them in any way.

We are most grateful to you for the trouble taken to arrange two visits to go kart tracks, at Sutton-in -the-Elms and Daventry, in the attempt to allay our fears about noise and light pollution at the proposed Wyrley site, and the presentation viewed at Fishley Park which also demonstrates natural history/ ecological considerations which would enhance the site and local area.

It was observed at Sutton-in-the-Elms that the fairly recently established corporate track is well screened by earth embankments and, whilst the karts then using it were not actually racing, trackside noise levels from 4-stroke engines were not too high. Noise was hardly noticeable at all from a short distance behind the embankments.

By contrast, the much older track near Daventry, where 2 stroke machines were running, has very little screening. The high pitched noise on the track was very loud. Pit-side noise from vehicles warming up (combines with an enveloping wind-blown drift of oil and exhaust vapour) even more so. Whereas noise levels were obviously lower at the upwind end of the site, those of our group who walked some distance downwind reported levels still high.

Based upon our discussion of your plans and screen presentation at Fishley Park, as well as your promises to address any continuing concerns or observations, Canal Transport Services would be happy to support your proposal if go karts are restricted to those with 4-stroke engines. However, there is still concern among some that the high frequency pitch of 2-stroke engines will impinge upon the quality of life at their mooring.

As the nearest full time resident to the proposed track development (residential mooring by Pelsall Road Bridge) I was initially concerned about the possible impact it wold have on my life. having spoken to Mr Johnson, viewed the pans and taken him

up on his offer to visit other similar facilities to experience first hand the noise created I am more than happy for the development to go ahead. I'm confident the plans as they exist will have no adverse affect on residents, include significant improvement to the natural environment over the current farm land and will provide much needed investment and employment creation in the area.

Having been involved since the 1970s with the old Chasewater kart facility via my family I would like to send my support for the new proposal. I am a local resident myself from Heath Hayes and have a family still involved heavily in motor sport. I like many others from the area, we travel long distances to enable our young children to practice karting and this brings with it, heavy costs and tired children. We have seen a vast number of sporting venues closed within the last decade within the district thus decreasing the opportunities that our siblings are now able to attempt.

Given the new designer shopping centre, opening right next to my property, I'm sure traffic and noise may be a little higher but like a kart track, this can be reduced by barriers, noise limits and time controls on running. It won't pollute as much as local barges with the dirty diesel they throw out into eh air and canals. I fully support the application and sincerely hope the elder local residents remember the good times they used to have watching power boats and karts at Chasewater and the hundreds that used to bring business each day of the week during peak times. It was a national attraction and will be once again.

Objections

I have shared use of a narrowboat moored on the Cannock Extension Canal, which is a welcome retreat from the constant noise and bustle of my home in Birmingham. I suffer from multiple sclerosis and find it increasingly stressful to cope with noise, so having a home from home in such a calming and beautiful environment is very beneficial to my health.

If the go karting development goes ahead we would have no alternative but to move the narrowboat to a different location. Having spoken to many of the other owners moored there I am certain that the majority will also be forced to move, depriving the area of income form spending. The canal itself will then suffer as it is the local community that does much to keep it in good repair and available to walkers, anglers, cyclists and visiting narrowboat users.

We already have the noise of the M6 Toll and the A5, being situated between the two. We hear the bumping and banging on Watling Street Business Park. They have this last week [10 September 2016] being combining corn off the fields where the go kart track is to be. We listen to the combine like it is in or back yard. Noise carries, and we are in direct line to have the nuisance of the noise.

A few years ago, meeting were held by Wallace at Wyrley, the Wyrley Off Road Forum. Police from West Midlands and Staffordshire also representatives from Cannock Council's Environmental and Walsall's Countryside Services and Councillors.

The Police Inspectors and Sergeants recommended he did not go ahead with the Go Kart track. Also Karen Solway and Chris Richardson from Cannock Council advised against it.

Mr Wallace went to visit a site similar to what was has been proposed. At his next meeting he told the police and council officers that he found his visit to a go kart tack too noisy and had decided not to go ahead with the go kart track.

On another objection Mr Wallace is desperate to break into Green Belt by any means to make way for the largest tip in the Midlands between Lime Lane and Pelsall Road, where Walsall Council moved to, with all their dustcarts waiting to tip into a hole that isn't yet there.

Objects to the excessive noise that will be created by karts, customers and increased traffic to the area.

Pollution created by karts, waste and added traffic. The Cannock Extension Canal is of Scientific Interest and could be impacted upon by pollution.

Light pollution from the outdoor track, 7 days a week, especially in the winter when it gets dark early. Lights could shine directly into our property.

The A5 is already incredibly busy and at times this can create a serious backlog, however this would also increase traffic and add to these issues causing more issues not only to immediate residents but to commuters and local businesses alike.

We live in a secluded area we benefit from a vast array of visiting wildlife including a large herd of deer who regularly graze in the area which may result in being pushed closer towards a busy stretch of road, we also see a variety of birds including woodpeckers and differing species of larks. However, if this application goes ahead all will be lost.

Local property values will severely decrease.

As it is an outdoor facility there will be no way to control the noise that will severely impact the local area also.

The planning proposal's assessment of predicted noise levels are extremely questionable.

Disappointed to see that planners and the Environmental Planning Department have failed to consider numerous residential Narrowboater's who are as little just 200m away from the proposed track.

Being moored in a semi-rural area, we enjoy dark nights, free from the heavy glow of city street lights. This enables us to enjoy star gazing and a superior quality of sleep.

The area is a rich and diverse haven for wildlife including various deer (Red, Muntjac and Fallow), foxes, badgers, voles, frogs, toads, newts and native snakes, nesting birds of prey such as owls, buzzards, kestrels, woodpeckers, nuthatches, bullfinches, goldfinches, and long tailed tits, rare flor such as water plantain and native orchids. I am concerned about the impact on these.

Lack of need for the facility-there is already a go-kart track in the immediate area, just 6 miles away from the proposed site and several others nearby too.

There is an important amenity for leisure and recreation for many local residents and visitors, including boating, walking, jogging, cycling, fishing and dog walking. I cannot imagine that they would choose to spend their leisure time in this area to a soundtrack of high pitched two stroke engines.

The noise and smell of two stroke engines would be intolerable and due to the construction of boats (often only single glazed and a "wall" thickness of as little as 4mm), retreating indoors would offer little to no respite.

Is there a legal limit of proximity to domestic dwellings?

The proposed noise baffle i.e. a raise bank will in no way mask the noise4 from this proposal.

Could consideration be given for only electric Go Karts only.

The noise assessment document though bulky has no real substance within. It is noted that the nearest property is quoted as 300m from the proposed track, this being a property on the other side of the canal and in a relatively lower level to Lime Lane thereby reducing the noise impact- not mentioned in the assessment. Our own property is on the nearer side of the canal, is actually on Lime Lane and at road level, thereby impacted directly by noise from the proposed scheme.

The assessment quotes guidance on concerts (not a regular event) and British Speedway Promoters Association (BSPA) (i.e. an organisation with a vested interest) where a DRAT code was to be published but did not even reach final DRAFT level. The document quotes "although a limited amount of monitoring has

been undertaken" yet is apparently to be used in some useful manner of the proposed development of a go Kart track. There is no analysis I can find that compares speedway use-presumably events and some practising on speedway bikes compared to constant runs of Go Karts.

The BPSA document records excesses of noise as though they should merely be accepted, which is clearly nonsense. In the case of proposed development it seems to be proposed that 10dB(A) for the 12 hour opening period should be merely accepted for the local properties without any indication that it will be 10dB(A) maximum nor whether this is actually reasonable to inflict in our properties.

The discussion of impact on the selected two properties is rarer devalued by the fact it deals with a property in a sunken disposition (which can actually be seen in figure 2 on page 21) yet is not referred to as a factor in the impact on those properties. In our case the distance cannot be significantly different but the property will have a much more direct and level impact.

Not discussed in the document is the current illicit use of the adjacent ground by motor cyclists, 4x4 quad bikes which operates from, significant distances inside the grounds but produce high levels of noise heard from inside the house on the their occasional incursions. This is an indicator of the sort of nuisance which would become daily and hourly under the scheme.

Noise pollution 12 hours a day 7 days a week may effect dogs in our kennels.

Will increase the potential for accidents on Lime Lane.

There are already 3 Go Kart Tracks within a 16 mile radius of the site the closest being Bloxwich a mere 6 miles away. There are also other Go Kart tracks at Fradley (11 miles) and Tamworth (16 miles).

In a short time in history Norton canes has hugely changed. The green belt has haemorrhaged away, there was plenty but now there is none. Upon Burntwood Road at the junction of Norton east Road houses have been built. Further towards the village along Burntwood Road there are 70 plus houses being built on fields. On Brownhills Road the last open space has had Chasewater Grange estate built and the pocket handkerchief parcel of land is being built on by Walsall housing Group.

There was some ground left between Norton canes and the M6 Toll. Now there are 450 houses being developed.

Who stood up for the wildlife and green belt, it seems that no-one did. Are all those houses in one area worth the loss of the Green Belt.

Norton Canes cannot lose any more Green Belt. Are you going to replace it, if so how and where? If you cannot replace a priceless area of land you should go out of your way to protect it.

In March usually 17th to 21st you will see the yellowhammers flocking on Wyrley Common.

The only place I have actually seen with my own eyes orchids is on Wyrley common and some more further into Engine Lane.

If the traffic created in what is an already busy Lime Lane, access to our site is already difficult enough without the additional traffic created by a development such as this. People that attend these sites also are likely to have large vehicles, trailers, caravans, those entering from Pelsall will have to use the canal bridge on Norton Road, which would struggle to cope with this traffic.

In 206, a review of the Licensing Act 2003 by the House of Lords concluded two relevant findings in relation to noise disturbance:

1) That the agent of change principle should be adopted thereby placing the responsibility to mainta9in, observe and 'respect' the ecology of an existing location upon the newcomer.

   By that it means it is not ok for someone to be allowed to impose a level of disturbance or, the introduction of new/alien activity, such that it substantially and essentially destroys the previous harmonious environment or completely alter the character of a location, upon which existing residents have long relied and depended.

2) The review also concluded that Licensing and Planning Departments should work together in a more joined up fashion to ensure that planning departments scrutinise applications and contribute to the process in the earliest stages of an application to avoid such conflicts arsing, rather than remain 'mute' and disengaged, allowing easily foreseeable noise conflicts to arise.

These two conclusions may well have arisen out of a review of an unrelated piece of legislation, but the principles are exactly the same as in the case of this application and really amount to principles of common decency and common sense. The principle is quoted within Government guidance relating to planning matters.

Refers to Protocol 1 of Article 1 of the Human Rights Act 1998 which protects the right and entitlement of every natural or legal person to the peaceful enjoyment of his /her possessions, except where it is justified in the public interest. What quality of

life can possibly exist for residents faced with the depressing reality of weekends, or time off work being plagued by horrendous and deafening nuisance of motorised carts or bikes going round all day.

Public nuisance is a common law offence.

A person is guilty of public nuisance, who

(a) Does an act not warranted by law, or
(b) Omits to discharge a legal duty, f the effect of the act or omission is to endanger the life , health, property or comfort of the public, or to obstruct the public in the exercise of enjoyment of rights common of all Her Majesty's subjects.

It typically consists either of an environmental nuisance such as carrying on works producing excessive noise or smells, or of offensive or dangerous behaviour in public.

If Cannock Chase District Council grants planning permission for this proposal; to go ahead the Council must then accept full culpability fro allowing future offences to be committed.

Allowing this development would be indirect conflict the Council's duties and functions which require, through the exercise of its powers, the Council to take all necessary and appropriate enforcement action-including bringing prosecutions- to prevent nuisance and protect residents from public nuisances.

Refers to Government guidance in respect of noise which states

> Plan making and decision making must take into account of the acoustic environment, and in doing so consider
> Whether or not a significant adverse effect is occurring or likely to occur
> Whether or not an adverse effect is occurring or likely to occur; and
> Whether or not a good standard of amenity can be achieved.

What are the observed effect levels?

> Significant observed adverse effect level: this is the level of noise exposure above which significant adverse effects on health and quality of life occur.
> Lowest observed effect level: this is the level of noise exposure, above which adverse effects on health and quality of life can be detected.
> No observed effect level: this is the level of noise exposure below which no effect as at all on health or quality of life can be detected.

Although ‘level’ is used here, this does ot mean that the effects can only be defined in terms of a single value of noise exposure.

In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and time of day the noise occurs.

It would be reasonable to assume that permitting such activity on a full time basis, including weekends and evenings, would likely cause an extreme level of disturbance, and have such a damaging impact on the quality of life for all residents within earshot of the location that it is not possible to assume anything less than ‘Significant observed adverse effect level’

At some point I expect someone will say that the noise won’t be so bad if doors and windows are closed.

Well, this is the same argument used in pubs and other business premises and it is not possible, or reasonable to expect people to live their lives, through all seasons, with doors and windows closed.

If, for a noise level not to cause stress, anxiety and be classed a public nuisance, all residents in the audible vicinity are expected to live their summers indoors with their doors and windows closed, the reasonable course of action is to reject the proposal.

Please think of a time you are indoors enjoying your home ands someone with a 1200cc motorbike without baffles roared past your home within a mile radius. Now consider the daytime noise of cars , birds and the occasional plane and the add into that the same incessant and deafening sound of the go carts without baffles , now multiply that to groups of vehicles like a relay so that the noise to the neighbour is relentless and constant.

In case anyone is considering the perspective that the Planning Enforcement officers can deal with this when the inevitable barrage of complaints arrive:

There is no volume button on a go kart or quad bike;
There is no way of preventing the sound reverberating across great distances- as the crow flies;
There is no way of riding or driving one of these vehicles quietly;
There is no way of using them in a considerate or thoughtful way;
There is no available compromise here.

Either you permit this activity and ruin existing residents lives or you reject it and suggest that the applicant look for a more piece of land where it will not plague the lives of everyone in the surrounding locale.

Excessive noise can affect the ability of animals to survive.

Letters of Comment

Mr Johnson [the applicant], to his credit organised coach trips to two already well established cart track venues to try to allay our deep concerns regarding noise levels etc. However, I was not totally convinced that the noise pollution would be acceptable especially regarding the "two stroke" machines which have a much higher pitch than the "four stroke" ones. I understand that the site will be an international venue with races being run all through the day, every day, seven days a week.

If noise pollution were to become unacceptable, our peaceful environment would be lost forever.

There are few places in the conurbation that can truly be regarded as a quite [sic] escape from modern life, and Grove Basin and the adjacent canal is one of them.

My other concerns relate to the effect on wildlife the track will have. Deer frequently use the area, and the adjacent woodland is home to a colony of buzzards.

We understand that the revised application now includes the increased length and height we discussed of the new earth screens on the west and north west sides of the development. For this we are grateful. However, we are still concerned that the high-frequency pitch of the older 2-stroke engined vehicles will not be sufficiently suppressed by these screens and can only support the scheme if the go-karts in use are restricted to those with more highly developed 4-stroke engines.

Relevant Planning History

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."

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 the file was eventually closed.

1 Site and Surroundings

1.1 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.

1.2 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.

1.3 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.

1.4 There is a footpath that crosses roughly east-west across the site.

1.5 There is a small area of woodland abutting the western side of the site beyond which is the Cannock Extension Canal which is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

1.6 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.

1.7 To the north of Pelsall Bridge is a mooring facility for canal narrowboats. In addition there is a scattering of dwellings along Lime Lane.

1.8 Although no water features exist within the site itself there are several ponds adjacent to the site or within 250m of the site.

1.9 The whole of the site is situated in the West Midlands Green Belt.

2 Proposal

2.1 The applicant is seeking approval for a change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works. The plans also show the provision of a proposed hospitality/ administration, garage/ shop and toilet buildings for illustrative purposes only. These elements therefore do not form part of the current proposal. It is stated that it is intended that the outdoor go-kart circuit would be of regional significance.

2.2 The race circuit would be 1200 metres in length.

2.3 It was originally intended that the facility would be open from 08:00hrs to 21:00hrs on seven days per week for 340 days per year and would be available for individuals to practice and use for racing between 10:00hrs and 19:00hrs. However, in a letter from CT Planning, dated 17 December 2018 the applicant confirmed that they would be prepared to accept a condition which restricts the use of the site to 0900 hrs to 1800 hrs on any day.

2.4 Access to the site would be gained via a new seven metre wide access through the frontage copse to the A5.

2.5 The applicant has stated that there would be lighting to the proposed access road which would work as does any street lighting, would have low voltage fittings which could have PIR sensors at night. Track lighting would be directed inwards towards the track and would again be low voltage.

2.6 The submitted plans show a 6000mm high bund to the west of the proposed track and a 2m high mesh fence beyond that.

2.7 No details in respect to the provision of the quantum of parking is provided within section 10 "Vehicle Parking" of the Planning Application Form. However the original submitted plans indicated 107 marked car parking bays (measuring 2.5 by 5m) and what appears to be a further 23 large parking bays (measuring 5m by 10m). There is a further area measuring 90m by 55m adjacent to the formal car park that is marked as hard standing/ parking and which would presumably be used for the parking of vehicles.

2.8 Notwithstanding the above the Landscape Plan 189.12 Rev 4 (received 23rd July 2020) shows a main parking area with 321 parking bays and a further overflow car park for a further 365 cars.

2.9 The application form states that the application is for the "Proposed formation of Go Kart Track with Ancillary Buildings-Landscaping and Tree Planting" and the submitted layout plans and documents include details of several buildings. These include a toilet block and a separate security building at the entrance, a two storey garage/ shop (measuring 45.682m by 15.963m) and a 2 storey "Go-Kart Building" (measuring 42.328mx 20m) incorporating a garage, lobby/reception, 3 offices, first aid and WCs on the ground floor and a reception, kitchen, store changing room, shower room, dining area and WCs and outside viewing areas on the first floor).

2.10 However, the plans of the buildings are marked for "illustrative purposes only", although the planning application form states "we would like to have the buildings taken in principle only and reserve the details for a reserved matters application at a later date". As such the original application was not clear as to what was being applied for.

2.11 However, Officers would state that it is not possible to look at the principle of the buildings under this application as the application has not been made in outline form but is a "full" application. Therefore, given that the buildings have

been submitted for "illustrative purposes only" the application has been assessed on the basis that it comprises

> "a change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works".

2.12 In support of the application the applicant has submitted

(i) Planning Statement
(ii) Landscape and Visual Assessment
(iii) Transport Statement
(iv) Preliminary Ecological Appraisal
(v) Phase 1 Survey Report and Addendum
(vi) Bird Survey Report
(vii) Reptile Survey Report
(viii) Environmental Noise Impact Assessment
(ix) Management Proposal
(x) Landscape Strategy
(xi) Design and Access Statement
(xii) Green Belt Statement
(xiii) Great Crested Newt Report
(xiv) Ecological Impact Assessment

2.13 Many of the above the documents have been subject to several amendments since the application was first submitted in 2016.

2.14 In respect to the Green Belt the applicant has submitted a statement which purports to argue that the proposal does not constitute inappropriate development in the Green Belt but then goes on to assert that should the local planning authority conclude that it does constitute inappropriate development in the Green Belt there are very special circumstances that exist that would justify approval.

2.15 In seeking to demonstrate that the proposal does not constitute inappropriate development in the Green Belt the Green Belt Statement, prepared by CT Planning states [amongst other things] :-

> “The principle of siting a kart racing circuit on the application site was established through the grant of planning permission CH/04/0558 (see Appendix 1) in November 2004. The kart racing circuit that was granted at that time was to accommodate Chasewater Kart Racing that was forced to leave its longstanding home adjacent to Chasewater because of the impending construction of the M6 Toll. Chasewater Kart Racing Club has

never been able to find an alternative site within the Green Belt save for that at the present application site.

The proposed development has two elements. The first element is the engineering operation involved in the formation of the track and associated works including the car parking areas and new access. Second, is the building operations relating to the main reception building, kart shop and machinery store.

In relation to the engineering operations, the Framework advises (paragraph 146(b)) that engineering operations are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In relation to the construction of buildings, the Framework advises (paragraph 145 (b)) that the erection of buildings for outdoor sport and outdoor recreation is not inappropriate “as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.

Openness
The proposal relates to the consideration of a kart racing track and associated facilities. The total site area comprises some 20 hectares. The main elements of the proposals are:

1. Racing circuit some 1250 metres long and some 8.5 metres wide.
2. Main Reception Building including provision for garage, offices, toilets and reception at ground floor with briefing room, changing room/ showers and cafeteria and first floor.
3. A machinery store for the garaging of the karts.
4. Car parking for some 425 parking bays.
5. The provision of a new access to the A5 Watling Street.
6. Construction of an acoustic bund.
7. Extensive landscaping.

The Framework identifies (paragraph 133) that the “fundamental aim” of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt is stated (paragraph 133) to be their “openness and their permanence”.

The word “openness” is not defined in the Framework. This lack of definition allows for some freedom of interpretation. Part of the fundamental aim of Green Belt Policy is to prevent urban sprawl, with the intention of helping to protect the countryside. An assessment as to whether “openness” is preserved by a proposal in the Green Belt is a

matter of judgement based on the merits of each case. It would be reasonable to conclude that “openness” is preserved if there is no significant harm to the status quo.

The proposed kart racing circuit is evidently an essential facility for outdoor sport. The application site is extensive comprising some 20 hectares. The racing circuit and associated car parking circulation space and the footprint of the buildings covers some 16% of the site; 84% of the site will remain open land with public access which will be provided with additional landscaping and managed in order to enhance its bio-diversity in accordance with the recommendations of the various ecological statements that have been submitted in support of the application.

The proposed racing circuit can be introduced without the need for cutting into and forming gradients on the site. The proposed racing circuit responds to the changes in levels of the site and hence its visual impact is minimised. This is confirmed in the submitted Landscape Report.

It is submitted therefore that the hard surfaced areas and car parking areas would not be inappropriate development; openness would be maintained and their provision would not conflict with the purposes of including land in the Green Belt. The landscape proposed by the proposed development and its intended recreational use is not inconsistent with the character of the countryside that surrounds the site and as such the development would not represent an encroachment into the rural area.

It is respectfully submitted that the proposals are consistent with paragraph 141 of the Framework which advises Local Authorities that they should “plan positively to enhance” the beneficial use of Green Belt; and in such circumstances Local Authorities should be “looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and bio-diversity; or to improve damaged and derelict land”.

The development will comprise few permanent structures. Those buildings that are proposed comprise of a main reception building* which incorporates toilet facilities, small café, ancillary storage, garage/workshop and administrative offices. The second building provides secure garaging for the karts. The total floor area of buildings proposed amounts to some 1774 square metres. The structures proposed meet the definition of essential facilities for outdoor space and recreation contained in the Framework and as such the proposed buildings would not be inappropriate in the Green Belt.

Although the buildings by their very definition would reduce openness, they would not be inappropriate as they provide essential facilities for outdoor sports and outdoor recreation and would not therefore be, by definition, harmful to the Green Belt. Furthermore, any harm to Green Belt would be very limited and outweighed by the benefits of the operation and development of the kart racing circuit. It is thus concluded that the nature and scale of the development is such that any impact on openness will be minimal."

* Officers would reiterate that this application is only for a change of use to an outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works. It does not realte to the proposed hospitality/administration, garage/ shop and toilet buildings, the deatails of which have been supplied for illustrative purposes only.

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). Relevant policies in the Cannock Chase Local Plan include: -

CP1:	Strategy
CP3:	Chase Shaping-Design
CP12:	Biodiversity and Geodiversity
CP14:	Landscape Character and Cannock Chase AONB
CP16:	Climate Change and Sustainable Resource Use

Relevant policies in the Minerals Local Plan for Staffordshire (2015-2030) include: -

3.2 Mineral Safeguarding Areas

3.3 <u>National Planning Policy Framework</u>

3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 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 Planning Applications
124, 127, 128, 130:	Achieving Well-Designed Places
133, 134, 143, 144, 145, 146:	Green Belt
163	Flood Risk
170; 175,	Countryside and Biodiversity
180	Impacts of pollution on health, living conditions and the natural environment
189, 190, 192, 197	Impact on heritage assets
212, 213	Implementation

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 in respect to this application are: -

(i) The principle of the proposal

(a) Whether the proposal constitutes inappropriate development within the Green Belt.

(b) Impact on the openness of the Green Belt
(c) Conflict with the purposes of including land within the Green Belt

(ii) Impact on the character and appearance of the area
(iii) Impact on ecology
(iv) Impact on mineral conservation interests
(v) Impact on highway safety
(vi) Drainage and flood risk
(vii) Noise
(viii) Crime and the fear of crime
(vii) Loss of agricultural land
(viii) Impact on public footpaths and common land
(ix) Impacts on undesignated heritage assets and archaeology
(viii) Applicant's case that very special circumstances exist
(ix) Determining whether very special circumstances exist

4.2 The Principle of the Proposal

4.2.1 The site is located within the West Midlands wherein there is a presumption against inappropriate development.

4.2.2 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.

4.2.3 Paragraph 143 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 144 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."

4.2.4 Whether a development would constitute inappropriate development or not is set out in paragraphs 145 and 146 of the NPPF. The lists provided by paragraphs 145 and 146 are closed. Therefore should a development be excluded by the lists then it must constitute inappropriate development in the

Green Belt. Paragraph 145 relates to new buildings within the Green Belt and therefore is not directly applicable to this application (which merely relates to the formation of a go-kart track and which specifically states that any drawings of buildings is for indicative purposes only). 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.

4.2.5 The proposed development has two facets. The first facet of the proposal is that it includes elements which would be defined as engineering operations required in the construction of the track and ancillary parking, turning, circulation and access areas. These include the creation of: -

(i) 1.2km track
(ii) a formal car park comprising 107 marked car parking bays (measuring 2.5 by 5m) and what appears to be a further 23 large parking bays (measuring 5m by 10m).
(iii) an area measuring 90m by 55m adjacent to the formal car park that could be used for the parking of vehicles
(iv) a 6m high earth bund to the west of the proposed track
(v) a new seven metre wide access through the frontage copse to the A5.
(vi) 2m high mesh fence and the erection of external lighting
(vi) toilet block and security kiosk

4.2.6 In the second instance it involves the change of use of land from agriculture to a go-kart track..

4.2.7 The undertaking of engineering or other operations or the making of material changes in use of land need not constitute 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.

4.2.8 It is clear that any proposal which would introduce 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 and the use that it would entail with all its associated paraphernalia and activity (such has parked vehicles). In addition the impacts on the openness of this Green Belt location would be clearly visible from the footpath should that be diverted.

4.2.9 As such it is Officers opinion as the proposal fails to preserve openness it constitutes inappropriate development within the Green Belt.

4.2.10 As to the applicant's assertion 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' 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 merely 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 officer report in the last application, although lacking in clarity to its line of reasoning did take into 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.

4.2.11 The applicant's agent also refers to ' building operations relating to the main reception building, kart shop and machinery' going on to opine that although the buildings 'by their very definition would reduce openness, they would not be inappropriate as they provide essential facilities for outdoor sports and recreation and would not be, by definition, harmful to the Green Belt'. Again Officers would advise that this line of reasoning is fundamentally flawed. This is because in the first instance the buildings shown in the plan are for indicative purposes only and do not form part of the current application [notably at the insistence of the applicant].

4.2.12 In the second instance the actual full test in respect of 'facilities for outdoor sports and recreation' within paragraph145 of the NPPF reads

> "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities

preserve the openness of the Green Belt and do not conflict with the purposes of including land within it."

4.2.13 As such, even if it was accepted, and it is not, that the buildings are for consideration as part of the current application officers consider that it would be difficult, if not perverse, to argue that a building of the dimension shown (and that the applicant asserts would have total floor area of 1774 square metres) in the location that they are shown (that is in the middle of an otherwise open setting devoid of other buildings or structures) could do otherwise than fail to preserve the openness of the Green Belt or conflict with the purposes of including land within it.

4.2.14 As to the fact that paragraph 141 of the Framework advises Local Authorities that they should 'plan positively to enhance' the beneficial use of Green Belt; and in such circumstances Local Authorities should be 'looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land officers would strongly advise that this paragraph should be read in conjunction with other parts of the Green Belt policy and the presumption against inappropriate development in the Green Belt.

4.2.15 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.

4.2.16 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 of regional importance (although subject to a different future) application.

4.2.17 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.

4.2.18 In addition to the above it is noted that paragraph 141 of the NPPF states

> "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

However, this should not be taken that all outdoor sport and recreational proposals should be automatically supported. Paragraph 141 should therefore be considered in relation to other national policy in respect to the presumption against inappropriate development within the Green Belt and should not be taken as providing unqualified support for those proposals which would constitute inappropriate development within the Green Belt

4.2.19 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.

4.2.20 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 and finally onto the weighing exercise to determine whether the harm to the Green Belt and any other harm is clearly outweighed by other matters.

4.3 <u>Appearance and Scale and the Impact on the Character and Form of the Area</u>

4.3.1 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.

4.3.2 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."

4.3.3 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."

4.3.4 In respect to design and impact on the character of an area paragraph 127 of the NPPF 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 In support of the application the applicant has submitted a Landscape and Visual Assessment dated 28th January 2015 and a Landscape Strategy dated May 2015 both prepared by DJOGS Landscape Architect and Ecology Services and a Landscape Plan 189.12 Rev 4 (received 23rd July 2020).

4.3.5 The Landscape Strategy outlines the design objectives to be

(i) To provide landscape in keeping with its surroundings and status.
(ii) To provide a landscape conducive to its intended purposes.
(iii) To provide a joined landscape that provides habitats linkage for wildlife and promotes bio-diversity.
(iv) Provision of public access.

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".

4.3.6 Having regard to the detail of the proposal it is noted that it would entail a change of use of the land however key elements to the operation of this change of use would include buildings for hospitality/ administration, garage, shop and toilet facilities. Although these details are shown as indicative or for 'illustrative purposes only' they would form an essential part of the proposal which is purported to be of regional significance.

4.3.7 Even on setting the buildings, that would inevitably follow approval aside, 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 15,000m^2 of car parking (or a total of . 321 parking bays and a further overflow car park for a further 365 cars), 13,600m^2 of tarmac track and ultimately 1,200m^2 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) Introduce lighting into a relatively dark area to enable use up to 9pm

Such structures would increase the urbanising effect of the development and therefore greatly affect the character of the area and in particular have a detrimental visual impact for users of the footpaths that cross the site.

4.3.8 The Council's Principal Landscape Officer has stated that the revised LVIA [landscape visual impact assessment] whilst reorganising some information does not reduce or alter the concerns and issues noted in his previous response and recommends that great weight should be attached to the harm to the character and form of the landscape that would result from the proposed development.

4.3.9 In respect to the most up to date landscape information provided on 23rd July 2020 the Principal Landscape Officer has stated

> "The overall proposals will require considerable engineering operations including, regrading, alteration of levels, importation of large volumes of material, formations of large and highly visual embankment all to accommodate the proposals. It is thus not a simple change of use as portrayed but a large scale engineering operation. This by its nature will alter the character of the site physically and visually and in so doing have a detrimental impact on the character and openness of the Green Belt, contrary to Policy."

adding

> "The submitted information has still not addressed any of the previous issues raised."

4.3.10 Similarly it is noted that Walsall Council have expressed their concerns in respect to the Landscape and Visual Impact Assessment stating that it is not fully informed by local landscape character assessments such as Planning For Landscape Change (Landscape Character Assessment for Staffordshire) or the Landscape Character Assessment of Cannock Chase District. In addition Walsall Council has stated that there are shortcomings in the identification and assessment of the likely effects of the development in that the assessment should separately consider the baseline situation, the effect of the proposals and the effect of mitigation. Furthermore, Walsall Council has stated that there are a number of statements made in the assessment

under landscape, such as relating to employment opportunities that are not relevant to landscape effects and should be ignored.

4.3.11 It is clear 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 foot-paths that cross the site and which are proposed to pass close to the go - karting circuit.

4.3.12 The proposed mitigation in respect of noise in the form of the original 6m mound (now referred to a 8m mound in the latest Landscape Drawing) 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,

4.3.13 A Landscape Drawing No189.12 Rev4 has been submitted showing the arrangement of the parking areas fro 321 parking bays, and a further area for an overspill car park for 365 cars, the position of the main building and garage and a 8m high bund. The drawing also includes

Areas for new heathland habitat comprising Mosaic of heathland dwarf shrubs, grasses and forbs created by strewing locally sourced material or bespoke mix to match local habitats and on site conditions.

Native screen planting of oak, Birch, Scots Pine, Aspen, Rowan, Holly, Hawthorn, Hazel.

The 8m high acoustic bund would have high wildlife value native vegetation including heathland scrub, woodland and wildflower meadow areas.

10m wide heathland buffer strip between the site and public right of way.

Areas of retained and new woodland.

4.3.14 Although some landscape details are shown on the Landscape Drawing , have very little detail in terms of specification (tree numbers, heights, seed

mix specification) this detail could be controlled through an appropriately worded condition.

4.3.15 In response to the latest set of landscape drawings the comments of the Landscape Officer are noted in particular that the proposal would : -

Alter the pattern of the landscape.
Alter the pattern of use and access within the landscape.
Increase the intensity of use of the area.
Affect the openness of the site.
Introduce built elements/structures into an open site.
Introduce lighting into the dark area.
Introduce noise and disturbance into the area.
Affect the tranquillity of the site/area.
Removes land from agricultural production.
The proposals will change the physical aspects of the site and thus the landscape. It will increase the urban feel and look of the area and as such will have a detrimental impact on the character of the site and the landscape of the area.

4.3.15 In addition it is noted that 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.

4.3.16 It is therefore considered, for the reasons set out in the responses form the Principal Landscape Officer and Walsall Council, that any positive impacts resulting from the landscaping scheme would be clearly outweighed by the negative impact of the proposal taken as whole, such that overall there would be significant adverse impact on the character and form of this rural area.

4.3.13 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, would not form appropriate development within the Green Belt to a design in-keeping with its surroundings or sympathetic to local character and its landscape setting, and therefore would be contrary to Policies CP3 and CP14 of the Cannock Chase Local Plan and paragraph 127(a) (b) and (c) of the NPPF.

4.4 <u>Impact on Ecology</u>

4.4.1 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

4.4.2 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 ne benefits can be provided to compensate for the loss.

4.4.3 In addition to the above paragraph 170 of the NPPF states the planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, geological conservation interests and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

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;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent networks that are more resilient to current and future pressures

e) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

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

4.4.4 Paragraph 175 of the NPPF goes on to state: -

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

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

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or

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

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

4.4.5 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."

4.4.6 Given that the site is in close proximity of the Cannock Chase Extension Canal SAC the Local Planning Authority must 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.

4.4.7 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".

4.4.8 Subsection (5) states "In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be) adding at subsection (6) that "in considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given".

4.4.9 In order to support the application the applicant originally submitted a Preliminary Ecological Appraisal, Phase One Survey Report (Addendum), a Bird Survey Report and a Reptile Survey Report.

4.4.10 The Preliminary Ecological Appraisal made a preliminary assessment of the ecology of the site, noted that the site is currently of medium value to wildlife providing a mosaic of semi-natural and man-made habitats and recommended that further surveying was required including

(i) Butterfly survey for Dingy Skipper, Wall and Small Heath
(ii) Reptile Survey
(iii) Great Crested Newts as a number of water bodies of various sizes exist within the survey site which are suitable for Great Crested Newts
(iv) European Water Vole as the site provides potential habitat

4.4.10 The Phase One Survey Report was initially carried out in January 2015 and concluded that the area is comprised of a mosaic of habitats including arable and pasture farmland, secondary woodland, mature hedgerows and ditches'.

4.4.11 The Survey Report goes on to state "the development of the site for a go-kart track will have implications for both landscape and biodiversity of the site" adding: -

(i) the loss of winter feeding will have some detrimental effect on seed eating birds,
(ii) potential for protected species to be disturbed by the development and further survey work needs to be carried out in those specific areas

(iii) disturbance from increased footfall to wildlife could also have a detrimental effect particularly where use by people and wildlife is in direct conflict and where people will come into contact with nesting birds.

4.4.12 The Phase One Survey Report has been superseded by an Ecological Impact Assessment Document 189/EcIA, Revision Five 11th March 2020 and received 24th July 2020. This report summarises the findings of the report as follows : -

"The proposed development provides a number of threats and opportunities for the biodiversity of the area. This biodiversity is of between international (European) and local importance. There is a requirement within the The Conservation of Habitats and Species Regulations 2017 for an appropriate assessment of the development and its potential to harm sites, habitats or species of European importance. This assessment is intended to provide an appropriate assessment.

The development proposal involves the change of use of farmland (predominantly arable) to use as a go-kart track venue. The development includes the construction of a track area; a reception building; outbuildings, parking, access drive; grassed overflow parking; acoustic earth bunding; two lakes; woodland, amenity grassland, wildflower grassland, heathland, heathland scrub and hedging. There will be a loss of arable farmland and secondary/scrub woodland. As part of the proposal a poorly managed native hedge and deteriorating wet grassland will be restored and sensitively managed. A Biological Impact Assessment found a net gain for the development within a 5 year period

Searches of Staffordshire Ecological Records and EcoRecord data found a number of designated wildlife sites within 2km of the site. Principle of these are Cannock Extension Canal SAC/SSSI (CEC); Chasewater and Southern Staffordshire Coalfield Heathlands SSSI (CSSCH) and Clayhanger SSSI. Other potentially impacted wildlife sites are A5 (Grassland south of) LWS; Watling Street LWS and Wyrley Common SBI.

The site is directly connected to CEC via open and culverted drainage from the site to the canal. The CEC is principally designated for its population of Floating Water Plantain (Luronium natans). This species is sensitive to both disturbance levels and nutrient concentration. 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 hydro carbons from the outflow during operation. The proposed drainage system and the removal of arable farming from the site will consequently provide outflow to the CEC of similar rates and improved quality and will therefore not impact negatively on the CEC or Floating Water Plantain through water quality.

The proposed development is situated 8km south of Cannock Chase SAC, inside the agreed zone of influence set by Natural England. The proposed development is assessed as having no negative impact on the Cannock Chase SAC. It is, however within the boundary of the Cannock Chase and Sutton Park Draft Green Infrastructure Study Area lying approximately between the two sites. The proposed development may contribute to the objectives of this report in creating lowland heath habitat as well as restoring acidic wet grassland habitat. Further to this the creation of a new recreational destination for organized participatory and spectator sport and semi-natural recreational areas with improved access will contribute towards providing alternative destinations to Cannock Chase SAC (Cannock Chase Local Plan 4.88)

The CSSCH SSSI is 700m east of the site at the nearest point. A mosaic of habitats including open water, heathland, woodland and grassland habitats. It supports a range of protected species and is visited by numerous protected bird species. It includes Chasewater reservoir Country Park and Brownhills Local Nature Reserve. These areas are formally coalfield land with highly modified, restored soils. The assessment found a minor impact on potential commuting bat species that can be avoided through lighting control. The proposed habitat creation will have a minor effect on the CSSCH through providing additional local habitat.

No potential impact on Clayhanger SSSI was found

The site encompasses A5 (Grassland south of) LWS and proposes to remove a linear section of woodland to provide a route for the site access road from the A5. The site is designated for a wet grassland communities of Sphagnum moss/Purple Moor Grass and unimproved Wavy Hair-grass dominated grassland of county importance. It is currently deteriorating into secondary scrub and oak-birch woodland of local or borough importance. The net impact on the LWS will be the

loss of a section of woodland and the restoration of part of the wet grassland community by restoring water table and scrub removal.

The site is north of and adjacent to Wyrley Common SBI a 29.1ha mosaic of secondary woodland, wetland and heathland on former colliery site. The proposed development will impact on this site through noise and airborne particulates during construction and operational phases. A CEMP and Site Management Plan will reduce this impact to acceptable levels and avoid others e.g. risk to badgers, hedgehog and amphibians during trenching work and light disturbance to bats. The completed project will provide additional habitat and connectivity across the site for woodland fauna including red deer and bat species.

The site is situated within designated greenbelt. The loss of access due to enclosure of the track is of no greater impact than the restrictions to movement imposed by arable farming. The provision of improved surfaces and management of public right-of-ways crossing the site (including one currently impassable); the provision of an alternative footpath crossing the top of the acoustic bunds giving panoramic views and the creation of open recreational areas centered on the new lakes increases openness by encouraging and facilitating access to the greenbelt countryside."

4.4.13 The report concludes that: -

"The proposed development provides no significant threat to the greenbelt, Cannock Chase SAC and Cannock Extension Canal SAC and nil-negligible negative impact to other local receptors including Chasewater and Southern Staffordshire Coalfield Heaths, local wildlife sites, habitats and protected/ priority species. The net effect short term (construction phase) is negligible negative to negligible positive. The medium term effect (operational phase) will be the enhanced local habitat mosaic adding to the network of local sites including stepping stone heathland habitats between Chasewater, Brownhills Common, and Pelsall North Common.

It will contribute to objectives for creation, restoration and conservation of priority habitats within the Staffordshire LBAP, Cannock Chase Local Plan (CCLP) and Cannock Chase to Sutton Park Draft Green Infrastructure Study (CCSPDGIS). The proposed development will provide new recreational opportunities contributing to the objectives within CCLP, CCSPDGIS and Greenbelt strategy

Environmental services will include the flood defence, carbon capture and biodiversity. Specific measures will provide for the conservation of target species including protected or declining species including Dingy Skipper, Small Heath, Small Copper, Pollinators, linnet, tormentil bee and priority habitats including mixed native hedgerow, wet unimproved grassland.

The proposed development, given the implementation of the control measures within 8.1, will therefore have a positive impact on the local ecology and environment given the stated mitigation methods within section 8 concludes that the development of the recreational facilities have the potential to be detrimental to the amenity value of the site in terms of landscape, noise and disruption" adding careful planning of the facility and a well considered landscape scheme would need to be incorporated into the design of the development." The report also recommends that a Great Crested Newt survey should also be carried out."

4.4.14 The applicant has also submitted a report of Presence/Absence Great Crested Newt Survey, Go Kart Track, Watling Street, dated June 2020. This report concludes that although "There is a likely breeding population of common toad Bufo bufo and common frog Rana temporaria present and a population of smooth newt Lissotritus vulgaris associated with pools 10 and 11" , "Neither pool 10 or 11 support a population of great crested newt". As such the report concludes licensing in respect of development will not be required in this instance as the pools will be retained in their current form and will not be impacted by the proposed development and here is no evidence of great crested newt presence within the development area or immediate environment.

4.4.15 Having had regard to the above it is considered that the main issues in respect to impacts on nature conservation interests are the: -

a) Impact on the Cannock Extension Canal SAC/SSSI
b) Impact on protected species
c) General impacts on nature conservation interests
d) Impacts of the proposed landscaping/ habitat improvements.

<u>Impact on the Cannock Extension Canal SAC/SSSI</u>

4.4.16 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).

4.4.17 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 emergents.

4.4.18 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 (see paragraphs 4.4.6 - 4.4.8 of this report).

4.4.20 The potential impacts on the SAC are therefore intrinsically (but not wholly) linked to drainage system to be adopted in the proposal. In this respect it is noted that additional information in respect to drainage was submitted on 24 July 2020

4.4.21 Further to the previous meeting of Planning Committee officer have undertaken an 'appropriate assessment' of the proposal under the Habitats Regulations 2017. This has been sent to Natural England who have stated

> "Having considered the information available and the advice of the Council's ecologist and local lead flood authority 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.
>
> If the information sought is not provided to your authority to undertake a full appropriate assessment of the proposal then Natural England advises your authority should not grant planning permission at this stage."

4.4.22 The Lead Local Flood Authority (LLFA) has advised that the submitted details do not provide the necessary level of details in terms of connectivity and sizing, water quality measures and management and maintenance and that the submitted MicroDrainage calculation sheets do not appear to correspond

to the drainage layout plan. Furthermore, the Council's Ecologist has expressed concern that there is a lack of information relating to the means by which the final land contours and construction of the acoustic bund are to be achieved and that no cross sections have been provided even though the landscape drawings show that there would be increased surface levels of at least three metres along the southern boundary. In addition the Council's Ecologist advises that there is very little information relevant to the construction phase which is necessary in order to be satisfied that there can be no significant adverse impact on the SAC.

4.4.23 Given the response by Natural England and the Council's Ecologist and the LLFA's comments that (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.

4.4.24 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.

Impacts on Protected Species

4.4.25 The Preliminary Ecological Appraisal made a preliminary assessment of the ecology of the site, noted that the site is currently of medium value to wildlife providing a mosaic of semi-natural and man-made habitats and recommended that further surveying was required including surveying for (i) Great Crested Newts (as a number of water bodies of various sizes exist within the survey site which are suitable for Great Crested Newts) and (ii) European Water Vole (as the site provides potential habitat). In addition the Council's ecologist has stated

> "Woodland edge and mature hedgerows around the site margin would appear to provide good potential for foraging bats and commuter routes roosts and feeding areas. It should be noted that I did visit part of the site where it adjoins Wyrley Common on 13 August and it was evident that there were moderate levels of activity by common pipistrelle, soprano pipistrelle and brown long-eared bat"

adding

> "Floodlighting which would be essential for the proposed night-time operation of the track has potential to significantly disrupt bat activity in and around the application area. However the degree to which this is likely to take place would be dependent upon lighting design and the positioning of lighting columns. This will be an important consideration when determining the acceptability of the application but no details have been submitted."

4.4.26 It is also noted that there is an occupied badger sett close to the application boundary that is likely to be negatively impacted by the development proposals.

4.4.27 It is therefore clear that there is a reasonable prospect that the proposal could impact on various species of bats, the great crested newt (all of which are European protected species, as well water vole and badger (which are given protection under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

4.4.28 The presence of a protected species is a material consideration. Furthermore, in respect to European Protected Species (EPS) the applicant may be required to obtain a license to undertake the development proposed and the local planning authority as a competent authority has duty in the exercise of its powers to have a regard to the provisions of the Habitats Regulations 2010.

4.4.29 The Habitat Regulations allow for derogation from the provisions of the EU Council Directive 92/43/EEC of 21 May 1992 on the grounds of reasons

> "to preserve public health and safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."
>
> provided that
>
> "there is no satisfactory alternative"
>
> and the development
>
> "will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

4.4.30 In respect to the Great Crested Newt the applicant has submitted a Survey Report that indicates that the species is not present within the site. No evidence has been submitted to the contrary and it is noted that the survey has used standard surveying practices. As such the findings of the survey are accepted and it is considered that there is no significant likelihood that the Great Crested Newt would be affected by the proposal.

4.4.31 In respect to the impact on bats it is noted that although no roosts would be lost by the proposal bat foraging activity has been recorded on the edges of the site which could be potentially affected by disturbance from artificial light sources. In response to concerns raised by the Council's ecologist the applicant's ecologist has stated the "proposed development does not include external lighting and therefore impact of lighting should not be considered within the determination", which is astonishing to say that the use was originally envisaged would be open from 08:00hrs to 21:00hrs on seven days per week for 340 days per year and would be available for individuals to practice and use for racing between 10:00hrs and 19:00hrs) and the applicant has stated that some lighting would be required (see para 2.5 of this report0. However, the applicant has also stated he would accept a condition that would restrict the use of the site to 0900 hrs to 1800 hrs on any day, presumably so that there would be no artificial lighting required during the main active bat season (March -October). However, this does not take into account that bats can be active during the winter months. Indeed, Avery (1985) in "Winter Activity of Pipistrelle Bats" in Journal of Animal Ecology, 54, 721-738, concluded that

(i) Pipistrelle bats leave hibernation to feed in all winter months
(ii) Winter activity is most likely on warm, calm nights
(iii) Bat feeding rates are highest on warm calm nights

As such it is clear that the proposed reduction in hours of use is not sufficient in itself to ensure that bats are not disturbed in what may be a crucial time of the year for their survival. It has therefore not been demonstrated that the proposal , as it currently stands without a fully worked out lighting scheme will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

4.4.32 It is therefore concluded that the applicant has failed to provide sufficient information in the form of a lighting scheme to enable the local planning authority to make an assessment of the impact of the proposal on bats and to enable the local planning authority to satisfy itself that the proposal would not be detrimental to the maintenance of the bat populations concerned at a favourable conservation status in their natural range.

4.4.33 The two remaining protected species of concern are water voles and badgers, which although not European Protected Species, are still a material consideration. In respect to the Water Vole it is noted that the applicant's Ecologist has stated that there is no suitable habitat on site. No evidence or statements have been made that would contradict this assessment and as such it is considered that Water Voles do not constitute a significant constraint to the proposal.

4.4.34 In respect to the Badger it is noted that the Council's ecologist has stated that There is an occupied badger sett close to the application boundary that is likely to be negatively impacted by the development proposals and that night-time operations will be the most damaging in this respect although it should be noted that badgers can become accustomed to quite high levels of disturbance over time. However, no objections have been forwarded in respect to impacts on Badgers and it is concluded that this specie does snot represent a significant constraint on the proposal.

Impact on Sites of Local Importance for Nature Conservation

4.4.27 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.

4.4.28 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.

4.4.29 It is noted that the Council's Ecologist has stated that 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 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.

4.4.30 The Council's Ecologist has gone on to state that whilst there would appear to be no direct encroachment into Wyrley Common SBI there would be buildings and hard standing very close to the boundary. As such there would appear to be potential for contaminated water to enter this area from the discharge of the proposed septic tanks and runoff from hard standings. Given the nature of the plant communities in this area and their requirement for water that is relatively low in nutrients there is potential for significant harm to the SBI. However, as with other potential issues pertaining to this application there is insufficient information given to fully ascertain the potential impact of the development upon the Wyrley Common SBI. In order to make a robust assessment of the development impact it is essential that detailed drainage proposals are submitted.

4.4.31 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 of the aquatic environment. In this respect it is noted that the proposal should be refused unless there is no alternative site for the proposal. Furthermore, it is officer's opinion that it has not been demonstrated that there are no other suitable alternative sites which could accommodate this development within the West Midlands area, given that the development is purported to be of 'regional significance'.

4.4.32 In addition to the above it is considered that there are no demonstrable wider sustainability benefits that would outweigh the adverse impacts of the proposal on the SBI. Finally, given the comments in paragraphs 4.4.34 and 4.4.35 that appropriate mitigation measures or new benefits can be provided to compensate for the loss of habitat within the SBI.

Impact on Priority Species

4.4.33 The bird survey carried out in May 2015 showed that there are a number of priority bird species present. Whilst it is difficult to fully ascertain the impact of the proposed development on these species as tolerances of each species and individuals are subject to significant variation it is likely that constant noise and human disturbance will have an adverse impact on birds in and around the application area. Scientific studies have shown that traffic noise and other human disturbance result in reduced densities of breeding birds extending up to several hundred metres from the source. Whilst it is noted that new habitats are to be created on the site it is probable that disturbance

factors will result in poor utilisation of these new features by breeding birds, particularly given that the track is proposed to be used 340 days per year and would be available for individuals to practice and use for racing between 10:00hrs and 18:00hrs.

Habitat Creation

4.4.34 The application provides some indication of habitat enhancement in the form of heathland creation and the planting of trees and hedgerows. This has been recognised by Natural England which has stated that the application provides opportunities to incorporate features into the design which are beneficial to wildlife, primarily through the creation of new wetland habitats and the management and enhancement of existing semi-natural habitats.

4.4.35 However, the Council's Ecologist has noted that although there are proposals for habitat creation on the site the various reports that have been submitted appear to lack any detailed assessment as to the actual viability of the proposals. He has gone on to advise that some habitat types, particularly heathland, will require very specific soil conditions in order to become established but soil analysis would not appear to have been undertaken. He has therefore concluded that in the absence of this information it is not possible to demonstrate viability of the proposals and therefore the claims of habitat improvement should not carry any great weight in the decision making process.

4.4.36 In summary it is considered that: -

(i) insufficient information has been submitted to allow the local planning authority to make an appropriate assessment of the impacts on the Cannock Extension Canal SAC/ SSSI as it is legally required to do under the Habitats Regulations:
(ii) insufficient information has been submitted to allow the local planning authority to make a full assessment of the impacts of artificial lighting on bats which are a European Protected species.
(iii) 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
(iv) insufficient information has been submitted to allow the local planning authority to undertake an assessment of impacts on Wyrley Common SBI.
(v) the details of habitat creation/ enhancement have not been demonstrated to be viable and with the disturbance from the use of track are likely to be of little utility to breeding birds.

4.5 Impact on Mineral Conservation Interests

4.5.1 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."

4.5.2 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.

4.5.3 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.'

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

4.6 Impact on Highway Safety

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

4.6.2 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.

4.6.3 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.

4.6.4 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.

4.6.5 In order to inform the application the applicant has submitted a Transport Statement 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.

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

(a) the proposed development would be accessible form egnA5 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.
(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 this 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.

4.6.7 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

4.6.8 The transport statement goes onto 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.

4.6.9 Notwithstanding the objections from Staffordshire Police, Highways England, which is responsible for the A5, following extensive negotiations with the applicant, had, in their response dated May 2018 confirmed that

(a) the case put forward by the applicant indicates that there is no viable option available to the applicant except to promote a new access on the A5; and

(b) the junction assessments for the adjacent roundabouts on the A5 , i.e. Turf Island and Rising Sun Island, show that there is sufficient capacity on the Strategic Road Network at both junctions to accommodate the occasional increase in traffic associated with race weekends; and

(c) the Road safety Audit (RSA) Stage 1, dated March 2018 and the Walking, Cycling and Horse-riding Assessment and Review have been completed in accordance with the Design Manual fro Roads and Bridges 19/15 and HD42/17 and therefore can be considered acceptable;

Highways England at that time stated that it therefore had no objections to the proposals subject to conditions. In addition the County Highway Authority has confirmed that it has no objections subject to conditions.

.6.11 The comments of Highway England and Highway Authority are accepted and it is considered that subject to the recommended conditions the proposal would not have an unacceptable impact on highway safety and its residual cumulative impacts on the road network would not be severe. As such the proposal would be in accordance with the provisions of Paragraph 109 of the NPPF.

4.7 Drainage and Flood Risk

4.7.1 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.

4.7.2 Paragraph 163 of the NPPF states "when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere".

4.7.3 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, Micro-Drainage Calculations and Percolation Testing, the latter three documents received 24 July 2020.

4.7.4 The Lead Local Flood Authority has considered the above proposals and has advised that

(i) The drainage layout plan lacks the required level of detail in terms of connectivity and sizing
(ii) The submitted MicroDrainage calculation sheets do not appear to correspond to the drainage layout plan
(iii) they require a plan and schedule of proposed impermeable areas to allow verification of the MicroDrainage values used.
(iv) they require supporting information to demonstrate that sufficient water quality measures have been incorporated into the design.
(v) Provision of an acceptable management and maintenance plan for the proposed surface water drainage system needs to be provided, to ensure that measures are in place for the lifetime of the development.

4.7.5 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.

4.7.6 The comments made by the LLFA are accepted and it is concluded that the applicant has failed repeatedly to submit 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.

4.8 Impact on Residential Amenity

Noise

4.8.1 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 127(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".

4.8.2 Given that the proposed use would by its very nature generate significant levels of noise into this countryside location it is noted that paragraph 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. 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.

4.8.3 In order to support the application the applicant has submitted an Environmental Noise Impact Assessment undertaken by Hill Engineering Consultants Limited. The report concludes

(a) Ambient background noise levels have been measured on a Sunday evening and Monday morning at the nearest residential properties at risk, 143-145 Lime Lane, 22m from the nearest boundary and 300m from the nearest part of the proposed track. A worst-case (i.e. minimum) ambient background noise level of 40dB L_{A90} is adopted for the purposes of this assessment based on ambient background noise levels monitored, occurring on a Sunday evening. Local ambient noise there predominantly comprises local road traffic on the adjacent B4145 Lime Lane, and more distant road traffic on the A5 Watling Street.

(b) It is proposed to erect a substantial earth bund to the western aspect of the proposed site. This would result in no direct line of sight to the proposed go-kart track from 143-145 Lime Lane, with a predicted minimum of 13dB shielding offered.

(c) A go-kart noise criterion of 10dB(A) in excess of the existing ambient background noise is suggested based on experience at other sites. Consequently, a go-kart noise criterion of no greater than 50dB$L_{Aeq,1h}$ is recommended at 143-145 Lime Lane. This is a noise level predicted external to the front of the property, under free-field conditions.

(d) based on noise levels measured for ten Sodikart GTs in use at Sutton in Elms go-kart track and thirty four X30 two stroke karts in use at Whilton Mill go-kart track, the predicted noise level from eighteen identical karts in use at the proposed Watling Street development becomes 32dBLaeq, 1h and 40dBLaeq,1h respectively.

(e) The predicted go-karting noise levels, 32dB$L_{aeq,1h}$ and 40dB$L_{aeq,1h}$ are 18 dB(A) and 10dB(A) below the proposed criterion of 50dB$L_{aeq,1h}$ respectively and should consequently prove perfectly acceptable. No environmental noise mitigation measures are necessary in addition to the proposed earth bund to the western aspect.

4.8.4 The Environmental Health Officer has undertaken a review of the Environmental Noise Impact Assessment undertaken by Hill Engineering Consultants and has raised concerns regarding the monitoring methodology applied and conclusions that have been drawn within the report. These are outlined in the response from the Environmental Health Officer (EH0) earlier in this report and supported by the representation from Walsall District Council (which are again provided in full earlier in this report.

4.8.5 The main issues raised by the two respective Environmental Health Officers are: -

(a) The intended use is for seven days per week between the hours of 09.00 to 21.00 ours. This consequently encompasses more (noise) sensitive periods or evenings (post 19.00 hours), Bank Holidays, Public Holidays and weekends (most notably Sundays) when ambient sound levels classically subside to reduce commercial and industrial activity etc., rendering any newly introduced sound signatures potentially more invasive.

(b) The now superseded (2014) British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' is quoted on page 8 of the assessment. BS4142 is not an applicable standard for the assessment of motorsport. This is detailed in the scope of the current 2014 update of the standard which explicitly states in its Scope "The standard is not intended to be applied to the rating and assessment of sound from (a) recreational activities, including all forms of motorsport".

(c) Page 10 of the assessment quotes the British Speedway Promoters' Association @Preliminary assessment of environmental noise from Speedway in the UK (2003)'. This document is not formally recognised guidance document or code of practice for the assessment of motorsport noise and its application for the assessment of noise from a proposed go-karting track is clearly not applicable.

(d) The noise emission data obtained from the assessment of Sodikart GT4 karts at Sutton in the elms & X30 two-stroke go karts at Whilton Kart Club respectively, is based on what appears to be limited monitoring data from a single monitoring position located adjacent to the respective tracks. This limited data does not suitably assess potential noise impacts from the respective karts and therefore, cannot be deemed as being representative.

(e) It is noted that ambient background noise levels and predicted noise impacts of the karting track were assessed at the nearest residential receptors in Lime Lane, Little Wyrley (300m to the western edge of the proposed track). A large residential estate (within Walsall Council's boundary) is located approximately 500m to the north-east of the site. The potential impacts of noise emissions from the track clearly need to also be assessed from this location.

(f) The use of a 10dB(A) exceedance over background noise level is not recognised approach for the assessment of motorsport noise and compliance with World Health Organisation guidance of LAeq 50dB(A) is not considered applicable as this is intended to apply to continuous noise over the daytime 16 hour period. In addition the Walsall EHO advises that the use of the WHO based 50dB Leq metric for annoyance (which is intended as an 8 hour strategic indicator) is applied over 1 hour periods is not fully justified and on one hand is applied to demonstrate compliance with a notionally acceptable criteria, whilst concurrently exceeding a Background Sound Level by a margin of 10 dB(A), which if accepting the philosophy of BS 4142, would render the noise impact as problematic.

(g) The Noise Council's *Code of Practice on Environmental Noise at Concerts* is cited. This has no relevance to motorsport activities and with respect to Go-Karting, neither does the British Speedway Promoters' Association, *Preliminary assessment of environmental noise from Speedway in the UK*" (March 2003).

4.8.6 The Walsall District Council EHO advises that the nature of motorsport activities is typified by an intermittent sound/ noise profile occasioned by a series of events, for example, practice sessions, heats, races and so forth that punctuate the ambient noise profile. This, coupled with the fact that the sound is anthropogenic, renders it more likely to provoke an adverse reaction among receptors. Furthermore, the Walsall EHO goes on to state

> "An incorrect approach is advanced for the purposes of noise impact assessment. In the first instance, it would be appropriate to consider the installation as an area sound source (rather than a standard hemispherical format) to inform a noise modelling exercise based on a worst case scenario utilising spectral sound pressure level/sound power data. Ensuring from this, noise levels at sensitive receptors can be determined in conjunction with the need for mitigation".

adding

"A factor that is not adequately catered for is the likely audibility of Go-Karting noise as distinct from its level(s) comparative to existing ambient or Background Sound Levels. The introduction of a new, mechanised acoustic feature allied to its perceived need by non-participants/users of the facility can be instrumental in the likelihood of complaint responses. Concerns are also raised in that all noise sensitive receptors within the sphere of impact have not necessarily been evaluated."

4.8.7 In addition to the above the Inland Waterways Association (IWA) notes that the Cannock Extension Canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area.

4.8.8 Furthermore the IWA points out that although the Noise Assessment considers the two houses on Lime Lane as noise sensitive properties it fails to assess the impacts on the many residential boats along this section of the canal. Between the Pelsall Road Bridge and the canal boatyards there are about 10 boats occupied as main residences, with about 7 more between the boatyards and the A5 and another 2 in Grove Basin south of the road bridge and states that the 19 full-time residential boats should be given at least the same consideration as the residential buildings.

4.8.9 The IWA goes on to state that Boat residents are inherently more susceptible to external noise than occupants of buildings due to the boats construction, generally of steel and with only single glazing and the more outdoor orientated lifestyle of boaters. Furthermore, although the IWA acknowledges the plans show a 6 m high baffle bank to the west side of the track and additional screen planting towards the canal which will help reduce transmission of noise from the go-karts to a few of the boats moored directly opposite the site nearest Pelsall Road bridge the bank would need extending along the north and south sides to screen the direct transmission of noise from the track to the majority of the residential boats moored further north up to the A5 and those to the south at Grove Basin.

4.8.10 In response to the comments made the EHO (above and during the various exchanges of subsequent correspondence) the applicant has submitted a letter from RandTech Consulting, dated 10th May 2020, which provides a technical review of the EHO stance. This concludes that "the issues raised by CCC Environmental Health are of any technical significance and the noise assessment issued in April 2015 is technically correct in its approach and conclusions".

4.8.11 However, in response to the letter from RandTech the EHO has stated

> "The letter report concludes there is no need to revisit the original noise assessment from Hill Engineering (2015), and that if the noise monitoring were repeated, the resulting traffic noise would be greater than it was in the 2015 measurements. I sense a general unwillingness to carry out subsequent monitoring of local conditions (which could include 1/3 octave band analysis). I am in agreement that repeating the monitoring exercise is not considered mandatory by Environmental Health. But, the above uncertainties cannot, in their totality, be ignored."

4.8.12 Therefore comments of the Cannock Chase and Walsall Environmental Health Officers and the IWA are accepted and it is considered that the applicant has failed to provide sufficient information to demonstrate that nearby residential dwellings will continue to have a high standard of residential amenity.

4.9 Loss of Agricultural Land

4.9.2 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.

4.9.3 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;

4.9.4 The site is graded as "Good to Moderate" on Natural England's Agricultural Land Classification Maps and therefore does not constitute land which constitutes best and most versatile agricultural land. Therefore, although the proposal would result in the loss of approximately 18ha of agricultural, given that the land is not of the highest quality the harm to the wider benefits gained from the natural capital and ecosystem services provided by that land would only be slight.

4.10 Impact of External Illumination

4.10.1 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. In doing so they should[amongst other things]:

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.10.2 Originally, It was intended that the facility would be open from 08:00hrs to 21:00hrs on seven days per week for 340 days per year and would be available for individuals to practice and use for racing between 10:00hrs and 19:00hrs. The applicant further stated that there would be lighting to the proposed access road which would work as does any street lighting, would have low voltage fittings which could have PIR sensors at night. Furthermore, it was stated that track lighting would be directed inwards towards the track and would again be low voltage. As such it was clear that the proposal would involve extensive use of external illumination for much of the year and particularly during the winter months and that this could potentially impact on the amenity of the area, add to impacts on the Green Belt by emphasising the built form on the site, and impact on surrounding ecology to light sensitive species such as bats and badgers and some species of night flying invertebrates..

4.10.3 As a consequence the Walsall District Council Environmental Health Officer has stated: -

"While no reference appears to have been made to whether the proposal includes the installation of floodlights along the route of the track, as the proposal states that the facility would operate from 9 a.m. to 9 p.m. 7 days a week – with no indication that the operation hours would be reduced during the months of the year unable to provide sufficient natural light for the proposed activity – if there is a prospect of lighting later being sought this matter should be addressed at this stage of the planning process. If lighting were to be required, or to be sought later on, for the proposal this would have important implications as an assessment should be made of the potential impacts this could have on users of the surrounding road network, the amenity of surrounding residents, landscape, Green Belt openness and wildlife."

4.10.4 In stead of coming forward with a full lighting scheme, showing the positions of lights, their specification and lux levels, the applicant merely responded by confirmed that the is prepared to accept a condition which restricts the use of the site to 0900 hrs to 1800 hrs on any day.

4.10.5 This would still lead to a large proportion of the year, notably late October until late March when lighting would be required for differing lengths of time during that period and which would introduce light into a dark area with subsequent impact of light pollution and impact on the rural character of the site and its immediate area.

4.10.6 The suggested condition on the limiting hours is therefore no substitute for a well thought out lighting scheme that would enable all parties involved to determine the full impact of the scheme on all acknowledged interests such as the character of the area and ecology and on residential amenity through glare.

4.10.7 It is therefore recommended that the application be refused on the grounds that insufficient information has been provided to allow a full and proper assessment of its impacts in respect to lighting.

4.11 Crime and the Fear of Crime

4.11.1 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.

4.11.2 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".

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

4.11.4 The comments of Staffordshire Police in respect to

(a) the provision of food and possibly alcohol within the hospitality building; and
(b) crime and terrorism

are noted.

4.11.5 However, the hospitality building does not form part of this application, would be ancillary to the main use of the site and would be subject to the provisions of the licensing authority. As such the issues raised by the police in respect to the hospitality building would be more appropriately addressed at the time should any subsequent application be submitted for the building.

4.11.6 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 generally 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.

4.12 Impacts on Public Footpaths and Common Land

4.12.1 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."

4.12.2 In this respect it is noted that the Rights of Way Officer has stated

> "A number of public rights of way run across the proposed application site which is not recognised in the application documents. The application form states that no public rights of way will be affected. This is incorrect and the County Council must therefore submit a holding objection to the proposals as they currently stand."

4.12.3 However, although officers note that the application form clearly states that the proposal does not require any diversions or extinguishments such diversions are clearly shown on the proposed site plan with the main plan

crossing the site being diverted to the north. As such the applicant is fully aware of the existence of the various rights of way crossing the site.

4.12.4 It is noted that the Public Rights of Way Officer has submitted no objections in respect to the proposed diversions merely confirming that the 'attention of the developer should be drawn to the existence of the paths and to the requirement that any permission given does not construe the right to divert, extinguish or obstruct any part of the public path network' and that 'the applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or diversion'.

4.12.5 It is also noted that the Rights of Way Officer has also advised that should any of the footpaths need to be diverted to allow the development to take place the local planning authority will need to process an Order under section 257 of the town and Country Planning Act 1990 and the County Council will need to be formally consulted on any proposal to divert the public rights of way.

Loss of Common Land

4.12.6 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.

4.12.7 Although it is far from certain how this situation arose, the fact remains that part of the site is designated as open access/ common land and therefore has amenity value which would lost without any mitigation or compensation on the grant of any permission. In this respect the proposal would result in some harm to the recreational value of the wider common/ open access land, albeit the loss of the land would be relatively small and not constitute land of particular recreational or nature conservation value. Nevertheless given the importance of open access land, especially in low-land areas where open access land is often at a premium it is considered that moderate weight should be afforded to this loss.

4.14 Impacts on Undesignated Heritage Assets and Archaeology

4.14.1 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).

4.14.2 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.

4.14.3 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"

adding

> "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".

4.14.4 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."

4.14.5 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.

4.14.6 In respect to the above the comments of the County Archaeologist are noted and it is concluded that given the scale and nature of the proposed scheme, coupled with the demonstrable low archaeological potential no further archaeological evaluation/ mitigation would be appropriate in this instance.

4.14.7 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.

4.14.8 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.

4.15 Applicant's Case that Very Special Circumstances Exist

4.15.1 In support of the applicant's assertion that very special circumstances exist the applicant initially made the following comments: -

> "The principle of this form of development on the application site has been previously agreed by the Council. It was recognised in 2004 that this was a form of development to be welcomed to the District and that the proposed site, on the fringe of the conurbation was an appropriate location for such investment despite its inclusion in the Green Belt.
>
> The proposal was to replace a similar facility at Chasewater that has been lost to construction of the M6 Toll Road. Although that project did not materialise through the absence of a section 106 agreement the need and potential demand for a replacement has not gone away. This is a material consideration in favour of the Council supporting the proposal.
>
> No similar facility exists within easy range of the conurbation. The nearest equivalent facility, registered with the MSA (Motor Sports Association) is at Daventry some 60 miles away. There are no other MSA registered facilities within the Midlands. The MSA website directory shows no other facility within 50 miles of the application site in the West Midlands,

Shropshire or Warwickshire. The site has huge potential to provide an important base for the sport in the region and add a popular sport to the attractions of the District.

Any other tracks within the environs of the conurbation are not registered with the MSA and cannot the facilities and sporting opportunities that the proposed development would.

Clearly the site is important in the Green Belt and the applicant would work closely with the Council to ensure that any impact on openness would be minimised and other matters such as advertisements and directions to the site are strictly controlled.

The previous approval in principle is an important material consideration and the applicant is working together with the land owners, the Wallace Estates to bring the project to fruition.

The project as full support of the MSA as verified in letters of support. The importance of the project in the delivery of opportunities for participation in sport is acknowledged. It is worthy of note that kart racing has often been the nursery slope for other drivers who have progressed to other forms of motorsport including Formula 1.

The complete absence of any such facilities for participation in the sport, which is a popular form of outdoor recreation, within the entire West Midlands Region, is a material consideration of substantial; weight. The need for such a facility is recognised by the sport's governing body and carries some weight. No other site has been identified in the years since the Chasewater site was forced to close.

The application site represents an ideal opportunity top provide a quality a sporting facility in the area. It is a prime location with good access. It is removed from housing, a necessity to avoid any risk of complaints regarding noise. Nevertheless, the applicant has engaged noise consultants to demonstrate that the proposal would not have any adverse impact.

The proposal would provide job opportunities and provide potential customers for other local facilities such as pubs and restaurants.

The site is crossed by rights of way and the proposals will give an opportunity to enhance these and to create enhanced habitats for wildlife."

4.15.2 The applicant has subsequently sent in a Green Belt statement which has also added the following comments 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."

4.16 Determining Whether Very Special Circumstances Exist

Officers' Comments of the Applicant's Case

The Previous Application

4.16.1 In respect to the applicant's assertion that 'the principle of this form of development on the application site has been previously agreed by the Council' it is noted that although a planning application (ref CH/04/0558) was received in 2004 it was never formally determined and the file was finally disposed of. Further, had any application been determined at that time it would have been determined in the light of policy and guidance that was in force at that time and with regard to any material planning issues present at that time. 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 and 2019, and the adoption of the Cannock Chase Local Plan (Part 1) 2014.

4.16.2 In addition to the above the previous application sought permission for a replacement for "a similar facility at Chasewater that ha[d] 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 building and as such 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 race track facility was refused on the grounds that very special circumstances had not been demonstrated

4.16.3 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.

The Need for the Facility and absence of other Similar Facilities

4.16.4 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.

4.16.5 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.

4.16.6 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.

4.16.7 In the first instance it is noted that there has not been an open air go karting track within the local area since the closure of the Chasewater site, prior to 2004, that is for over 14 years and yet the Chasewater Kart Racing Club has been able to function over this period in the absence of a local track. As such it can only be concluded that a track is not essential for the survival of the club, as it has been able to continue in the absence of track for over 14 years.

4.16.8 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".

4.16.9 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".

4.16.10 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: -

> "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".

4.16.11 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".

4.16.12 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.

4.16.13 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 illustrated above by the former user of the Chasewater track who now utilises the ones at Tamworth and Fradley.

4.16.14 In respect to the reference to the supporting letter from the Motor Sports Association (MSA) this only gives generic support and provides no evidence

to support the assertion that there is a demonstrable need for the facility within the area.

4.16.15 Given the above it is considered that the applicant's assertion that there is a need has not been demonstrated or supported by any evidence and as such little weight should be afforded to this consideration.

Need for the Facility on the Site

4.16.16 Given that the proposed facility is purported to be of regional importance potentially 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.

4.16.17 As such the applicant has not demonstrated that there is a demonstrable need to use the particular application site for the proposal and why other sites are not available or have been discounted. Furthermore one would expect that any study for a truly regional facility would be region wide in the range of sites it has considered and discounted.

Job Opportunities

4.16.18 It is noted that the applicant states that the proposal would provide job opportunities and provide potential customers for other local facilities such as pubs and restaurants. This is accepted and it is considered that this is a material consideration that weighs in favour of the proposal. However, it is also noted that any new job creation and economic benefits arising from the proposal would be relatively small. In addition any benefits to the economy should be balanced against any negative impact on existing businesses which depend on visitors in and around the site, particularly users of the canal moorings, which also operates throughout the year and which depends, at least in part, on the relative tranquillity of the semi-rural area around the moorings. Noise and general disturbance from the go-karting track may have a significant impact on the desirability of the moorings and therefore may result in negative impacts on established businesses. As such it is considered that only limited weight should be afforded to the economic impacts of the proposal including job creation.

Ecological Improvements

4.16.19 The applicant asserts that the site is crossed by rights of way and the proposals will give an opportunity to enhance these and to create enhanced habitats for wildlife.

4.16.20 In respect to enhancements of rights of way across the site it is noted that the existing right of way is acceptable for its purpose, which is to provide a footpath through a rural area. Furthermore, any proposal to divert the path would require an acceptable replacement path to be constructed. As such it is not accepted that any particular public benefit would arise from the purported footpath improvements.

4.16.21 In respect to the purported enhanced habitats for wildlife, it is noted that although some habitat creation is proposed this at best only mitigates some of the impacts through direct loss of habitat resulting from the proposed access through the woodland Site of Biological Interest and loss of the field and hedgerow. In addition the utility of the habitats created to birds and other vertebrates is also questionable given that the noise and general disturbance caused by using the facility between the hours of 10:00hrs and 19:00hrs on seven days per week for 340 days per year, the external illumination required in winter and security fencing would render much of the site unsuitable for a wide variety of species.

4.16.22 As such it is considered that the proposal, on balance, would have a negative impact on nature conservation objectives and the ecology of the site and its surroundings and therefore does not lend significant weight in favour of the proposal.

<u>The Planning Balance and the Test for Very Special Circumstances</u>

4.17.1 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.

4.17.2 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 harm to the rural character and form of the area, limited weight to the loss of agricultural land and moderate weight to the loss of open access/ common

land, moderate weight to the harm to the ecological value of the woodland Site of Biological Interest within the site.

4.17.2 Further to the above it is considered that the applicant has not provided sufficient information to make a full and proper assessment of impacts on: -

(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.
(iii) Wyrley Common SBI
.(iv) the residential amenity of the occupiers nearby dwellings and canal boats.
(v) drainage

4.17.3 In respect to the considerations put forward by the applicant in support of the proposal it is considered that no weight should be afforded to the previous application, little weight to the need for the facility and the asserted absence of other similar facilities, limited weight to the job opportunities and economic benefits and no weight to the proposed 'ecological improvements'.

4.17.4 |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.

4.17.5 Accordingly, it is recommended that the application be refused for the above reasons

5 Human Rights Act 1998 and Equalities 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.

EQUALITIES 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.

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

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 is acceptable having had regard to the aim of the Equalities Act.

6 Conclusion

6.1 The proposal is located within the West Midlands Green Belt wherein there is a presumption against inappropriate development which should be refused unless very special circumstances exist that would justify approval.

6.2 Very special circumstances can only exist where the harm, to the Green Belt and any other harm is clearly outweighed by other considerations.

6.3 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 harm to the rural character and form of the area, limited weight to the loss of agricultural land and moderate weight to the loss of open access/ common land, moderate weight to the harm to the ecological value of the woodland Site of Biological Interest within the site

6.4 Further to the above it is considered that the applicant has not provided sufficient information to make a full and proper assessment of impacts on: -

(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.
(iii) Wyrley Common SBI
(iv) the residential amenity of the occupiers nearby dwellings and canal boats through noise.
(iv) Drainage.

6.5 In respect to the considerations put forward by the applicant in support of the proposal it is considered that no weight should be afforded to the previous application, little weight to the need for the facility and the asserted absence of other similar facilities, limited weight to the job opportunities and economic benefits and no weight to the proposed overall 'ecological improvements'.

6.6 |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.

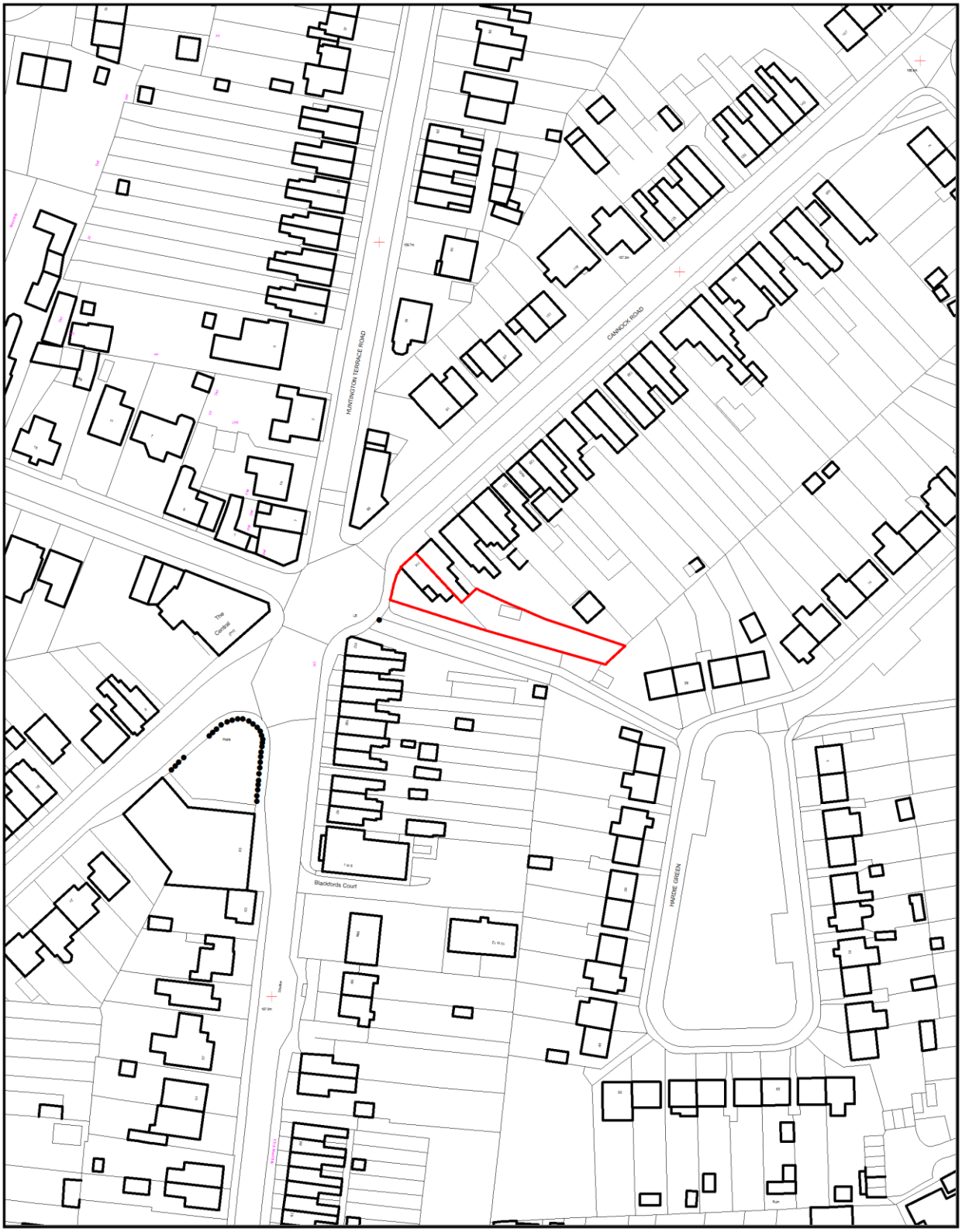
6.7 Accordingly, it is recommended that the application be refused for the above reasons

Application No: CH/20/197

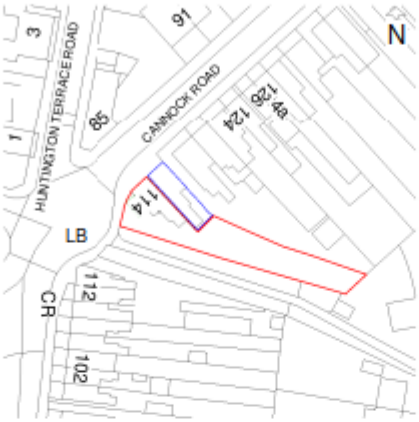
Location: 114-116, Cannock Road, Chadsmoor, Cannock, WS11 5BZ

Proposal: Change of use of ground floor from retail unit to A5 hotfood takeaway including installation of extract flue

ITEM NO. 6.125



Location Plan



1 Location
1 : 1250

www.sparkdesign.co.uk	PROJECT: 114 Cannock Rd	CLIENT: MH			
		Date: Issue Date	Project Number: Project Number	Scale (@ A4): 1 : 1250	REV:
PURPOSE OF ISSUE: PLANNING	SHEET: Location	Drawn by: AB	DRAWING NUMBER: A104		
		Checked by: AB			

08/06/2020 11:56:53

Site Plan

1 Site
1 : 200

ALL MEASUREMENTS TO BE CONFIRMED ON SITE
SPARK DESIGN AND PLANNING ALL RIGHTS RESERVED

No.	Description	Date

Spark Design and Planning
www.sparkdesign.co.uk

PURPOSE OF ISSUE
Planning

PROJECT
114 Cannock Rd

SHEET
Site plan

CLIENT
MH

Date
Issue Date

Project number
Project Number

Scale (@ A3)
1 : 200

Drawn by
AB

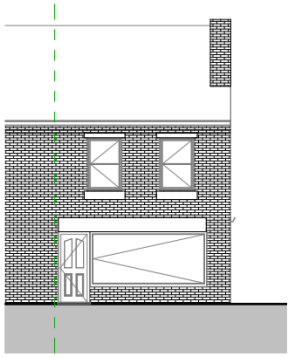
Checked by
AB

DRAWING NUMBER
A102

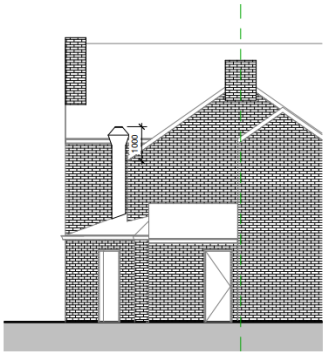
REV
B

21/08/2020 14:22:19

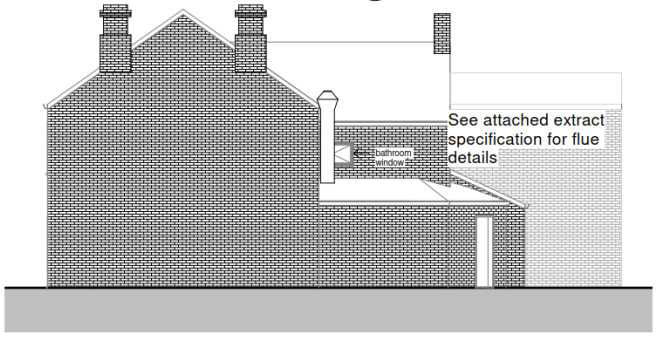
Proposed Floor Plan and Elevations



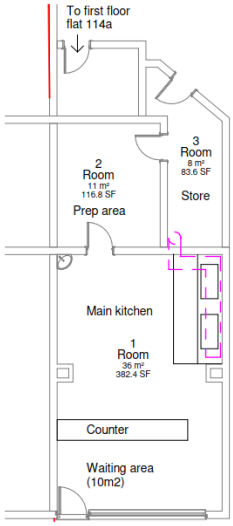
1 **Front**
1 : 100



2 **Rear**
1 : 100



3 **Side elevation**
1 : 100



4 **Level 0**
1 : 100

No.	Description	Date

Spark Design and Planning
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PURPOSE OF ISSUE
PLANNING

PROJECT
114 Cannock Rd

SHEET
Proposed plans

CLIENT
MH

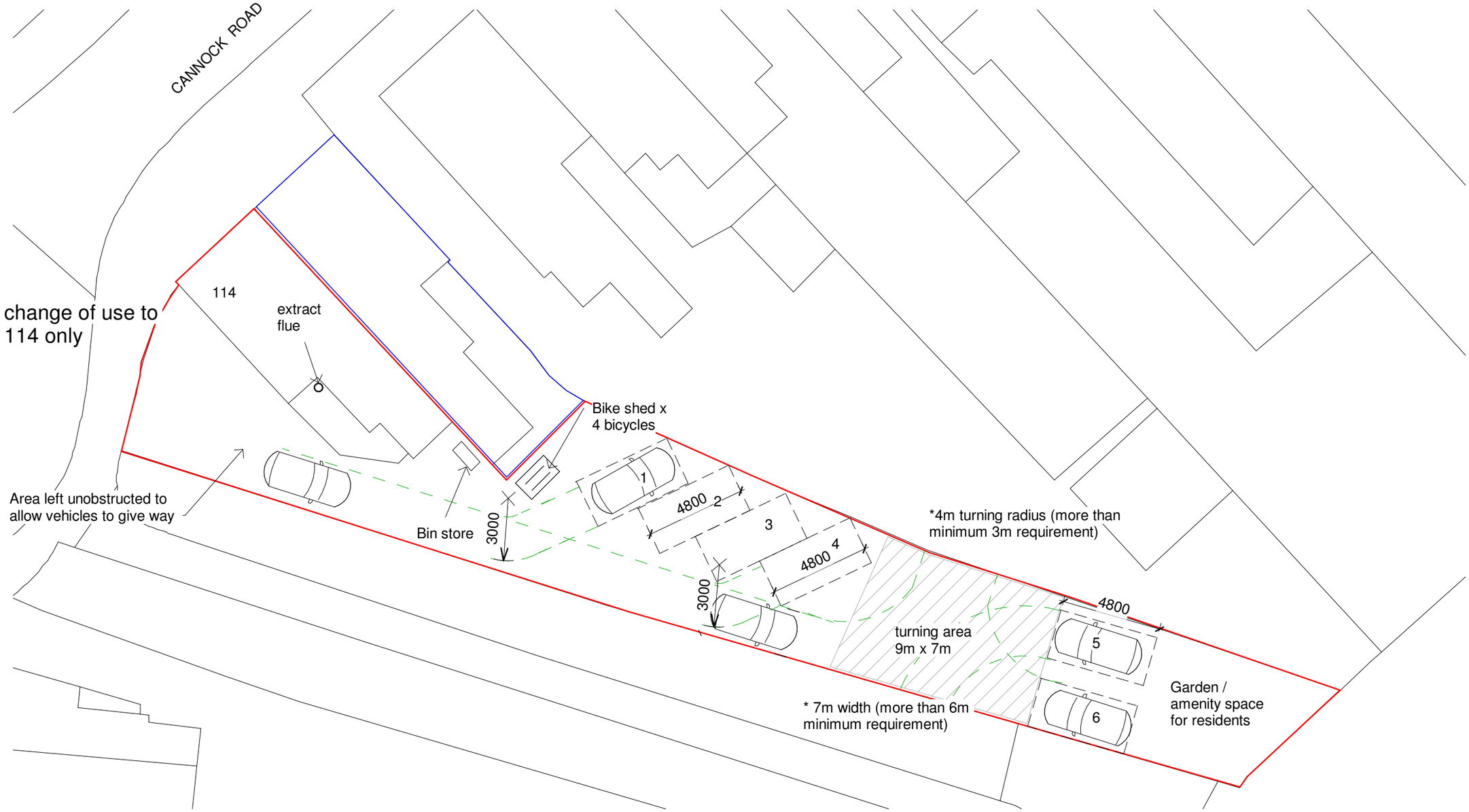
Date	Project number	Scale (@ A3)
Issue Date	Project Number	1 : 100

Drawn by	DRAWING NUMBER	REV
AB	A103	A

Checked by
AB

22/07/2020 11:02:18

ITEM NO. 6.129



1 Site

1 : 200

ALL MEASUREMENTS TO BE CONFIRMED ON SITE

No.	Description	Date

SPARK DESIGN & PLANNING

Spark Design and Planning
www.sparkdesign.co.uk

PURPOSE OF ISSUE
Planning

PROJECT
114 Cannock Rd

SHEET
Site plan

CLIENT
MH

Date
Issue Date

Project number
Project Number

Scale (@ A3)
1 : 200

Drawn by
AB

Checked by
AB

DRAWING NUMBER
A102

REV
C

07/10/2020 18:18:36

Contact Officer:	David Spring
Telephone No:	

PLANNING Committee

21st October 2020

Application No:	CH/20/197
Received:	11-Jun-2020
Location:	114-116, Cannock Road, Chadsmoor, Cannock, WS11 5BZ
Parish:	Non Parish Area
Description:	Change of use of ground floor from retail unit to A5 hotfood takeaway including installation of extract flue
Application Type:	Full Planning Application

RECOMMENDATION:

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

   A102 Rev B,
   A103 Rev A,
   Location Plan

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

3. The proposed (car parking, cycle parking) as shown on the approved plans drawing (A 102 Rev B), shall be sustainably drained, hard surfaced in a bound material, and marked out prior to the first occupation of the fast food takeaway hereby permitted. Thereafter, these parking/ servicing area shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

   Reason:
   In the interest of highway safety.

4. Notwithstanding the details of the approved plans the extraction duct should be at least 1m above both adjacent roof eaves.

   Reason:
   In the interest of amenity of adjoining residential occupiers.

5. The premises shall not be open for business outside the hours of 8a.m. to 11p.m. on any day, Monday to Saturday and on Sunday and bank holidays from 9a.m. to 8p.m.

   Reason
   To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

6. The design specification for the canopy supply and extract system shall match the specification submitted in the 'KDB Solutions limited' design dated 31st May 2020.

   Reason:
   In the interest of amenity of the adjoining residential neighbours

7. A scheme of litter management to include bins and regular litter picking in the vicinity of the site shall be submitted to the Local Authority and approved in writing before the opening of the above approved A5 use and thereafter adhered to.

Reason:
To provide for the effective disposal of litter generated from its use as a takeaway

Consultations and Publicity

Councillor Call-In

Councillor Christine Mitchell has requested that the application be put before the Planning Committee, if the recommendation is for approval, owing to concerns about highway safety and the effects on a residential area.

Consultations

Highway Authority

The Highway Authority initially recommended refusal for the following reasons:

The proposed development fails to make adequate provision for the parking of vehicles for both properties within the site curtilage resulting in an increase in the likelihood of highway danger due to the potential increase of vehicles being parked on the public highway.

The applicant needs to provide the following to address these points:

A revised plan showing 6no parking spaces based on the information provided; 1 space per 2 members of staff, 1 space per 3sqm; 10sqm= 3 spaces and 1 space per flat. Access needs to be provided for the flat to the parking.

Parking spaces need to be 2.4m X 4.8m – the resubmitted plan showed 2.2m X 4.3m spaces. Due to the revised parking layout, vehicles would have difficulty exiting the spaces near to the wall. The Highway Authority would prefer the echelon parking previously provided. An area that is left clear would provide a turning area at the rear of the property (where the bike shed is shown).

A swept path drawing is required showing a car entering, turning and leaving site in a forward gear from all parking spaces.

Following the receipt of further information to address the above concerns highways were re-consulted.

The re-vised site plan shows 6 parking spaces, cycle store, and a turning area. It shows a swept path drawing showing a car entering, turning and leaving the site in forward gear.

Drawing number (A 102 Rev B) shows a parking lay out at the rear of the site which addresses the concerns previously outlined.

The existing ground floor is an A1 retail use that could generate comparable levels of traffic and require a similar number of spaces as per the proposed use. A hot food takeaway would be likely to have busier evenings than day times, but the proposed car parking facility at the rear of the premises would allow the business to operate a home delivery service, which could reduce the amount of car borne traffic that visits the site.

Highways would still require the parking provision is available for all the uses for both properties No. 114 & 116 within the site curtilage. In addition, the site would benefit from a sign directing customers to the car park at the rear.

Highways have now no objection to the proposal subject to the imposition of a condition, should permission be granted.

Planning Policy

The application provides limited marketing details with regards to the marketing of the extant A1 premises; the applicant advises that the change of use to A5 has been recommended in consideration of the lower interest level in A1 premises within this location. As the proposed seeks to maintain a local facility for the surrounding community, it is considered in principle that the proposal accords with Policy CP11. The proposed development supports the objectives of the Local Plan through protecting and enhancing the local centre.

Subject to the consideration of Environmental Health and the Highways Authority, there is no objection in principle to the proposed development.

Pollution Control Officer

It is noted that the adjacent property is also used for retail, and is owned by the developer. Coupled with the fact that the extract ducting is sited away from the boundary between both properties, I have no concerns with regards to noise.

However, I note the ventilation design specification states that the extraction duct termination point should be at least 1m from the eaves of the roof. The duct as it appears in submitted plans is immediately adjacent to two rooves, and is 1m above the lowest of those eaves, but less than this for the other roof. The duct should be

extended to be at least 1m above both adjacent eaves, and should be either detailed in amended plans, or enforced by condition.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Representations have been received from two members of the public, objecting to the proposal on the following grounds:

- The highway is restricted and there is already a shortage of parking space in the area; numerous properties do not have dedicated parking and there is already parking along the wide footpath;
- The highway is not safe and there have been numerous accidents in this location;
- The proposal will increase the need for parking in the area and exacerbate the existing highway safety issues;
- Potential for noise disturbance, particularly late at night with people congregating around the proposed business, along with anti-social behaviour, or a perception of it;
- Potential for increased litter;
- The proposal would be contrary to planning policies and guidance that seek to promote good health and the vitality of town centres, as the proposal would introduce a fast-food outlet near to a school and result in the loss of a retail unit.

Relevant Planning History

This application was presented to member on 30th September 2020 when it was resolved to defer the application to allow the applicant to mae changes to the turning area. This has now been done and an amended plan has ben received..

CH/00/0131:	Alteration to shop front. Full - Approval with Conditions 04/26/2000
CH/02/0729:	Change of Use. Full - Approval with Conditions. 01/29/2003
CH/89/0571:	Two storey extension at rearof shopfor residential use. Ful Approval with Conditions. 09/20/1989.

1 Site and Surroundings

1.1 The application site comprises a semi-detached building and its curtilage, which incudes a retail unit at the ground-floor level, with a flat above, along with land to the side and rear, which is used for parking but also includes an undeveloped, vegetated area. Access from the public highway into the curtilage area involves crossing a footpath and is located off a roundabout. The adjoining building, which also includes a first-floor flat, is in the same ownership. The site is located within the built-up area of Cannock and forms part of the Local Centre.

2 Proposal

2.1 This planning application proposes the change of use of the ground-floor retail unit to a fast-food takeaway (use class A1 to A5). The proposal would include a more formalised parking area to the rear, comprising six parking spaces and a turning circle. Extractor equipment would be installed, which would be apparent on the exterior of the building towards the rear, through the addition of an extractor vent.

2.2 Following the September 2020 committee meeting members requested an amended plan be sent in to show in greater detail the entry/ exit and turning area for each car. An amended plan was received on 7th October 2020 which moved the 2 parking spaces at the end of the rear garden area further into the rear garden allowing an increase of the proposed turning circle available for users of the car park.

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). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach
CP2 - Developer contributions for Infrastructure
CP3 - Chase Shaping – Design
CP9 – A Balanced Economy

3.3 The relevant policies within the Minerals Plan include:

Policy 3.2 Mineral Safeguarding

3.4 National Planning Policy Framework

3.5 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.7 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
108-109	Promoting Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

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 amenity
iv) Impact on highway safety

4.2 Principle of the Development

4.2.1 A member of the public has raised concerns about the loss of a retail unit and the effect this would have on the Local Centre in which the site is located.

4.2.2 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise.

4.2.3 Para 92 of the NPPF identifies factors which planning policies and decisions should ensure to provide social, recreational and cultural facilities and services to meet community needs. Of particular relevance to this proposal are: paragraph d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and paragraph e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

4.2.4 Policy CP11 of the Local Plan states that the provision of local shops and services throughout the District, including in villages, will be safeguarded to provide for the needs of local residents.

4.2.5 The Council's Planning Policy Officers have stated that:

> "The application provides limited marketing details with regards to the marketing of the extant A1 premises; the applicant advises that the change of use to A5 has been recommended in consideration of the lower interest level in A1 premises within this location. As the proposed seeks to maintain a local facility for the surrounding community, it is considered in principle that the proposal accords with Policy CP11. The proposed development supports the objectives of the Local Plan through protecting and enhancing the local centre."

4.2.6 On balance, the proposal is considered to be acceptable in principle.

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

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

(i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and

(ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

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

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

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.3.5 The proposal would result in limited effects in relation to the exterior of the site and building. The proposed extractor equipment would be located towards the rear of the building and setback from the main side, or south-western, elevation. The proposed changes to the parking area, would be at the rear part of the site and would not have any noticeable effect in relation to the character of the area. Any changes in relation to the signage at the front would need to be approved separately through the advertisement consent process.

4.3.6 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely 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 (amongst others) (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.

4.4.3 Objectors have raised concerns about the proposal resulting in disturbance to local residents as a result of the anticipated comings and goings; the potential for anti-social behaviour, noise disturbance, and litter.

4.4.4 It is noted that a flat is located above the retail unit, which is the subject of this application. The submitted information states that the proposal would be operational between 8am and 11pm daily, except on Sundays when the opening hours would be 9am until 8pm. These opening hours could be

secured through the use of a planning condition. The Council's Pollution Control Officer has raised no objections to the proposals, but has stated that the extractor system may need to be adjusted. A planning condition can be imposed to secure details of the proposed system to ensure that it is acceptable.

4.4.5 The proposal is likely to result in more comings and goings than the existing use, however, given the central location such a use would not be out of character and, as discussed, a condition can be used to control the opening times. There is no evidence available to suggest that the proposed use would increase anti-social behaviour or crime in the locality, and a perception of crime amongst the general public is not considered to be justified in relation to what would be a fast-food takeaway, largely delivery based. In any case, criminal activity or unacceptable environmental health nuisances could be tackled through the enforcement of other legislation. In order to tackle potential issues relating to litter, a condition can be imposed to secure a scheme of litter management, which might include the installation of bins and regular litter picking in the vicinity of the site. Such measures would need to be proportionate and reasonable, bearing in mind that there is other legislation that can be applied to deal with those who choose to litter.

4.4.6 Otherwise, given the proposal's siting, sale and design, it would not result in unacceptable harm to local or residential amenity. Subject to the use of the aforementioned conditions, the proposal is considered to be in accordance with Policy CP3 of the Local Plan.

4.5 Impact on Highway Safety

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

4.5.2 Concerns have been raised by objectors owing to the shortage of parking spaces in the locality, the restrictions along the highway in the vicinity of the site, and the safety of the access, which is likely to be used more intensively as a result of the proposal.

4.5.3 The Highway Authority initially objected to the proposal on the basis that it would not provide sufficient parking spaces but following the submission of additional information removed their objections. Following the September committee meeting members requested additional information regarding the rear car park. An amended plan was received on 7th October 2020 which moved the 2 parking spaces at the end of the rear garden area further into the

rear garden allowing an increase of the proposed turning circle available for users of the car park. Highways were re-consulted and replied on the 8th October that as the applicant has made the turning circle bigger they still have no objection to the proposal.

Other Considerations

4.6.1 An objector has raised concerns about the proposal's impact on public health, particularly as it would be located in close proximity to a school. The Council's Planning Policy Officers have explained that there is not currently a sufficiently robust policy basis for refusing the proposal on public health grounds. Even if this were the case, it would need to be convincingly demonstrated that there is a clear link between the proposal and obesity in the local area, and no such evidence is available.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

6 Conclusion

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

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

Contact Officer:	Richard Sunter
Telephone No:	01543 464481

Planning Committee

21st October 2020

Clawback Provisions under Schedule 7 of the Section 106 Agreement Attached to Outline Planning Approval CH/11/0395 in respect to the payment of monies towards mitigation of impacts on Cannock Chase Special Area of conservation under Planning Permission CH/18/121, Residential development comprising 52 no. dwellings at Common Farm, Pye Green Road, Hednesford

RECOMMENDATION:

It is recommended that:

SAC mitigation for 13 social units of	£2,873.00
Top slice of CIL (£221 x 39 market units	£8,619.00
Total	£11,492.00

be approved as clawback to be transferred to the land owners who entered into the Section 106 Agreement attached to outline consent CH/11/0395 dated 24 June 2014 subject to them providing the Council with indemnity to protect the Council against any claims made against it in respect of that sum, by any other owners of the land bound by the terms of the Section 106 Agreement.

1.1 On 16 January 2019 Planning Committee an application Reference CH/18/121 for – Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings at Common Farm was presented to Planning Committee. At that meeting the Committee resolved to accept officer recommendation and resolved to approve the application subject to the following: -

(A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure:-

(i) Provision and transfer to a registered Provider of 20% on-site affordable housing comprising 8 units affordable rent and 2 units social rent to commence no later than the completion of Plots 1-

(ii) Provision for the management of all public open space/ suitable alternative green space by a management company.

(iii) An education contribution of £134,818.71

(iv) **SAC mitigation for 13 social units of £2,873.00**

(v) Clawback allotment contribution of £2,137.72

(B) That on completion of the agreement the application be approved subject to the conditions contained in the report for the reasons stated therein.

1.2 The Council has subsequently been contacted by the Hawksmoor the agents acting on behalf of the former owners of the wider site to land west of Pye Green Road which was subject to outline consent CH/11/0395. They have pointed out that under the provisions of Section 7 of the Section 106 Agreement attached to Outline Planning Approval CH/11/0395 the Council is obligated to seek clawback of any monies in respect to the provision of mitigation against impact on the Cannock Chase Special Area of Conservation.

1.3 At the time that the outline consent was approved the approach to mitigating impacts of visitor pressure on Cannock Chase SAC was for developments to provide Suitable Alternative Natural Green Space (SANGS) on or near to the application site. This was provided as part of the outline consent and the development to the west of Pye Green Road benefits from the provision of an extensive area of open space which acts as a SANG. This area was provided for the whole of the land designated for housing on the Local Plan Proposal Maps including the site at Common Farm. As such a clause was included within the Section 106 attached to the outline consent that any monies spent on the provision of the SANGS would be clawed back from any future development that fell outside of the extent of the outline permission/. This included the land at Common Farm.

1.4 Subsequently the approach to providing mitigation towards impact on the SAC has changed in favour of top slicing any monies gained form the Community Infrastructure Levy at a rate of £221 per dwelling.

1.5 However, given the provisions of the section 106 attached to the outline consent any monies gained through CIL and through Section A (iv) of the resolution as part of planning approval CH/18/121should be clawed back and transferred to the owners of the site.

1.6 It should be noted that this situation does not affect the contributions obtained from the developer of Common Farm and only relates to how monies are allocated once they have been received

2.0 Recommendation

2.1 It is therefore recommended that

SAC mitigation for 13 social units of	£2,873.00
Top slice of CIL (£221 x 39 market units	£8,619.00
Total	£11,492.00

be approved as clawback to be transferred to the land owners under the terms of the section 106 attached to outline consent CH/11/0395.

2.2 This recommendation does not affect on the clawback allotment contribution of £2,137.72 which the Planning Committee has already authorised to be paid to the land owners under the original resolution in respect to the Common Farm development under planning consent CH/18/121.