

22/00083/FUL
MAJOR

Harlaston (Packington) Ltd

PATTINGHAM & PATSHULL
Councillor T Mason

Patshull Park Hotel Golf And Country Club, Patshull Park Burnhill Green WV6 7HR

Demolition of the modern hotel extensions and removal of hard standing car parking, retention and resetting of the Grade II* listed Temple and siting of 62 lodges, construction of Central Facilities Building (CFB) and associated access, parking and servicing.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
n/a	n/a	28 April 2023

Date of site visit – 7th September 2022

1. SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The site lies in an isolated rural area to the south of the A464 and the A41, and the nearest settlement is Pattingham to the east. It has a rural setting including lakes, which is the landscaped parkland of Patshull Hall, which is listed Grade I. The land around Patshull Hall was formed into formal gardens and pleasure grounds in the late 17C and was altered in each century since, including by Capability Brown. This extends to 183 hectares and lie within a Grade II designated Historic Landscape Area and are registered as Historic Parks and Gardens by English Heritage for their special historic interest.

1.1.2 The western branch of Patshull Hall's Y shaped Great Pool had a Doric temple (the listed building) built on the bank of the southern tip in the mid 18th Century. Brick wings were added to this around 1840 and in 1980 it was incorporated as part of a hotel, now known as Patshull Park Hotel, which has a total site of 1.8 hectares. Part of the Historic parkland surrounding the hotel is a golf course which is now redundant. The hotel consists of 49 en-suite bedrooms, swimming pool, gym, beauty salon, conference facilities for 250, a restaurant, a bar, lounge and seminar rooms. The hotel also has a wedding licence and there are 200 parking spaces. The site was closed some time ago around the start of lockdown in 2019.

1.2 SITE HISTORY

Planning Applications

00/01130/FUL Greenkeepers facilities **Approve Subject to Conditions** 20th December 2000

01/01034/LBC Relocation of Grade 2 listed wall, gate piers and gates to boundary of Patshull Hall and Hack Cottage **Approve Subject to Conditions** 20th December 2001

01/01237/FUL Extension to gymnasium at first floor level over balcony and alterations **Approve Subject to Conditions** 9th January 2002

01/01238/LBC Extension to gymnasium at first floor level over balcony and alterations **Approve Subject to Conditions** 9th January 2002

01/01263/FUL Use of existing escape staircase to create 2 meeting rooms and new external escape staircase **Approve** 9th January 2002

01/01264/LBC Change of use of escape staircase to create 2 meeting rooms with new external escape staircase **Approve** 9th January 2002

76/00981 Amenity Centre **Approve Subject to Conditions** 19th January 1978

76/00982 Recreational

77/00047 Recreational **Approve Subject to Conditions** 19th January 1978

96/00951 Irrigation Lagoon And Realignment Of Track **Approve Subject to Conditions** 18th February 1997

87/01149 Conversion Of Courtyard To Functions Room Office And Store **Approve Subject to Conditions** 7th April 1988

87/00673 Erection Of Bedroom Block **Approve Subject to Conditions** 14th November 1987

85/01055/FUL Extensions To Hotel To Provide Bedroom And Recreational Facilities **Approve Subject to Conditions** 16th June 1986

96/00021/LBC Removal Of Glazed Screen And Erection Of Wall To Form Meeting Room **Approve Subject to Conditions** 10th September 1996

78/01408 Golf Course Storm Shelter And Associated Toilets For Occasional Use **Approve Subject to Conditions** 6th December 1978

76/00981/COU Change Of Use for recreational/sporting activities **Approve Subject to Conditions** 19th January 1978

81/00535 Erection Of Buildings In Connection With The Use Of The Land As A Recreational Centre **Withdrawn** 28th January 1981

97/00273 Sewage Treatment Plant **Approve Subject to Conditions** 10th June 1997

97/00987 Pump House For Irrigation Lagoon For Golf Course **Approve Subject to Conditions** 6th January 1998

76/00982 The Erection Of Buildings In Connection With The Use Of Land As Part Of An Amenity Centre For Recreational And Sporting Activities 19th January 1977

77/00047 Erection of buildings in connection with new use of land as recreational/sporting centre 12th October 1977

88/00885 Extension To Form 4 Additional Bedrooms **Withdrawn** 11th April 1989

89/00566 4 Bedroom Extension 14th November 1987

90/00342 Erection Of Golf Clubhouse Ancillary Buildings And Car Parking **Approve Subject to Conditions** 24th April 1990

04/00183/FUL Retention of 4 shallow fairway bunkers on corrent holes of golf course **Approve** 26th May 2004

86/00001/LBC Extensions To Hotel To Provide Bedroom And Recreational Facilities **Approve Subject to Conditions** 16th June 1986

87/00032/LBC Erection Of Bedroom Block

87/00045/LBC Conversion Of Courtyard To Functions Room Office And Store

88/00033/LBC Extension to form 4 additional bedrooms **Approve Subject to Conditions**

89/00021/LBC 4 bedroom extension **Approve Subject to Conditions**

83/00044/ADV Advance Sign **Withdrawn** 15th November 2018

11/00319/FUL Extension to provide 18 new, en-suite guest bedrooms [revival of 673/87] **Refuse** 13th June 2011

11/01018/FUL 16-bedroom extension [revival of 673/87] [resubmission of 11/00319/FUL] **Approve Subject to Conditions** 2nd February 2012

12/00064/LBC 16-bedroom extension to existing hotel complex **Approve Subject to Conditions** 12th March 2012

12/00064/COND Discharge of condition nos: 3 (12/00064/LBC) 5th December 2014

11/01018/COND Discharge of conditions nos 3 (11/01018/FUL) 19th November 2014

22/00083/FUL Demolition of the modern hotel extensions and removal of hard standing car parking, retention and resetting of the Grade II* listed Temple and siting of 62 lodges, construction of Central Facilities Building (CFB) and associated access, parking and servicing.

22/00084/LBC Removal of modern hotel to provide for the retention and resetting of the Grade II* listed Temple

1.3 Pre-apps

21/00024/PREAPP Siting of 133 holiday lodges and the demolition and re-development of Patshull Park Hotel, including a new facilities and spa building and the restoration of the temple and re-instatement of the historical park and grounds – unacceptable 23rd March 2021

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The scheme as amended will see the erection of 63 'lodges' holiday lodges spread across the northern half of the existing golf course, beyond the site of the existing hotel, terminating at the southerly side of the Great Pool. The scheme would be for 100% holiday rental.

2.1.2 The existing hotel building would be demolished, and the listed Temple structure would be retained.

2.1.3 A modest amenity building would be erected not far from the site entrance. The design of this building is modern with contrasting roof pitches and timber cladding. It would house the reception, a small café, staff facilities and a meeting room.

2.1.4 An existing machinery store used in association with the golf course would be converted and used for housekeeping and general maintenance.

2.1.5 The application proposes an ongoing maintenance scheme for the grounds and a footpath linking the far northern site to the village of Pattingham that both the users of the site can use, as well as Members of the public.

2.2 Applicants Submission

2.2.1 The following documents have been submitted:

- Design and Access statement
- Drainage strategy
- Economic statement/Business case
- Flood risk assessment and drainage strategy
- Heritage statement
- Landscape strategy
- Planning statement
- Statement of community involvement
- Transport assessment
- Travel plan framework
- Tree survey
- Various Updated and addendums to existing reports to address amendments to the scheme and consultee comments

3. POLICY

Within the West Midlands Green Belt, Registered Park and Garden and various listed properties (Designated Heritage Assets) multiple protected trees

3.1 Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Policy EQ4: Protecting, Expanding and Enhancing Natural Assets

Policy EQ5: Sustainable Resources and Energy Efficiency

Policy EQ7: Water Quality

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 7: Employment and Economic Development

EV1: Retention of existing employment sites

EV2: Sustainable tourism

Core Policy 9: Rural Diversification

Policy EV6: Re-use of Redundant Rural Buildings

Core Policy 11: Sustainable Transport

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Core Policy 13: Community Safety

Policy CS1: Designing Out Crime

Core Policy 14: Open Space, Sport and Recreation

HWB2: Green Infrastructure

Statutory duty set out in Planning (Listed Buildings and Conservation Areas) Act 1990 that requires that special regard be given to the desirability of preserving listed buildings and their settings.

3.2 National Planning Policy Framework [NPPF] – to be read as a whole, but specifically:

Achieving sustainable development

Requiring good design

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and protecting the Historic environment

Decision taking pre-application engagement and front loading

3.3 Constraints

Newt - Impact Risk Zone Amber Name: AMBER ZONE:

Newt - Impact Risk Zone Green Name: GREEN ZONE:

Newt - Impact Risk Zone White Name: Impact Risk Zone White:

Listed Building Listed Building Ref: 11/154B

Grade: Grade II Listed Building

Group Details: NGV

Date of Listing: 28/03/1985 00:00:00

Listed Building Listed Building Ref: 11/160

Grade: Grade II*

4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
23 March 2022	5 April 2022

The application was subject to an initial consultation period and then further rounds when an amended site plan and updated reports were received. The comments below are the most recent comments unless otherwise stated. Some consultees did not respond to consultation on amended plans.

Councillor T Mason (received February 2023) called the application to committee for discussion on the planning balance.

No comments were received from Pattingham Parish Council (expired 29/07/2022)

Conservation Consultation (received 21 February 2023) Amended plans have been submitted following on from previous discussions. Based upon the latest iteration of the plans there are still objections to the proposals on heritage grounds.

The number of units has been reduced from the previous versions of the proposals, however there are still a significant number of lodges and new infrastructure proposed to be constructed across a wide area of the site. Previous versions of the plans had more of the units located on the side of the ridge towards the lake. This would assist in screening the units from the access road. These have now been moved closer to the drive to Patshull Hall. This track represents one of the access drives to Grade I listed hall and the Grade II* listed church.

Whilst I would accept that there is an improvement to the immediate setting of the temple (as the modern hotel buildings are proposed to be removed), there is a considerable additional amount of extra harm caused by the location of the units within the historic park. It is felt that this harm is cumulatively greater than the harm currently caused by the modern structures.

The harm that is caused by the proposals (whilst only in one small area of the park) impacts upon how the entrance into the wider park is perceived. There are areas of land within the ownership of the applicants where lodges could be potentially sited more sensitively allowing this area to be restored to its original character, however these don't appear to have been considered.

Based upon the changes that have been made to the scheme, my previous objections still stand. It is felt that the scheme causes harm to the character of the park and the setting of listed buildings. In its current form I could not support the application on heritage grounds.

Local Plans (received 07 April 2022)

Green belt, Landscape and character/appearance

The site is located within the Green Belt. Policy GB1 of the adopted Local Plan and national Policy (NPPF paragraph 147) set out that inappropriate development should not be permitted except in very special circumstances (VSC).

The Planning Statement make a case for VSC - this including:

1. Protection and Enhancement of Heritage
2. Previously Developed Land (PDL) and the Green Belt
3. Sustainable Economic Benefits

4. Public Benefits

5. Visual Containment, Landscape Enhancement and Biodiversity

The Planning Statement quote a 77% reduction permanent 'built' development.

However, most of this reduction is through the removal of 5,000 sqm of parking. The parking will currently be at ground level and not consist of built form of any height.

In addition, it is my understanding that this calculation does not consider the 7,500 sqm of the holiday lodges themselves due to them being 'temporary development'. However, in reality, the lodges will be fixed and unless time limited via condition, an established use for the site.

Therefore, the proposed development will result in an increase in built form across the site which will impact upon the openness of the Green Belt and how the parkland setting is appreciated.

Tourism

Policy EV2: Sustainable Tourism

The Planning Statement highlights the benefit of tourism and the associated economic benefits of the proposal. The application also advocates that these benefits contributes towards the VSC case in order to approve development within the Green Belt.

Policy EV2 states that for proposals: 'outside development boundaries it will be necessary for a business case to be made, which identifies how the development will support and make a sustainable contribution to the local economy'.

Although some information has been provided through the Planning Statement and Market Review of Accommodation Options, a detailed business case setting out how the business will be viable in the long has not been provided. In addition, it is only proposed that 25% of the lodges will be guaranteed to be provided for general tourist accommodation rather than private use.

The policy goes on to state that: 'the provision of tourist accommodation, including the location of static and touring caravans, will only be permitted if it does not adversely affect the character and appearance of the area'.

The impact on character and appearance as well as on the Green Belt has been considered above.

Finally, the policy states: 'Development proposals should be consistent with other local planning policies'.

Business Model

The Planning Statement sets out that the lodges will be sold privately rather than the ownership being retained by the applicant and them being let out for holiday rental. Paragraph 1.3.8 states that 25% of the units will be offered for rental through agreements with future owners. This will leave 75% of units which may be purchased and used privately by individuals which may or may not be offered as tourist accommodation.

The sale of the holiday lodges will provide an initial income for the scheme. However, no details have been provided of the likely revenue this will raise and if it will cover the costs of the work proposed. The application has also not provided any details of why 100 lodges are required in order to make the scheme viable and that the scheme would not be viable with a lower number of lodges.

As set out in the Market Review of Accommodation Options document. The Lodges will be charged a service / ground rent top pay for the maintenance and upkeep of the park and facilities (as stated in para 1.1.3 of the Planning Statement). However, not enough detail has been provided in relation to if this will meet the on-going cost of maintaining the parkland.

Overall, the application does not include enough detail on the business case in order for officers to assess the viability of the scheme and that the scheme will be sustainable in the longer term.

Heritage Impact

The application references heritage benefits of the proposed scheme. With the proposed development enabling the management of the historic parkland and facilitating access to the general public for them to enjoy. The application also states that the development would enable the restoration of heritage assets including the Temple.

Although these heritage improvements / benefits are acknowledged, they would be facilitated through the introduction of 100 lodges and associated infrastructure. This development would therefore significantly change how the historic parkland is appreciated and potentially cause harm to the heritage assets.

The private ownership of the lodges could lead to them gaining a domestic appearance over time as individuals personalise them to meet their needs. This could lead to a greater level of harm.

Advice received from the Councils heritage consultant and Historic England should be considered.

Planning Balance

It is acknowledged that there are several benefits associated with the proposal including increased tourism (although there are concerns over private ownership of lodges), economic benefits, heritage benefits and public benefits such as the opening of the parkland to the public and continued management.

However, the introduction of the holiday lodges and associated infrastructure would have a significant impact upon the parkland settings with significant heritage and landscape impacts.

The proposals have not demonstrated through the application that 100 lodges are required to make the scheme viable or details of how the ongoing management of the parkland will be achieved.

Based on the above, it is considered that the application has not demonstrated the VSC which is required to approve inappropriate development within the Green Belt. The proposal would therefore conflict with National Planning Policy Framework and Local Plan policies on Green Belt.

It is considered that the benefits of the scheme do not outweigh identified harm or the conflict with the Development Plan. Therefore, Planning Policy does not support this application.

Environmental Health (received 01 April 2022) This development must comply with relevant legislation including Health and Safety at Work etc Act 1974 and Food Safety Act 1990 and all associated legislation and guidance.

Any catering provision (including storage and preparation space) must be of sufficient size to safely cater for the number of people expected to use the facility.

County Highways (received 04 November 2022)

Recommendation Summary: Acceptance

Site Visit Conducted on: 03-Nov-2022

Informative for Decision Notice.

This Form X is issued on the assumption that the developer enters into a Section 106 Agreement to secure the following:

- Travel Plan Framework with Outcomes and Measures and £7,000 towards the travel plan costs.

Notes to Planning Officer.

i). The above comment relates purely to the effects of the development on roads for which Staffordshire County Council is the Highway Authority. For consideration to be given to the effects of the development at the access and surrounding highway network, it will be necessary for you to consult Shropshire Council.

ii). This Form X supersedes previous dated 15th June 2022.

Historic Environment Officer Archaeology (received 14 November 2022) Thank you for consulting with Staffordshire County Council's Historic Environment Team with regards to the additional information submitted in support of the above applications. I have reviewed the revised Masterplan and do not have anything to add to our previous response on these applications (dated 23/6/22) which remain valid. I will also take this opportunity reiterate our support for Historic England's position about the impact of this application on this nationally significant parkland.

Archaeological Interest

The application has been reviewed against information held by the Staffordshire Historic Environment Record (HER), and a comprehensive Historic Environment Desk-based Assessment (HEDBA) and Historic Buildings Assessment (HBA) submitted in support of the application. The findings of these studies will not be repeated in detail here, however, there is some potential for the proposals to impact upon the above and below ground archaeological resource. In summary, the proposed demolition of the late 20th century hotel buildings attached to and around the Grade II star listed temple folly and its late 19th century annexe have the potential to reveal original/historic fabric and provides an opportunity to appropriately record the interior and exterior of the building to an appropriate level before any further works are undertaken. In addition, the HEDBA provides a useful understanding of the archaeological potential of the application site and the potential impact of the proposals on the below ground archaeological resource. This report highlights the potential of below ground remains of a road of at least 18th century date and a ride of at least early 19th century date surviving within the application site, whilst they highlight the potential for a medieval or later small settlement, recorded as Oulton on historic mapping, being located within the application site. However, with regards to the latter they have noted that LiDAR data and later mapping indicates that the most likely location of this settlement or farmstead was to the west of the application site. Furthermore, they have postulated that the upcast from the creation of the Great Pool during its construction in the late 18th century may have been spread across the application site, and also highlight the level of landscaping that would have been associated with the development of the golf course and levelling works that accompanied the construction of the hotel and ancillary facilities, which would have further compromised the significance and survival of below ground archaeological remains in the site.

Recommendations

Taking the above into account, I am satisfied that no further archaeological evaluation works, as per Par 194 of the NPPF is required pre-determination, however, should permission be granted for the application in its

current form, it is recommended that the following archaeological evaluation/recording works are included as a condition of:

- Archaeological monitoring during demolition works at and around the historic temple and its annex building that have the potential to reveal/disturb historic fabric
- Historic building recording to an appropriate level (minimum level 2 but to be determined subsequent to the demolition works) of the temple and annex building
- Archaeological evaluation works to assess the survival and make-up of the historic road and historic ride identified by the HEDBA, and to provide a clearer understanding as to why the landscape in this area of the park is slightly raised above the surroundings (I am happy to discuss alternative means of achieving the latter - for example an archaeological monitoring of geotechnical investigations should they be deemed necessary). This work should be carried out sufficiently in advance of construction so that, should the evaluation results indicate the need for subsequent archaeological mitigation, this can be designed and fully implemented.

This approach, i.e. archaeological monitoring and historic building recording, is supported by NPPF (2021) para 205, whilst the further archaeological evaluation works are in line with the requirements of Par 194. The works should be undertaken by an appropriately experienced archaeologist/historic environment specialist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation - WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct (or equivalent) and to a level commensurate with the relevant CIfA Standards and Guidance. The historic building recording should be carried out in line with Historic England's 'Understanding Historic Buildings' (2016) guidance. Condition recommended.

County Ecologist (received 16 February 2023) I have been commissioned by South Staffordshire Council to review the planning application documentation for the above application.

Documents and plans reviewed:

- Design and Access Statement
- Site plans
- Revised biodiversity metric
- Ecological Impact Assessment (EclA)(SLR, January 2023)
- Arboricultural Impact Assessment and Arboricultural Method Statement (SLR, December 2022)
- Tree Survey (Treework, December 2021)

I have not visited the site but have viewed aerial photographs, application photographs, Great Crested Newt Impact Risk Zones, and data held by Staffordshire Ecological Record.

Assessment of Submitted Documents and Plans

The Arboricultural report section 5.2 Trees to be Removed appears ambiguous, implying that tree protection / retention will be subject to additional factors.

Trees requiring removal are shown on the Tree Protection Plans - 406.V11343.00001.ARB.D.001 to 005. It should be noted that there are many aspects to design development and the retention of trees may be influenced by other factors, such as: land use, planning policies, replacement planting proposals, ecological considerations and the practicality of ensuring adequate provision to protect the trees physically during construction.

The Schemes arboriculturist and/or ECoW will attend site prior to construction to confirm which trees are to be retained and protected or removed. This will be undertaken in consultation with the site contractors

This is unacceptable, given the importance of mature and veteran trees on site. There must be absolute certainty over which trees will be retained and protected.

Cabling / pipework - the Arboricultural Impact Assessment does not show cabling or pipework routes. The drainage strategy does show main routes for foul water, but not connections to individual lodges, and does not show Root Protection Areas.

The most recent tree survey (Arboricultural Impact Assessment and Arboricultural Method Statement (SLR, December 2022) only refers to three veteran trees, where the previous one (Tree Survey (Treework, December 2021) listed 22 veteran or ancient trees. Consequently, the necessary wider root protection area has not been applied to the remaining 19 trees. Where veteran trees are potentially affected by development this protection should apply. Therefore, the arboricultural impact assessment understates the potential impact.

The Arboricultural Impact Assessment and Arboricultural Method Statement (SLR, December 2022) gives no explanation of the importance of the site for veteran trees,) or the sensitivity of such trees to relatively minor stresses, referring merely to 'older trees' (page 4. The report author/s is not acknowledged as a specialist in veteran tree work (that is does not appear to hold a Vet Tree certificate).

The revised Ecological Impact Assessment (EcIA)(SLR, January 2023) refers to the importance of veteran trees, mainly in quoting policy and in acknowledging that scheme design seeks to avoid veteran trees and impacts on specialist invertebrates. However, this report does not refer to the importance of continuity of deadwood habitat or to the extreme sensitivity of veteran trees to stress. I am broadly in agreement with its conclusions regarding other habitats.

Even if no direct construction impacts on the veteran trees can be assured, there are likely effects from operation of the site, including people trampling round them, damage, pressure to tidy up dead wood/fell. There appears to be little or no consideration of post-construction protection for the 22 veteran trees, including protective fencing.

There certainly should be no log burners or other solid fuel devices allowed anywhere on site. This is to prevent deliberate assessment of trees as 'dangerous' in future to facilitate their removal for logs, and also to prevent individuals from collecting 'fallen' timber, which tends to become aggressive with timber 'assisted' to fall. Future interpretation of the importance of veteran trees and the site should be assured.

There needs to also be a consideration of the continuity of veteran trees, so late mature trees (27 according to the Tree Survey (Treework, December 2021) plus any other trees with deadwood habitat (around 9) need protecting. Large dead wood should be retained on site as whole boles, for example tree 52

The fundamental principles of this development still being very dense for the setting, and there being far less control as units are sold, than with a managed, rented resort setting may not appear to be strictly ecological matters but they will have a negative effect on the future ecology of the site.

I remain unconvinced that the construction or post-construction impacts on veteran trees will be adequately prevented and the development is likely to be contrary to NPPF180:

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

I therefore wish to sustain an objection to the proposal.

Updated comments (received 28 March 2023) I welcome clarification from the applicant on several points, including Root Protection Areas (revised Tree Protection Plans) and management of the site as managed and rented, rather than through sold units. I apologise for misunderstanding the latter point. I note and support my colleague's response regarding arboriculture, which are in line with many of my concerns regarding veteran trees.

Regarding my concerns about log burners and collection of timber, the applicant has provided no assurance that log burners etc will not be installed on site. While there are assurances that site rules will prevent the collection of wood, it is difficult to see how this will be policed. If cabins have log burners it is likely that emissions including smoke will have a negative direct or indirect impact on birds, bats and invertebrates.

I have remaining concerns about the continuing continuity of veteran trees, including the protection of late mature trees and other trees with deadwood habitat, and the retention of large dead wood.

Arboricultural Officer Consultation (received 15 February 2023) Having reviewed the latest information submitted in support of the application I can confirm that the objection I originally raised on June 9th 2022 and reaffirmed on November 30th remains unchanged.

Whilst it appears that some of the detail regarding tree protection, especially of veteran trees, is now potentially less robust than before, the main concern remains that this type of development is simply inappropriate for a site with a tree stock of this nature.

The arboricultural impact assessment and method statement submission states in section 5.4 that:

- 'Occasional removal of dead wood or other remedial works to address significant defects may be required in areas of frequent access. This is unlikely to be overly onerous and will be the responsibility of the tree owner. This will not represent a significant change from the current situation on site.'

However, this statement does not explain how remedial works and the general health and safety maintenance regime more widely won't be significantly different than the current situation.

At present, assuming the existing hotel were operational, the visitors to the site would be concentrated primarily in one area and only transiently venturing further afield within the site. With the proposed use of the site the visitors would be permanently dispersed across the wider area and to one degree or another constantly present in close proximity to mature and over-mature / veteran trees.

This will lead to increased health and safety risks, a more intense tree management regime, ground compaction and potentially contamination issues. All of these pose a very real threat to the long term health and viability of the tree stock across the area.

In addition to the above, details regarding underground utility installations remain unconfirmed with the Arboricultural Method Statement itself not able to rule out their location within nominal root protection areas.

It remains my opinion that a development of this nature is not appropriate for a site that presents the arboricultural challenges that exist at Patshull Park.

Update comments in response to additional details (received 27 March 2023)

My concerns were in relation to that the fact that the H&S regime WOULD need to be significantly different, with a raised bar required for managing a site as set out in the proposal. Such an increase in H&S standards would inevitably require an increased level of tree pruning across the site with the impacts that brings for many mature / veteran trees. I concede that presently there is no H&S regime in place and that the site could resume operation with it's current designation and that this would be far from arboricultural best practice. However, this would be of concern only to the site owner and their liability, not a planning matter. Assessing any aspect of the current proposal against the existing tree maintenance baseline is not appropriate. The ideal solution would be for the tree stock to be maintained via an appropriate 'light touch' approach consistent with it's previous use as an open parkland. The implications of a more stringent H&S regime for the existing trees should then be assessed against this nominal light touch approach which would, at this point, become a planning issue if for no other consideration than the ongoing maintenance of trees covered by Tree Preservation Order.

Nothing within this statement or that I have read within the example Management Plans expressly provides confirmation that utility runs within RPAs at Patshull Park is ruled out. The running of utility trenching is a critical stage for tree retention on any development site and if not done appropriately first time it is highly unlikely that the ramifications can be corrected after the event. Dealing with this critical aspect of tree retention retrospective to the issuing of planning consent by way of a planning condition is not something I feel is appropriate as it can make the difference between what could be a viable scheme and one that is not.

Staffordshire County Council Flood Risk Management Team (received 13 February 2023)

Disclaimer

This response is made by the County Council in its capacity as a Lead Local Flood Authority as a statutory consultee. As a Lead Local Flood Authority we respond to Planning Applications where resources allow and considering where development has the greatest ability to affect flood risk.

These comments should be taken as general comments on flood risk and drainage only. A detailed review of any technical methodology and results has not been undertaken by the Council. Liability for such technical work therefore rests with organisation(s) who have undertaken the said work.

General observations/ local flooding information

Flood Zone- Flood Zone 1

The Environment Agency should also be consulted for bespoke comments where a development is in Flood Zones 2 or 3

Surface water risk- No

Past flooding- None Known

Our information about past flooding is based on data that the Flood Risk Management team holds. Where other authorities (such as LPAs) have been made aware of issues, we cannot guarantee they have passed this information on to us.

Watercourse within 5m of site- There is a pond within the northern and western part of the site boundary. The Great Pool is a large pool situated along the eastern boundary of the site.

Other observations- N/a

Response

Thank you for consulting us on this planning application, our response is as follows:

Advice to LPA:

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

Staffordshire County Council Flood Risk Management Position

The proposed development will only be acceptable if the following planning condition is imposed:

Condition

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-Statutory Technical Standards for sustainable drainage systems,(SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems design in full accordance with the Staffordshire County Council SuDs Handbook.
- Full and complete infiltration testing is to be carried out. This is to be in full accordance with BRE 365 best practice guidance, in order to confirm the viability of infiltration in this area of the proposed development. A testing report and log document, demonstrating complete concordance with BRE 365 best practice guidance, is to be submitted for review by the LLFA to demonstrate that infiltration via soakaway is a viable means of surface water discharge and that satisfactory infiltration rates have been proven and evidenced. This should be carried out in a location as close to the proximity of any proposed infiltration systems as is reasonably practicable.
- Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the full and complete designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 plus 40% climate change return periods.
- Utilisation of infiltration as a viable and effective means of surface water discharge, wherever possible. Soak-away-to-ground is to be promoted as a positive means of surface water management on this site.
- Limiting the discharge rates generated by all rainfall events up to the 100 years plus 40% (for climate change), critical duration storms, to the corresponding, equivalent greenfield rates.
- Provision of, where appropriate, necessary surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- The incorporation of adequate surface water treatment in accordance with CIRIA C753 - The Simple Index approach, to mitigate water quality pollution.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of a Construction Environment Management Plan to evidence that surface water runoff quality and quantity will be appropriately managed during any construction phase.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Thank you for consulting us on this planning application, our response is as follows:

The applicant has submitted a thorough and comprehensive Flood Risk Assessment and Drainage Strategy reflecting the updated site layout.

However, the LLFA would like to clarify a few things prior to recommending any approval.

Advice to LPA:

We recommend that planning permission is not granted on the following grounds. If you are minded to approve the application contrary to this advice, we request that you contact us again to allow further discussion.

Staffordshire County Council Flood Risk Management position

In the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, we recommend that planning permission is not granted on this basis for the following reasons.

Infiltration Testing

It is noted that one of the proposed basins is designed to discharge surface water flows by infiltration (soak-away to ground). There, to this point, does not seem to be any evidence of satisfactory infiltration testing (yielding compliant infiltration rates), in a location proximal to where the basin is to be site, in the south of the proposed development area. Please may the LLFA request details as to the infiltration rates here.

Exceedance Flow Plan

Please may the LLFA request details, in the form of a plan or diagram, of the exceedance flow routes on the site? Currently it only seems that a descriptive paragraph of text has been provided. These routes should be directed away from any vulnerable receptors, such as the lodges or any other buildings.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Thank you for consulting us on this planning application, our response is as follows:

Advice to LPA:

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

Staffordshire County Council Flood Risk Management Position

The proposed development will only be acceptable if the following planning condition is imposed:

Condition

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-Statutory Technical Standards for sustainable drainage systems, (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems design in full accordance with the Staffordshire County Council SuDs Handbook.
- Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the full and complete designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 plus 40% climate change return periods.

- Utilisation of infiltration as a viable and effective means of surface water discharge, wherever possible. Soak-away-to-ground is to be promoted as a positive means of surface water management on this site.
- Limiting the discharge rates generated by all rainfall events up to the 100 years plus 40% (for climate change), critical duration storms, to the corresponding, equivalent greenfield rates.
- Provision of, where appropriate, necessary surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- The incorporation of adequate surface water treatment in accordance with CIRIA C753 - The Simple Index approach, to mitigate water quality pollution.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of a Construction Environment Management Plan to evidence that surface water runoff quality and quantity will be appropriately managed during any construction phase.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Historic England (received 26 January 2023) Thank you for your letter of 13 January 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

As you are aware, we have previously provided detailed comments on the above application in our letters dated 11 March 2022 and 7 June 2022, and with specific reference to Masterplan C in our letter dated 10 November 2022.

Having considered the further information that has been submitted we have no additional comments and would refer you to our previous letters.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Original advice (received 11 March 2022)

Summary

Historic England considers the current proposals to be over intensive, and would cause harm to the significance of the Grade II Historic Park and Garden and the Grade I Patshull Hall and its setting, the significance of the Grade II* listed Temple and its setting, and the approach and context of the Grade II* listed Church of St Mary.

We are therefore unable to support the current applications.

Further detailed analysis and understanding of the site within the context of the Hall, the historic circulation routes and wider parkland setting would be helpful as part of any future proposals.

Historic England Advice

The Patshull estate is of some considerable pedigree. Built for the honourable Sir John Astley between 1754 and 1758, the impressive Patshull Hall was designed by one of the prominent architects of the day James Gibbs, and is set within grounds laid out by the great landscaper Lancelot 'Capability' Brown for Sir George Pigot on his return as Governor of Madras for the East India Company.

Reflective of this considerable architectural and historic importance and notable associations, this extremely fine country house is listed Grade I. Only 2.5% of all listed buildings warrant this highest of statutory grades.

The surrounding estate boasts all the hallmarks of a Brown landscape with its formal pleasure grounds awash with separately listed garden features and structures, not one but two feature lakes including the expansive Great Pool, and sweeping parkland crisscrossed with riding and carriageway routes, affording set views and vistas to amuse and delight.

As such the surrounding landscape not only contributes positively to the significance of the Hall and its setting, it is also designated in its own right as a Grade II Registered Historic Park and Garden.

The application site is located to the south of the Hall across the Great Pool, and is flanked to the west by an important access route to both Patshull Hall and the Grade II* Church of St Mary. Although used more recently as a golf course and hotel complex the application site is still clearly perceived as part of the wider parkland landscape showcasing the prominently positioned Grade II* Temple folly.

The Patshull estate is therefore a complex and sensitive series of nationally important buildings, structures and integrated landscape. As such the proposed creation of 100 holiday lodges, a facilities building, parking, servicing etc requires the utmost deliberation.

With this in mind, we would refer you to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. As you are aware the Act requires that special regard be given to the desirability of preserving listed buildings and their settings.

Section 16 of the NPPF further highlights the need to fully understand the significance of a heritage asset in order to assess the impact, and potential harm, of new development. Local authorities are also instructed to identify and assess the particular significance of any heritage assets, including by development in their settings, to avoid or minimise any conflict.

Furthermore, there is an expectation within the NPPF that great weight be given to the conservation of a designated heritage asset, and any harm to, or loss of, that significance including from development within its setting, should require clear and convincing justification. Where harm does occur, this must be weighed against the public benefits of the proposals.

Section 12 of the NPPF is focused on achieving well-designed places, and states that planning decisions should ensure that development adds to the overall quality of an area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history including surrounding landscape setting, and establishes or maintains a strong sense of place. Development that is not well designed should be refused.

The application site occupies the southern section of the Patshull Hall parkland landscape, and is flanked to the west by an important access route to Patshull Hall, and the Grade II* Church of St Mary. Within the site is the 18th century, Grade II* Temple folly, and an early 19th century boathouse which is listed Grade II. We also note from the application that there is evidence of potential remains of a road of at least mid-18th century and a ride of at least early 19th century.

Follies, such as the classically inspired 18th century Doric Temple (possibly designed by Gibbs), were key features of such grand designed landscapes. These picturesque, extravagant architectural features were intended to be focal points of interest generating curiosity and delight, to be glimpsed across the lake or come up 'by chance' on walks and rides through the parkland grounds. Often, as is the Temple they are elevated, and were intended to be seen in splendid isolation. From the evidence found of the former circulation routes, and the historic maps, it is clear that the Temple and this part of the parkland, was an important part of the designed landscape.

Therefore, whilst we welcome the removal of the late 20th century hotel accretions from the Temple, we do not agree that the proposed swathe of lodges, extensive car parking, access roads and large central facilities building would be 'highly beneficial' as suggested by the Historic Building Assessment.

Clearly the hotel complex and golf course has resulted in some change to this area of the park. However, as noted within the Historic Building Assessment much of the character and appearance of the former parkland landscape is retained. The introduction of such extensive development would severely compromise the existing open, green landscape, resulting in a far more intensive, built character. As such this would not only dramatically impact upon the registered park and garden, but would also harm the significance of the associated listed buildings and their setting.

We therefore consider that the current proposals would harm the significance of the Patshull Historic Park and Garden and as such the setting of Patshull Hall, the significance of the listed Temple and its setting, and the approach and context of the listed Church of St Mary.

No clear and convincing justification has been provided within the application and, in our view, there are limited heritage benefits to offset the harm identified. As required by the NPPF, it is necessary to weigh any harm identified against the public benefits of the proposals. Clearly this is the role of your authority. However, we would emphasise that this should be a very high bar.

Given that the application site is an existing golf course and hotel complex Historic England is not opposed to the principle of some further development. However, we are concerned that the current proposals are far too intensive. Additional analysis and understanding of the contribution of the application site to the wider parkland, the kinetic experience of the landscape from the historic routes and rides, and the relationship of the Temple to views and vistas from the pleasure grounds and Great Pool would be helpful in formulating any future proposals for this important site. Any future scheme should also consider the reinstatement and celebration of the historic circulation routes through the parkland.

Recommendation

Historic England is unable to support the current proposals on heritage grounds.

We would therefore recommend that the applicant works with your conservation adviser to bring forward a less intensive scheme, more sympathetic to the character of the historic park and the significance of the surrounding listed buildings and their settings.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Shropshire Council (received 27 April 2022) I refer to your consultation with Shropshire Council on the above applications, which relate to a site located close to the Shropshire border.

We have consulted with our own specialist teams and would offer the following comments:

Comments of Shropshire Council Historic Conservation team

The proposal affects the historic curtilage of Patshull Hall which is grade I listed (dating from the 1730s) and lies within the Patshull Hall registered Park and Garden that is grade II listed. The Hall is accompanied by other associated historic structures that are listed in their own right including The Temple (grade IIstar), the Boathouse (grade II listed) and flanking ranges (Grade IIstar listed). These heritage asset predominantly lie within South Staffordshire District, though some heritage assets lie to the north (as part of the principal north entrance) and south-west within Shropshire including part of the registered Park and Garden, the Walled Garden (grade II listed structures) and Badger Conservation Area that contains other heritage assets including the Badger Dingle Registered Park and Garden designation (grade II listed). In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

These comments are in relation to a dual application submitted to South Staffordshire District Council (22/00083/FUL and 22/00084/LBC), where having discussed this proposal with the SSDC Conservation Officer, mainly considers that of the proposed lodges (planning application) that may have a potential impact on heritage assets that lie within Shropshire.

The Patshull Hall Registered Park and Garden is significant being designed by Capability Brown during the 1770s, a renowned landscape architect. The proposal is considerable consisting of 100 holiday lodges that given such quantum would have a significant impact upon the Registered Park and Garden as well as potentially other heritage assets and their respective settings. The submitted Heritage Impact Assessment has been considered where it states that there would be 'no harm' to the Patshull Registered Park and Garden, Temple and Boathouse. SC Conservation would question this view where there shall be some inevitable impact especially to the Registered Park and Garden and that the HIA contains little evidence to prove that there is no intervisibility with the other heritage assets, such as through photographic evidence to confirm such assumptions.

Assessment of other heritage assets such as the Badger Conservation Area is absent, whilst that existing tree cover may limit intervisibility, the HIA should confirm this. Whilst the lodges may consist of a sensitive design, there is considerable concern (as per many of these type of proposals) with regards to the other accompanying infrastructure that is required such as parking, service buildings, electricity substations etc that would also have a potential considerable visual impact and would not have a high degree of reversibility. Whilst it is acknowledged that the late twentieth century golf course would have had some inevitable impact upon the historic designed landscape, it is therefore imperative that the remaining historic landscape is not further compromised/harmed.

Overall there is objection to the proposal where it is considered to be contrary to paragraphs 197 and 202 of the NPPF, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev and emerging policy DP23 of the Submission Local Plan. With regards to paragraph 202 of the NPPF, it is considered that the proposal consists of 'less than substantial harm' on the upper end of the scale, where it is considered that there would be 'negligible' public benefit such as local businesses benefitting from footfall/tourism benefits etc.

Comments of Shropshire Council Ecology team

A small part of the site is within Shropshire - the access point (which is existing) goes through woodland, designated as an ecological corridor and protected by policies CS17 and MD12 of the Shropshire Local Plan. As long as the existing access is not altered, I do not anticipate any impacts to the corridor. The submitted EclA outlines enhancement measures for biodiversity to be incorporated into the scheme, which apart from the access is wholly within South Staffordshire.

Detailed species surveys were not accessible for viewing.

Impacts identified and mitigation and enhancement measures proposed are best assessed in the context of South Staffordshire Council's local planning policy context, also including consideration of protected species legislation.

Comments of Shropshire Council landscape consultant

Thank you for forwarding this application for consultation. I note that a small area of the proposed development falls within the Council's administrative area and I have reviewed a number of documents submitted for application 22/00083/FUL on South Staffordshire's planning pages. I note the history of engagement with South Staffordshire on this application, their agreement to the proposed viewpoints and the amendments to the proposed development that have resulted. I have reviewed the methodology and the assessments of landscape and visual effects which appear to be proportionate and appropriate, and given South Staffordshire's engagement to date and the minimal impact on Shropshire's landscape and visual resources do not wish to make any further representations on the proposals.

I trust that the above comments are helpful and that they will be taken into consideration as part of the determination of the application.

Further to our comments on this application which we provided to you in a letter dated 27th April 2022, we included below the comments of Shropshire Council as highway authority.

Comments of Shropshire Council highways team

Main Comments

- Due to the location of the site it is considered the vast majority of guest and staff to the lodges will come by car and not by PT or cycle. The location of the nearest bus stops is 2.7km. However there may be propensity of leisure journeys on foot or cycle.
- The assessment of local services and amenities in Table 3.4 shows that these are not ideally located within easy walking distance and therefore are likely to be accessible by car. The proposed Framework Travel Plan is negated by poor transport links and access to local amenities therefore it is unclear how effective the travel plan will be. The report has not provided any measures or initiatives as part of the Framework Travel Plan.
- The full travel plan should be provided to the LPA for review as part of a condition.
- Of concern is the PIC review which shows two fatalities have occurred, although in 2003 and 2012, which could be seen as every 10 years. Further comments are shown below.
- It is understood that the road serving the site is subject to the national speed limit. This is considered an issue as vehicles exiting the access, in particular when turning right, will need to be cautious of oncoming speeding vehicles - and vice versa.

- This situation is exacerbated by the bend of the road adjacent to the existing access and the lack of visibility due to its proximity to the bend which is amplified by overgrown trees and foliage in the summer months.
 - Additionally there is no lighting provision or footway provided at the access further limiting pedestrian movements to the site. The lack of lighting will also impair driver visibility on approach to the existing access during darker or night time conditions.
 - A speed reduction on approach to the existing access from both directions and provision of lighting at the access should be considered.
 - This should be reviewed following a visibility splay assessment carried out based on the speed limit of the road in proximity to the access. A speed survey should be considered which would identify the speed limit of vehicles at this location.
 - Additionally although there is no amendment to the existing access a Stage 1 Road Safety audit by an independent road safety auditors may also be appropriate due to highlighted safety concerns.
 - Although it is considered that the proposed traffic generation will not have a significant impact both the existing and proposed TRICS data have not been provided. Further comments on these outputs are show below.
 - The report states that trip rates for the existing use are not available and that an alternative site in a different category was used. The TRICS data in Appendix 03 have not been reviewed as they are not provided within Appendix 03. Therefore based on the TRICS review and provision of 50 bedroom hotel, golf course and supporting amenities with 194 parking spaces it is considered that the existing trip generation figures could underestimate the actual trip generation for the existing site.
 - The traffic generation for the Fishery could be considered to be lower than normally expected as there are now limited uses on site and there no longer any crossover trips from the hotel and golf course patrons due to its closure. Additionally if the proposed development is to be approved the use of the Fishery is likely to increase although it is expected that these trips will be internal.
- It understood that a single survey site has been used to derive the TRICS rates for the proposed site. However the full output included In Appendix 03 does not include the trip rates as per Table 6.2. This should be provided. There are also a second set of trip rates provided based on 03 Residential J - Holiday Accommodation.
- Details of trip generation for spa and restaurant use by public use are not provided.
 - Additional details of trip generation for larger events such as weddings are not provided.
 - It is understood that "Each lodge unit is to be provided with 2 spaces per unit at least, and further 80 spaces are to be provided at the new main facilities building for staff, fishery and visitor use". This results in total of 280 spaces. This should be confirmed.
 - Is there any overflow car park to be provided in particular in the event of large event such as a weddings, visits to the spa, restaurant, temple and historical park and grounds etc. Or is this to be accommodated with the further 80 spaces.
 - Additionally there are no details of staff and shifts for the proposed use.

I trust that the above comments are helpful and that they will be taken into consideration as part of the determination of the application.

Severn Trent Water (received 16/06/2022) Having received the consultation for the above planning application, I have the following comments to make.

The submitted drainage plan shows no foul sewage or surface water is proposed to be discharged to the public sewerage system and therefore have no comment to make on the proposals.

Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

Catchment Team Comments: Located within SPZ3 of multiple active GWS. It is advised that any new treatment plant follows British Standard and EA guidance. An adequate infiltration system should be installed to minimise the risk to groundwater and is appropriate to the rate of discharge and the infiltration capacity of the ground. The facility should provide a suitable train of treatment for infiltration systems designed within SPZ3.

Natural England (received 15 March 2022) No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes [an area / areas] of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Environment Agency (received 09 March 2022) Parts of this site along the edge of the lake lie within Flood Zone 3 of an Ordinary Watercourse. We note that a FRA has been submitted in support of this application, and that we have previously provided pre-application advice ... which provides advice on flood risk requirements.

In respect of flood risk this category of consultation is now replied to with the use of flood risk standing advice, not bespoke comment. Please find attached a copy of the appropriate local flood risk advice (2022 Process Note) for your consideration.

Police (received 09 June 2022) advice in relation to secure by design

Nature space (received 21 March 2022) This planning application is for: Demolition of modern hotel extensions and removal of hard standing car parking, retention of the listed Temple, siting of 100 holiday

lodges and construction of new Boathouse Central Facilities Building, including associated access, parking and servicing at Patshull Park Hotel Golf and Country Club, Patshull Park, Burnhill Green WV6 7HR.

- The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.
- There are 3 ponds on site, with an additional 3 ponds within 500m of the development proposal.
- GCN surveys related

This image shows the site (red outline, based on location plan) in the context of the surrounding landscape, including the impact risk zones. 250m (green) and 500m (blue) buffers around the site are shown. Ponds are shown in light blue.

Summary

The applicant has provided an ecological report [Ecological Impact Assessment; Patshull Park Proposed Lodge Development; SLR Consulting; January 2022; Document ref: 406.11343.00001]. Within this report it states that:

“A medium population of great crested newts has been recorded at the site, comprising a peak count of seven great crested newts in Pond 2 and four in Pond 5.”

“Ponds 2 and 5 are located immediately adjacent to the western boundary of the application site”

“The potential impacts to great crested newt relate to the killing or injury of animals during construction and the associated loss of terrestrial habitats present which could be used for foraging and dispersal. The application site, in its current state, generally has limited potential to provide suitable terrestrial habitat for amphibians. The majority of habitat to be lost is frequently-mown modified grassland. Higher value woodland habitats surround the ponds, beyond the application site, although there are areas of rough grassland and woodland within 250m which may be used by great crested newt. The likelihood of the presence of commuting and foraging individuals within the application site is low but cannot be ruled out.”

The report states that mitigation measures for GCN will be carried out under a European Protected Species Licence.

Conclusion and recommendation for conditions:

I am satisfied with this ecological report and agree with that a licence is required to address the impacts to great crested newts.

The applicant must provide further information, including a mitigation method statement for the site, which must prove to the Council that the applicant is likely to be granted an EPSL by Natural England if they are granted planning permission.

Garden History Society (received 16 March 2022) First is the potential harm to management and conservation of the RPG (or at the very least its coordinated management) from fragmentation of ownership of the chalets if they are sold to up to 100 private individual owners. This could aggravate the harm from the development itself.

Second is the lack of any management proposals for the RPG to mitigate or offset the harm from the development. This could form another strand of any refusal of consent or, if SSDC is minded to approve, a condition requiring a management and conservation plan to be prepared for the site and approved by SSDC together with a binding timetable plan for implementation.

I hope these additional views can be taken into account.

Thank you for consulting The Gardens Trust (TGT) in its role as Statutory Consultee over proposed development affecting Patshull Park a site included at grade II on the Historic England Register of Parks and Gardens. Staffordshire Gardens and Parks Trust (SGPT) is a member organisation of TGT and works in partnership with it concerning the protection and conservation of registered sites. SGPT is authorised to respond on behalf of both Trusts in respect of planning consultations.

The Trusts object strongly to application 22/00083/FUL

Patshull Park is listed grade II on the Historic England register of Historic Parks and Gardens and lies within the South Staffordshire Green Belt. It extends over 500 hectares and encompasses the grade II* listed Patshull Hall and St Mary's Church and a designed landscape around the Y shaped lakes comprising Great Pool and Church Pool. The historic landscape appears to have originated in the 17th century in the Pleasure Grounds around the Hall and to have been extended southwards from the 1760s when the two pools were either extended or remodelled. Although no plans are known to survive the mid-18th century work is thought to have been influenced by Lancelot "Capability" Brown who is known to have provided a "general plan for the place". The design of the lakes is very characteristic of Brown's work.

The application site lies in the southern part of the park to the west of Great Pool in the area associated with the Brownian remodelling. An 18th century boathouse and small garden temple, both listed buildings, survive in this area together with a number of ancient trees possibly part of the 18th century planting scheme. The character of this part of the park was substantially altered in the latter part of the 20th century by the intrusion of a golf course, the attachment of a sprawling hotel extension to the rear of the grade II* Temple, and construction of large associated car parking areas. Notwithstanding these harmful changes the underlying historic significance of the 18th century designed landscape remains intact, legible and capable of reinstatement.

The harm and incongruity of the modern golf course in this historic setting is fully acknowledged. In principle its removal is to be welcomed. However, the erection of 100 chalets (in reality Park Homes or enlarged static caravans) of uninspired design will have a seriously harmful impact on the appearance and significance of the historic designed landscape. Their axial north-south distribution along a metalled roadway running through centre of the former wood pasture at the heart of the one-time golf course has all the appearance of an uninspired housing estate. This is not compatible with its location within the Green Belt. The Trusts have expressed support in principle for related application 22/00084/LBC for demolition of the unsightly modern hotel extensions which will enhance the openness and appearance of the historic park. Any benefit gained thereby would be vitiated by construction of chalets offering an equivalent floor area but dispersed across the landscape. No information is provided about the design of the proposed new housekeeping building shown in footprint only on the Masterplan. This appears to be a sizeable structure, prominently and harmfully located without any mitigating screen planting.

Although the area allocated to collective car parking will be reduced in this scheme (compared to the present arrangement) the overall provision for circa 150 spaces will remain constant but now the intrusive presence of parked vehicles will be distributed throughout the landscape. No screen planting is shown around the car park for the proposed new facilities building: the mass of parked vehicles will stand out in the landscape.

No clarification is provided within the submitted documents but it is inferred that the lodges are to be within a fenced compound. Paragraphs 3.3 and 3.4 of the Design and Access Statement refer to a security gate across the drive (also shown on the Masterplan) to prevent public access around the chalets. No details are provided

of the lodge or fence. Its erection would be quite at variance with the open nature of the grade II registered historic landscape and is opposed.

The proposed new restaurant and facilities building will have a smaller footprint than the present hotel but its location and dominant massing on the banks of the lake will have a more deleterious and urbanising impact on the rural tranquillity of the Great Pool. It will be an unattractive and unwelcome encroachment into the designed historic landscape.

The Trusts have read the supporting statements submitted with the application and take issue with the claimed benefits for the scheme. We are disappointed by the very general and superficial analysis of the historic parkland in the Historic Environment DBA and astonished by its conclusions at paragraph 5.2.4. that the development would be an "overall positive benefit" and paragraph 6.0. that there would be no harm to the RPG. The ARC Market Review does not mention the RPG. The Landscape and Visual Appraisal scarcely mentions this designation; does not seek to assess the age structure of the existing planting and its significance; to identify any sightlines or views which might need protection; or to advise how any harmful visual impact from the development might be mitigated. Its findings at 4.16 and 4.18 that the development reinstates a naturalistic parkland configuration and allows a better interpretation of the park is contradicted by the very intrusive proposals it seeks to support. The Landscape Appraisal, Design and Access, and Planning Statements all make great play that with the closure of the hotel and golf course the proposed development is the only means of preventing dereliction of the site. The Trusts strongly dispute this assertion and suggest that there are many appropriate low key, conservation and heritage friendly management regimes which could be explored, for example reversion to grazing pasture. Even were all management to cease and the park became "rewilded" historic wood pasture landscapes are very resilient and capable of reclamation over time. It is troubling that no mention is made of a future management regime for the upkeep and curation and enhancement of the historic landscape and only a tangential reference at para 4.17 of the Landscape Report to the risk of differing standards of upkeep of the chalets if they are sold to multifarious individual owners. The proffered benefits to the heritage asset arising from removal of the modern hotel extensions and car parks, and cessation of use as a golf course are fully endorsed but the Trusts believe these could be achieved satisfactorily without recourse to extensive new development across the parkland. Mention is made *passim* in the documentation of improved public access to the historic landscape, but it is not specified how this would be achieved.

In summary the Trusts find that this application is inadequately prepared, poorly justified and lacking in detail. Notwithstanding, at root the proposed development will cause substantial harm to the Green Belt and the grade II RPG for which there is no overriding public benefit. The Trusts recommend that the application be refused planning permission.

In response to amended scheme (Received 20/06/2022) Thank you for consulting the SGPT and The Gardens Trust on the additional information submitted by the applicants' agent. As in our initial consultation response of 16 March 2022 SGPT is commenting on behalf of both trusts in accordance with working arrangements agreed between the two organisations.

The Trusts have carefully reviewed the additional material and rebuttal statements provided by the planning agent and heritage advisor. While we remain supportive of the principle of demolishing the modern hotel extensions attached to the grade II star listed Temple we remain concerned at the lack of information about the extent of demolition anticipated (e.g does it include the 19th century cottage for example, a feature of historic interest in its own right), treatment of demolition scars, fabric repairs and proposed future use. Fuller information is required before we can fully endorse this aspect of the applications.

The Trusts remain concerned at the lack of analysis of the historic landscape; how missing or damaged features and planting might be recreated and managed for the future; and how the proposed holiday

chalets/lodges would be accommodated within it. Insufficient information is provided about the proposed fence around the development such as its height, design, colour and any measures to avert it appearing an arbitrary intrusion into the parkland. The proposed design of the chalets/lodges remains insensitive; the tenancy/lease/licence arrangements for individual occupiers remains unclear. These and other matters must be clarified in detail before determination of the applications. This would demonstrate that the applicants have a clear understanding of the historic significance of the site; how the development has been devised to respect and integrate into the historic setting and that they have prepared robust, enforceable management procedures in place to protect and uphold that heritage significance. The answers to these matters are fundamental to understanding the impact of the scheme in heritage terms and cannot be deferred, as suggested by the applicants' agents, to resolution through planning conditions. Their absence is a serious omission from the application.

The Trusts dispute the applicants' argument that because the development site comprises only a limited proportion of the RPG and designed landscape it should be found acceptable thereby. Designed landscapes can rarely be divided into self-contained compartments. Their character and appearance derives from the integrity of the whole design whether as the work of a single creation or from cumulative evolution over time. Although Patshull Park contains elements from the 17th, 18th and 19th centuries the key components pertinent to the current applications are the sequence of wood pastures running south from the Hall across Middle Ley past the church into Far Ley where they are bound together by the mid 18th century Great Pool created by Lancelot Brown. The current proposal to subdivide this sequence would create an artificial segregation at variance with its historic character. The intrusion into the open space of roadways and other structures at the high density shown on the revised Masterplan of 19 May 2022 would harmfully alter both its internal appearance and views of it from other parts of the wider historic park (for example from across Great Pool). Redistributing the lodges further away from the Temple would be useful but would not mitigate their overall intrusive presence in the historic park.

While the Trusts agree there is potential public benefit from increased public access to and across the site as suggested in the submission creation of permissive rights of way is not exclusively contingent on granting planning permission for the development. The applicants' arguments in this respect are misleading. No compelling argument has been submitted to show that commercial development is a public benefit essential for the future upkeep of the parkland such as to outweigh harm to the heritage of the park. The Trusts reiterate that reversion to grazing would be an acceptable reuse of the site and be fully in accordance with its use historically.

In conclusion the Trusts concur with the views of Historic England and your Council's conservation officer that the rebuttal material submitted by the planning agent and heritage advisor does not give cause to revise our previous overall objection to the applications. While supportive of the principle of demolishing the existing modern hotel as an enhancement to the setting of the grade II* listed temple and the wider setting of the grade II Registered Historic Park and Garden the Trusts remain of the view that these applications are deficient in information and, on the basis of the evidence provided, will cause severe harm to the significance of the heritage assets. No overriding public benefits are adduced. The Trusts still consider the applications should be refused.

Capability Brown Society (received 05 April 2022) We have reviewed the Application and for the reasons set out in our Submission we consider that the Planning Application by the current owner of the golf course, should be refused.

The Capability Brown Society (TCBS) is obliged to assess the application 22/00083/FUL to provide 100 holiday lodges, central facility buildings and associated access, parking and services. TCBS is an independent not for profit organisation. The Society is still in its infancy and was established to promote and help conserve Brown's historic landscapes. The Landscape Institute and many others celebrated the 300th year anniversary of

Brown's birth in 2016 and the Society was founded to continue to promote his legacy subsequently. The Society currently has over 350 members.

TCBS opposes this application for all the reasons set out succinctly by both Historic England and the Garden's Trust. The development is too intensive, too widely spread and completely out of character with the Grade 11 registered pastoral parkland landscape. Significant irreversible harm would be caused to the open parkland character of the land, and to the setting of the lake.

The application site is in a very prominent part of the 529 hectare registered parkland. Even though the site covers only 3.9% of the area it is flanked by the 18th C lake and an historic access to listed properties. It would reasonably be considered to fall within the wider curtilage of the Grade 1 Patshull Hall, a listing that is of the highest national significance, as well as the Grade II star Church of St Mary. Recovery of the setting of the Grade II Temple by its separation from the hotel that is proposed to be demolished, and which is welcomed, is not adequately achieved by the very close proximity of the proposed large new boathouse with associated car parking of a size significantly greater than the Temple; siting should be more carefully considered. There would be harm to the setting of all these listings. There is no "clear and convincing justification" offered for the proposals that, in paragraph 200 of the NPPF, needs to be either "exceptional" (for the Temple and Parkland) or "wholly exceptional" within the curtilage of the Hall and Church. As Historic England state there is a very high bar on this site for any development to "Very Special Circumstances" to be considered.

The applicant's planning statement shows that the removal of the existing hotel and replacement by the new 1690m² boathouse central facility would lead to a 69% reduction in floor area for the replacement building assuming that the existing hotel development had a floor area of 5380m² (stated in Table I of the planning statement as reconfigured after the pre-app rather than the original 7380m²). The statement however fails to properly record that the 100 new single storey lodges would cover a further 7454m² of floor space and would be widely spread throughout the application site. The proposals would therefore cover a very significant additional 70% of floor area over the existing which would be spread out in a very wide disposition. In addition the masterplan proposes a "housekeeping and maintenance building which may be a repurposing of the former green keeper's shed but appears to have significance in size and location beside an historic drive and with no detail provided. This extent of development would lead both to a loss of visual and special openness contrary to NPPF policy and significantly impact on the character of the open historic parkland. The significant increase in floor area of the holiday lodges would not be considered to be one of the seven exceptions to inappropriate development in the Green Belt as set out in NPPF paragraph 149.

For the future users of the proposed lodges there would be a loss of privacy and any sense of being in a pastoral Brownian landscape. Views would be to a scattering of other identical buildings. The design of these buildings is poor and with their scattered disposition fails to reflect the historic character of the site. The planning statement refers to the intention of the applicant to create a "retreat... which provides a quiet, rural escape, with accessible walking routes and areas for relaxation and reflection, taking full advantage of the lakeside views and wider landscape." How can this be.

Although set out between conserved mature trees their canopies would be above eye level and future users would have clear views of their neighbours under the trees with other buildings interrupting views of the lake. No landscape proposals are offered to show screening and privacy for users as might reasonably be required for a higher quality "quiet" holiday destination. Were a detailed landscape scheme to be submitted addressing the issue of privacy this very poor and ill considered layout would further erode the visual openness of the historic parkland setting. The question might then reasonably be asked what the future users of these holiday lodges might do on this site when in residence. There is very limited recreational provision. Will such very poor provision require further development for its long term viability.

In considering proposals for the Registered Parkland the applicant should reasonably be seen to have considered its entirety and its management. The applicant should, in this case, have been seen to have liaised with the owner of Patshull Hall particularly to address the boundary security issues that might arise from the introduction of an intensive holiday development next door and to carefully assess privacy, nuisance and noise issues that might impact from holidaymakers on the users of Hall land. This appears not to be addressed in the submission.

It is noted that the applicant owns 65% of the registered parkland covering 346.9 hectares of the registered land, besides significant land holdings beyond the registration giving a large holding of 761.4 hectares in total. In stating that this development is necessary to secure the economic viability of the registered parkland it might have been appropriate, by way of justification, to present an analysis of the use and management of the entire land holding. There could even be an economic case, given new land management grants, as a viable and reasonable alternative, either for returning the land to pastoral meadow, or for its partial re-wilding or to combine this with a very few more discreetly located rental lodges more suited to quiet reflection so long as there is demonstrably no additional loss of special or visual openness.

Updated comments (received 16 November 2022) OBJECTION The new submission of the Patshull Park Masterplan version C relocates both the proposed new main facility building to the south west and also about 20 of the proposed lodge buildings. The redesigned building is poor and unsympathetic to the site particularly in such a prominent new location given that the proposed development shifts far closer to the historic access road to Patshull Hall and St Mary's Church. Although the relocation of so much development provides welcome open land around the listed temple and to the south, where the former hotel would now be demolished and the lake shore line restored, the impact of the proposals on the historic access road would now be greater than previously and the visual loss of openness, and any appreciation of the Capability Brown setting, particularly to all those entering the site, would result in even greater harm. The Societies previous statement challenged the very basis of the proposals, irrespective of layout, for so many holiday lodges on this site which, with a vastly greater extent of development and footprint than currently exists, would be contrary to all planning policies on Green Belt land, would irretrievably damage the heritage status of the site, would be intrusive to neighbours and, with such a concentration of lodges, would not offer the high quality quiet holiday accommodation described in the application statements. There are therefore no wholly exceptional, or even new exceptional circumstances, that would now be considered to override the substantial harm that these new proposals would cause.

Georgian Group (received 24 March 2022) The Georgian Group has considerable concerns about this proposal on heritage grounds.

The application site incorporates the Doric Garden Temple which stands within the registered landscape to the grade I listed Patshull Hall. The Temple sits on the west bank of the park's ornamental lake at its southern end on land shown on the 1888 OS map as open parkland, whilst the mansion itself stands on higher ground overlooking the lake to its north. The Y-shaped lake itself was possibly enlarged and improved by Lancelot 'Capability' Brown in the later eighteenth century but has much earlier origins. The Temple is a grade II listed mid eighteenth-century structure which was extended c1840 and incorporated within a hotel development c1980. It is proposed to demolish the 1980s hotel buildings and replace them with a development of a 100 lakeside holiday lodges, a restaurant, spa, and new boat house facilities with a waterside decking area.

The heritage appraisal and landscape impact assessment documents provided are to an extent inadequate in that they fail to pay sufficient regard to the fact that the mansion and nearby church, historic parkland, and subsidiary listed buildings together constitute a heritage asset of national importance. This asset itself is made up of numerous grade one, grade Istar and grade II listed buildings, many of which are, or were historically visually linked by designed views within the surrounding registered landscape. The historic visual interrelationship between these individual heritage assets has not been clearly set out within the supporting

document provided, and neither has the impact of the proposed development on the setting of these assets when viewed from historic planned routes within the designed landscape such as the drives and pleasure walks surrounding the house and church.

The proposed chalet development is an intensive and prominently located lakeside one which is likely to have a detrimental impact on the setting of a number of nationally designated heritage assets. Whilst the demolition of the late twentieth century buildings surrounding the grade II listed classical temple will probably bring some heritage gain, it is difficult with the limited information provided to reach an informed decision as to the extent to which this will be at the expense of causing a considerable degree of harm to the historic parkland, and to the wider setting of those adjoining nationally designated heritage assets with which it is historically and visually associated. This is particularly problematic as the proposed chalet development would cover a much larger area within the historic parkland than the existing hotel complex, and thus has the potential to disrupt a considerable number of planned vistas. We also note that the proposed waterside facilities building, restaurant and decking area has been deliberately located to exploit views over the lake, yet its potential impact on key views from the mansion, and from within the park has not been inadequately explained. The potential impact of any associated artificial lighting both within these new buildings, within the car park area, and upon routes between the chalets, upon the registered parkland and setting of nearby heritage assets has also not been adequately made clear. This is an important issue given the fact that the site will be occupied during the evenings and during months where artificial light may be needed during parts of the day.

It is also not entirely clear to what extent the proposed new landscaping works and planting are designed to reinstate documented lost features within the registered landscape (and thus whether they can thus be regarded as conservation gain) or whether much of it will be new interventions, which whilst screening the new buildings will itself to an extent further eroded the historic designed landscape surround Patshull Hall. Where existing tree belts and planting are to be removed, it is again not always clear what role they play within planned vistas in the historic designed landscape.

The justification for causing further harm to the registered parkland and to the setting of the individual listed structures which stand within it is also insufficiently robust. Paragraph 200 of the 2021 NPPF makes clear that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building, registered landscape, or their setting, a local planning authority must have special regard to the desirability of preserving the heritage asset or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty Page 1/2 Casework Database response to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

This is a controversial and intensive development on a highly sensitive site which has the potential to have a detrimental impact both on both the registered historic landscape and on the wider setting of a number of highly graded nationally designated heritage assets which are located within it. The supporting documentation provided to date is insufficiently detailed to explain the significance of the heritage assets affected, or the potential impact of the proposed development upon these sensitive assets. Without further information we would advise that your authority will not be able to meet the obligations set out by the Secretary of State within NPPF 195 and 197 when determining this application. We therefore would strongly recommend that

the applicant withdraws this proposal until they can provide the information required. If they are unwilling to do so, then consent should be refused.

The Woodland Trust (received 24 March 2023)

Thank you for re-consulting the Woodland Trust on this proposal.

I have reviewed the Tree and Ecology Response, plus the revised Tree Protection Plans, and wish to withdraw our objection to this proposal.

Enjoy Staffordshire (received 07 December 2022)

I am writing to you in my capacity of Chair of the Enjoy Staffordshire Destination Management Partnership to outline our strong support for the above development proposal.

As you may be aware, Enjoy Staffordshire promotes the interest of the visitor economy of Staffordshire, with an overall ambition to grow the volume and value of the sector.

Following a turbulent period of uncertainty because of the Covid pandemic, our visitor economy is emerging with a renewed confidence and a clear direction of travel for future growth.

Our ambitions are set out in our Visitor Economy Action Plan (VEAP) which was endorsed by the Staffordshire Leaders Board on 1 December 2022, with unanimous support from all of Staffordshire's local authorities including South Staffordshire District Council.

The VEAP clearly sets out a number of key priorities which will provide the framework for growth within the sector and identifies Product Development, and in particular, the growth in the quality and scale of accommodation options in Staffordshire as its greatest priority.

The Action Plan identified creating the conditions for more people to be able to stay overnight in Staffordshire as one of our key challenges. The provision of more high-quality accommodation will bring benefits for us all and allow more visitors to enjoy our multitude of attractions, countryside, and hospitality sectors. It will also provide additional employment, especially for younger people who make up a significant proportion of workers in the hospitality sector.

I was therefore delighted to recently learn about proposals to secure the long-term future of the Patshull Park estate by bringing forward a high-quality accommodation development to be operated by the nationally recognised log cabin operator Forest Holidays.

Their developments have been sensitively located in some of the country's finest landscapes and I am sure that this proposal would be equally sensitive to the environs of Patshull Park. I note that the proposals have been amended in scale following feedback received from your planning team, whilst also allowing for the scheme to retain its viability.

Furthermore, I understand that the proposals will actively seek to restore and enable access to the Capability Brown designed landscapes within the Park which have been allowed to deteriorate over recent years. The proposals will also allow for public access to these important landscapes which will provide an additional attraction to the South Staffordshire visitor economy offer.

Whilst I understand that these proposals will rightly be considered within the framework of local and national planning policies, I would urge South Staffordshire District Council's Planning Committee to consider them favourably given their substantial economic and wider benefits which are projected to include:

- additional estimated spend within the local area of circa £2.5 million
- more than 80 full time equivalent jobs and additional construction jobs
- improved public access to a valued Capability Brown landscape which has hitherto been inaccessible to the public and has not formed a part of the local visitor economy offering a substantial direct financial investment into the local community with secondary benefits to established local businesses.

I would therefore also urge your officers to look favourably on the proposals which should be classed as demonstrating very special circumstances within the planning balance, given the value and quality of the proposals being put forward.

As the Destination Management Partnership promoting the visitor economy for Staffordshire, these are exactly the kind of developments that we would wish to see in growing the quality and value of our product and I would therefore be grateful for your time in considering this letter of support.

Nature Space (received 22 March 2022)

- The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

- There are 3 ponds on site, with an additional 3 ponds within 500m of the development proposal.

- GCN surveys related

This image shows the site (red outline, based on location plan) in the context of the surrounding landscape, including the impact risk zones. 250m (green) and 500m (blue) buffers around the site are shown. Ponds are shown in light blue.

Summary

The applicant has provided an ecological report [Ecological Impact Assessment; Patshull Park Proposed Lodge Development; SLR Consulting; January 2022; Document ref: 406.11343.00001]. Within this report it states that:

"A medium population of great crested newts has been recorded at the site, comprising a peak count of seven great crested newts in Pond 2 and four in Pond 5."

"Ponds 2 and 5 are located immediately adjacent to the western boundary of the application site"

"The potential impacts to great crested newt relate to the killing or injury of animals during construction and the associated loss of terrestrial habitats present which could be used for foraging and dispersal. The application site, in its current state, generally has limited potential to provide suitable terrestrial habitat for amphibians. The majority of habitat to be lost is frequently-mown modified grassland. Higher value woodland habitats surround the ponds, beyond the application site, although there are areas of rough grassland and woodland within 250m which may be used by great crested newt. The likelihood of the presence of commuting and foraging individuals within the application site is low but cannot be ruled out."

The report states that mitigation measures for GCN will be carried out under a European Protected Species Licence.

Conclusion and recommendation for conditions:

I am satisfied with this ecological report and agree with that a licence is required to address the impacts to great crested newts.

The applicant must provide further information, including a mitigation method statement for the site, which must prove to the Council that the applicant is likely to be granted an EPSL by Natural England if they are granted planning permission.

The applicant also has the option to apply for South Staffordshire Council's District Licence. This would require them to present a NatureSpace report or certificate to demonstrate that the impacts of the proposed development can be addressed through the District Licence.

More details on the District Licensing Scheme operated by the council can be found at

www.naturespaceuk.com

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

Gavin Williamson MP (received 12 April 2022) I do hope that the historic aspects of the park are properly protected.

No comments were received from the following:

Historic Buildings & Places

The Council For British Archaeology

Twentieth Century Society

The Victorian Society

Society For Protection Of Ancient Building

Badger Group

County Planning

Campaign to Protect rural England

Cadent gas limited

Staffordshire Wildlife Trust
National Grid

12 objection letters were received (Green Belt, impact on highways, ecology in summary)
28 were received in support

APPRAISAL

5. APPRAISAL

The application is being heard at Planning Committee at the request of Councillor Mason who considers the circumstances advanced as part of the planning balance should be given full consideration by Members.

5.1 Key Issues

- Principle of development
- Impact on openness
- Reasons for including land within the Green Belt
- Case for very special circumstances
- Impact on Heritage
- Impact on highways
- Impact on Ecology and veteran trees
- Drainage
- Impact on neighbours

5.2 Principle of the development

5.2.1 The site is located in the West Midlands Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.2.2 Both local policy GB1 and the NPPF notes the construction of new buildings other than for agricultural or forestry purposes is generally considered to represent inappropriate development. It is noted that the lodges do meet the definition of caravans and as such would be better be considered as a change of use of the land. As the applicant's case relies on both elements, both points will be covered in this report.

5.2.3 Local Plan policy GB1 is silent on the issue of sites within the Green Belt that are previously developed (brownfield land); i.e. land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed). However, the supporting text to policy GB1 states that development within the Green Belt will normally be permitted where it is acceptable "within the terms of national planning policy". It therefore follows that for any development to be acceptable any proposal must comply with the provisions of the NPPF. In addition to this where the local plan is silent, then the NPPF is a material consideration.

5.2.4 In this light, part 6 of paragraph 145 of the NPPF specifies that for the construction of new buildings, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development is an exception to inappropriate development in the Green Belt.

5.2.5 Does section g) of paragraph 145 therefore apply?

5.2.6 The NPPF offers a definition of previously developed land in the glossary stating:

Land which is or was occupied by permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry infrastructure; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

5.2.7 In that the application site consists of buildings, a large expanse of hard standing as well as a golf course, I consider that it does comprise a site that has been previously developed. As the proposal involves demolition, rebuilding, new construction and an entirely new use, it is for the complete redevelopment of the site. Therefore, I consider that the sixth bullet point of paragraph 149 is engaged.

5.2.8 That is not the end of the matter however. Before the exception principle in the sixth bullet point is met, it has to be demonstrated that "the redevelopment would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development".

5.2.9 As well as the redevelopment of previously developed sites, the erection of lodges may meet the change of use principle given in paragraph 150 of the NPPF and echoed in GB1 of the Core Strategy. This exemption states certain forms of development are also not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it.

5.2.10 An assessment on openness can be found in the next section of this report.

5.3 Impact on openness

5.3.1 Paragraph 133 of the NPPF states that, 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

5.3.2 There has been much dispute in recent years in case law in defining openness. A defining case in *R (Timmins & Anr.) v Gedling BC & Anr.* helps to define whether the visual impact of a development could be taken in account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are un-obtrusive or screened in some way. It was also held that 'openness' and 'visual impact are different concepts', although they could 'relate to each other'.

5.3.3 The PPG has been updated (July 2019) with guidance on factors taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

5.3.4 *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* (2020) states The concept of "openness" in para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim

of Green Belt policy, stated at the beginning of this section: "to prevent urban sprawl by keeping land permanently open ...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land."

5.3.5 Although not the only consideration here, a good starting point when considering impact on openness is the existing built form on site. The applicants have provided that:

- The existing hotel provides around 7380 sqm.
- The proposed 62 lodges provide around 4632 sqm
- There is to be a facility building that provides around 278 sqm.

5.3.6 This would result in a reduction of built form of around 2470 sqm. However, the existing hotel is concentrated around the listed temple that was part of the overall estate belonging to Patshull Park. The temple was set on a ridge and the hotel building has been built around it, enclosing it to the rear and sides. The building is single storey (but with a pitched roof) to the south of the temple with two storey elements to the west and south sides. It is therefore contended that the existing built form is currently concentrated in one small part of the site.

5.3.7 The proposal would introduce sixty-two lodges that would sprawl across the northern part of the site, starting some distance away from the listed temple, and reaching all the way to the top of the site, to where the lake splits into two arms. The lodges would be accessed by a main artery road with the lodges scattered sporadically. Every plot would sit on an individual concrete pad and each unit is to be provided with mains water, electric, foul drainage, piped gas, TV and WIFI through an internal private network of services. Whilst not detailed in the submission the lodges would naturally provide an external amenity area for residents to sit and spend time in the summer and a parking area increasing the domestic appearance of the site.

5.3.8 The lodges would significantly affect the openness of the green belt when compared to the existing undeveloped nature of this part of the site. There is therefore spatial harm from the proposal. Overall, the lodges cause a significant level of harm to both the spatial and visual amenity of the Green Belt.

5.3.9 As well as the lodges the proposal would also see the introduction of an amenity building towards the entrance to the site which is certainly a more modest and discrete design than the previous 'boat house' building that was to be located on the Great Pool. The current built form of the hotel is located discreetly in the landscape and the main bulk of the building cannot be viewed until one is well within the site. Locating the amenity building in such a prominent location along with the sprawl of the lodges would again cause significant harm to the visual amenity of the Green Belt.

5.3.10 The site would give rise to a high number of vehicles trips to and from the site, particularly at peak holiday times during the year such as school holidays. However, the existing site has an approved leisure use in the shape of a golf course, as well as having the potential to reopen a restaurant and café facilities and of course the main use as a hotel and conferencing facility. Only the trip movements from the proposed use as a holiday lodge retreat is therefore unlikely to cause any greater harm to openness than the existing use.

5.3.11 In terms of the duration of the development whilst it is acknowledged that the lodges are not of permanent construction and can be dismantled and removed from site, no temporary permission is sought and the lodges have a far longer lifespan than traditional mobile homes, indeed after undertaking some research, many companies claiming around 80 years. All lodges will be based on a concrete pan with all modern facilities one would expect from a residential dwelling. The roadways will be of durable construction. When combined with the permanence of the amenity building, the duration of the development increases and the 'temporary' nature of lodges somewhat falls away. Notwithstanding this, there is the very permanent nature of the existing hotel building. The duration element in comparison with the existing use, as with trip movement is not likely to have any more impact on openness than the existing use of the site as a hotel and conference facility.

5.3.12 Overall, therefore due to the spread of the development throughout the site, I consider there would be significant harm to openness of the green belt caused by the proposed development. The proposal is inappropriate, harmful to openness by definition and should not be approved except in very special circumstances.

5.4 Reasons for including land within the Green Belt

5.4.1 The Green Belt serves five purposes as defined in the NPPF. They are:

- To check the unrestricted sprawl of large built-up areas,
- To prevent neighbouring towns from 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.

5.4.2 Regarding the first and second purpose of the Green Belt, the site is located in an open area of the countryside and would not attract additional development to locate with or beside it. The site does not form part of a large built-up area and therefore the development would not encourage sprawl or cause the merging of towns; particularly as the site is surrounded by other open fields.

5.4.3 The site is not within a historic town or adjacent to any historic assets therefore satisfying the fourth purpose.

5.4.4 The fifth purpose encourages urban regeneration and the recycling of derelict land. Whilst the land is considered to be previously developed, it is not derelict, nor is it in an urban location.

5.4.5 Regarding the third purpose, this proposal would develop the site which is in the countryside and distributing the built form throughout the site where it is currently concentrated in a small part. This causes direct conflict with the purpose of safeguarding the countryside from encroachment. This is reflected in the proposal being inappropriate development by definition.

5.5 Impact on Heritage

5.5.1 Local Plan policy EQ3 states that the Council will consider the significance of all proposed works to heritage assets, informed by relevant guidance that is supported by Historic England.

5.5.2 Section 16 of the NPPF states that when determining planning applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and an appropriate assessment should be submitted in support.

5.5.3 Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important

the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.5.4 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.5.5 Member will have to have regard to the statutory duty set out in Planning (Listed Buildings and Conservation Areas) Act 1990 that requires that special regard be given to the desirability of preserving listed buildings and their settings.

5.5.6 Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the NPPF apply.

5.5.7 Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

5.5.8 Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

5.5.9 What is optimum viable use?

If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

5.5.10 For clarification purposes, the application site is contained wholly within, and is considered to be, a Grade II listed registered park and garden (RPG) and contains but is not limited to the following listed structures:

5.5.11 Boathouse approximately 400 yards south of Church of St Mary – Grade II: Listing entry 1039291
The Temple – Grade II Star: Listing entry 1374062
Boathouse approximately 25 yards north of The Temple: Listing entry 1039294

5.5.12 The listed parkland was designed by Lancelot 'Capability' Brown which formed part of the pleasure grounds to the Grade I listed Patshull Hall. The site and hall were unfortunately split into separate ownership in the past and the application site was developed into a golf course. There remains a further area of RPG that extends to the north and includes a number of listed structures most notably:

- Gate, piers and wall at of Church of St Mary – Grade II: Listing entry 1039331, 1188257, 1188233
- Church of St Mary – Grade II star: listing entry 1039330
- Boathouse approximately 100 yards west of Church of St Mary – Grade II: Listing entry: 1039290

5.5.13 The listing entry of the RPG gives a good summary of the site's history and significance, and the reader is encouraged to refer to it as a useful independent (and unusually detailed) backdrop to this report as it is too lengthy to include here. Most noteworthy sections state:

By the end of the C18 the pools on either side of the house had been extended to form a Y-shaped lake, the western branch of which is called Church Pool. The Doric temple was built, possibly by Gibbs, in the mid C18, on the west bank of the southern tip of the lake. Brick wings were added c.1840 and in 1980 it was incorporated as part of Temple hotel.

To the east of the lake is the Old Park and, beyond this, the High Park, now used as a golf course. To the west the park is divided into fields and edged with plantations.

5.5.14 As detailed in the comments from Historic England, the grounds around large country homes such as Patshull Hall were designed specifically for the enjoyment of the owners and any visitors. The landscapes would include pools, fountains and follies to excite and surprise on their walks. Both the pool and the landscape are entirely manmade and were designed in consultation with Lancelot Brown. There is an undated entry in Browns account book under 'Lord Pigot' for £52 10s for a 'general plan for the Place and Journeys'.

5.5.15 The listed Temple would have been one of the follies built in the mid to late 18th Century and later extended sympathetically. Follies were an 'eyecatcher' and were usually unused structures that were located in landscapes to create an enhancement and to excite landowners and visitors.

5.5.16 Comments submitted by the Gardens Trust state:

The application site lies in the southern part of the park to the west of Great Pool in the area associated with the Brownian remodelling. An 18th century boathouse and small garden temple, both listed buildings, survive in this area together with a number of ancient trees possibly part of the 18th century planting scheme. The character of this part of the park was substantially altered in the latter part of the 20th century by the intrusion of a golf course, the attachment of a sprawling hotel extension to the rear of the grade II Temple, and construction of large associated car parking areas. Notwithstanding these harmful changes the underlying historic significance of the 18th century designed landscape remains intact, legible and capable of reinstatement.*

5.5.17 This is reinforced by Historic England (comments to be found in full in section 4. of this report) who state;

Although used more recently as a golf course and hotel complex the application site is still clearly perceived as part of the wider parkland landscape showcasing the prominently positioned Grade II Temple folly.*

The Patshull estate is therefore a complex and sensitive series of nationally important buildings, structures and integrated landscape. As such the proposed creation of holiday lodges, a facilities building, parking, servicing etc requires the utmost deliberation.

5.5.18 None of the statutory consultees consider that the supporting evidence submitted provides sufficient justification or understanding of either the settings of the listed building nor the impact on the RPG. These comments were relayed to the agent who amended the layout of the lodges to the layout considered here and provided a rebuttal on the comments.

5.5.19 The lodges would result in an intensive spread of development within the listed RPG and would also result in harm to the setting of some listed structures. The applicants contend that the development is contained to just a small part of the RPG however it cannot be split and compartmentalised in such a way,

even the golf course doesn't harm it to such an extent. I would contend that what is left of the registered parkland must be preserved and a number of consultees have commented that they would prefer to see the site rewild as it has already started to do which in some way has regained some of the Brownian design principles. Whilst the amendments have reduced the number of lodges and moved them further away from the listed folly, they remain wholly within the registered parkland and within close proximity of the listed church, boathouse and most crucially within the Grade I Hall. Having walked the park on a number of occasions and stood on the northern part of the park, close to the bridge but south of the hall, the lodges would be clearly viewed across The Great Pool. The RPG and all of the associated listed structures are inextricably linked and cannot be separated from the Grade I listed Hall. Any development close to or within the RPF will have an impact on the significance of the Hall. The Hall is listed as Grade I and its conservation should be afforded significant weight, as should the comments from the statutory consultees.

5.5.20 It is considered that the proposal is 'as good as it's going to get' and it is now in the best position should the applicants appeal any refusal issued but in spite of these amendments there remains firm objections from a number of statutory heritage consultees as detailed in Section 4. of this report. The Council's Conservation Officer considers there to be both harm to the listed RPG as well as the setting of a number of listed structures on site. However, he contends that this harm is less than substantial. The serious concerns that have been raised cannot be discarded. However, the NPPF does allow for development to be approved if there are public benefits that outweigh the less than substantial harm. It is the decision maker who is to balance and consider the matter of public benefit as is the case with very special circumstances and this is discussed in the next section of this report.

5.6 Case for very special circumstances and justification for harm to Heritage (public benefit) and optimum viable use

5.6.1 When considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.

5.6.2 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework ([paragraph 8](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

5.6.3 Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

5.6.4 The case for very special circumstances/public benefits can be summarised as follows:

- Protection and enhancement of Heritage
- Sustainable economic benefits
- Public benefits
- Visual containment, landscape enhancement and biodiversity

Protection and enhancement of Heritage

5.6.5 The case for the protection and enhancement of the existing heritage is welcomed by the Council. The site has a number of listed buildings on it, most likely to benefit here is the Grade II star listed temple and the listed boathouse. However, no case has been presented that concludes the existing structures are falling into a state of disrepair and urgently need funds to allow for their maintenance and repair. The applicants also detail that access would be granted to the registered parkland when there has previously been none, other than those playing golf, and that the costs of the maintenance of the trees would thus increase.

5.6.6 Whilst the Council would welcome the restoration of the listed Temple this is a 'two wrongs don't make a right' scenario. The current built form would be removed from the listed structure however it's setting would once again be compromised by both the erection of the lodges and the facilities building. I would defer the reader to the next section of my report for further details. Because of the actual harm caused to the Heritage assets, only limited if any weight is attributed this consideration.

Public Benefits - Installation of footpath and access to parkland

5.6.7 A proposed new footpath would lead from the village of Pattingham to the registered parkland that is not within the redline boundary. It is also important to note that there are two public rights of way that already exist throughout the site; Pattingham and Patshull 26 which leads to the church from an access track north of the application site as well as Pattingham and Patshull 25 which runs through the site to the east of the Great Pool from Patshull Road to the south. It is contended that access could be granted to the park immediately without significant costs to the applicants if the intention is to allow public access for the good of the community, it is my understanding that this will not be provided unless the development is approved. In addition, the Council's arboricultural officer comments that the erection of lodges would in fact, increase the need for maintenance of the existing trees for safety purposes where there is currently none. Due to the existence of two public rights of way across the parkland already, only limited weight is attributed to a new footpath linking the site to the village of Pattingham.

5.6.8 A plan submitted with the application shows indicative permissive routes. However, it should be noted that permissive path, is not a public right of way. It is a path clearly signed as a permissive path that a landowner allows the public to use. This may be for walkers, riders, cyclists, or any combination. However, there is no statutory right of access, and the landowner can withdraw public right use at any time. Therefore, permissive path arrangements should be given limited weight in the planning balance given that it is entirely a voluntary arrangement by a Landowner.

5.6.9 Creating statutory public rights of access can only be done through a public path creation order under the Highways Act as set out below and in consultation with Staffordshire County Council:

Creating a Right of Way through a Creation Agreement (Highways Act 1980 Section 25)

5.6.10 Only the owner of the land crossed by the proposed new path has legal capacity to enter a creation agreement with the Council/County Council to dedicate it as a public footpath, bridleway or restricted byway. Any stiles or gates on the path will be limitations on the path and will, thus, be on the Definitive Statement. A way created under an agreement becomes maintainable at public expense.

Creating a Right of Way through a Creation Order (Highways Act 1980 Section 26)

5.6.11 The creation of a public right of way, uses a Public Path Creation Order under Section 26 of the Highways Act 1980. A new public footpath, bridleway or restricted byway can only be created if the County Council deemed the creation would add convenience or enjoyment to a large section of the public or local residents.

5.6.12 The recent case of DB Symmetry Ltd v Swindon Borough Council [2022] UKSC 33 has made it clear that a planning condition cannot be used to create a public right of way or rights of access. The Council would require all proposed public rights of access to be in perpetuity, which the landowner can set out in section 106 agreement in the first instance, and then regularise by public path creation orders under the Highways Act.

Economic Benefit

5.6.13 The Council would welcome the regeneration of the site and recognises that there would be economic benefits from the scheme that would include the spend from users as well as job creation. The application has been amended to provide 100% holiday rentals which will create an anticipated 36 full time equivalent jobs (which may increase by 47) and £2.5 million spend in the local economy per year whilst the construction phase would create up to 45 full time jobs. The applicants have also got a well-respected and recognised end user in mind if planning permission is granted. It is certainly welcomed that such a provider would be facilitating a tourism destination within the district, but this is not an appropriate site for them, nor is there a mechanism for this end user to be secured either now or in perpetuity. Any permission would be for the erection of the lodges alone and would not be a personal permission to the business. I note the letter of support submitted by the Staffordshire Tourism Board.

5.6.14 Overall, the economic benefits are afforded moderate weight in the planning balance.

Biodiversity Enhancement

5.6.15 Part of the very special circumstances case also rests on the landscape and biodiversity enhancement. Objections have been submitted by both the County Ecologist and the Council's Senior Arboricultural officer who have serious concerns over the detrimental impact the development would have on the ongoing health of a number of trees on site, many of which are veteran. It is agreed that the site is laid out as formal golf course, however many of the bunkers and greens have started to rewild and there has already been advantages to the both the landscape and biodiversity from this. It is recognised that the site could be reverted back to a 'working' golf course and hotel tomorrow but a high number of the visitors to the venue would either be concentrated at the hotel for the facilities there, or visitors would play golf where users simply hit a ball and follow it around the site. There would not be concentrated numbers of people and development within the locations of the existing trees, and certainly none would need to be removed as is proposed with this scheme.

5.6.16 Notwithstanding that the areas below the veteran trees are proposed to be planted, this would not prevent young children from playing within these areas and pressures would inevitably come to the Council requesting permission to prune to keep the trees 'safe'. In light of these objections and in spite of the fact that there would be some biodiversity gain at the site, there are objections submitted and only limited weight can be applied to this element of the applicants very special circumstances case.

Optimum Viable Use

5.6.17 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the [National Planning Policy Framework \(paragraph 196\)](#) requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of that asset.

5.6.18 Where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development.

5.6.19 ‘Area-based’ designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. However, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration.

5.6.20 Appropriate marketing is required to demonstrate that a heritage asset has no viable use in the circumstances set out in [paragraph 195b of the National Planning Policy Framework](#). The aim of such marketing is to reach potential buyers who may be willing to find a viable use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but it will not have been demonstrated that the heritage asset has no viable use.

5.6.21 A confidential business case was submitted in support of the application in an attempt to demonstrate that the site is unviable in its current form (hotel and golf course). The case states that the rebuilding of the hotel may not be viable due to the costs involved with demolition, but this is somewhat confusing given the hotel is proposed to be demolished here and a significant amount of money would be spent providing the services and associated works needed for the erection of the lodges (circa £20 million). There is no evidence giving likely build costs to either revamp the hotel or to replace it for it to be considered as truly unviable to re-instate this use. A letter was submitted by Knight Frank that detailed how and when the site was marketed and why the hotel and golf/spa business model is failing in the current economic climate. This was an exercise that was undertaken at an unusual time in the market, given the ongoing effects of lockdown and Covid as well as the effect of Brexit. The letter details that an offer was made on the hotel but this was withdrawn due to potential issues including poor water supply to the hotel as well as boundary issues. It is noted that a purchase was made in spite of these issues. The letter goes on to explain that the amount of money needed to spend on the revamp of the hotel, could not be recouped at the local room rates. However there is no mention of revenue from weddings or other events. It is stated that staff being able to access the hotel would be an issue, this is somewhat confusing as the use as a holiday lodge would need also need staff to be able to access the site. The letter ends by stating that alternative uses should be considered for Patshull Park as the viability of the site for the continued hotel use is extremely low. It does not conclude that the only viable use would be holiday lodges.

5.6.22 If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. Nothing has been presented to denote that other ideas were considered or explored, say for example, other pieces of land not within the RPG were looked at from a sequential approach, for locating the lodges. It is indeed in fact considered that the RPG is the *preferred* location by the applicant, as it would create a ‘pretty’ location for a tourism destination. No viability case has been submitted. As the decision maker, it is not considered that sufficient evidence has been provided that the use proposed is in fact the optimum viable use.

5.7 VSC and public benefit conclusions

5.7.1 It is important here to point out that if one were to consider the case as a set of scales, the harm to the Green Belt and the harm to the designated heritage assets (albeit less than substantial) were weighing down one side, the benefits as detailed above would need to tip the scales in the favour of the development. In this instance, given the two elements of harm, this is an exceptionally high bar to overcome. The reader will be aware that national policy requires any harm to the Green Belt to be attached significant weight, as well as this as decision makers, we also have the weight attributed to the harm to the designated assets, and the plural here is given emphasis. The harm to Heritage has been outlined by a number of expert consultees.

5.7.2 Whilst it is recognised that it would be of some benefit to the community for them to have access across the entire RPG, this should not be at the detriment to part of it and furthermore the new rights of way would have to be created under a separate statutory process which is not guaranteed. There are also two existing PRoWs across the site. It is noted that there would be welcomed economic benefits but again, it is not considered that these are so great to overcome both elements of harm. As with the case for very special circumstances, it is not considered that there are any public benefits that would outweigh the harm, albeit less than substantial and these have been discussed in detail above. Insufficient evidence has been presented that demonstrates the proposed use is the optimum viable use.

5.8 Impact on Highways

5.8.1 Section 9 of the NPPF requires LPAs to consider and promote sustainable forms of transport, whilst addressing community needs and creating 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. Local Plan policy CP11 and EV11 echo these themes.

5.8.2 The application has been considered by both the County Highways Team and the Highways Team at the neighbouring authority of Shropshire Council, neither of which has objected. County Highways have requested a monetary sum to allow for the monitoring of the Travel Plan.

5.8.3 In light of the above, I consider the proposal in accordance with the aims of the NPPF and the relevant policies in the Core Strategy.

5.9 Impact on Ecology and veteran trees

5.9.1 Core Policy 2 of the Core Strategy states the Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets. EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan. These principles are echoed and supported through the Sustainable Developments SPD 2018. Section 15 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- 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 ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

5.9.2 Overall the County Ecologist has no objections to the mitigation proposal suggested by the applicants to satisfy the 'net gain' requirements of national planning policy. Despite the additional work carried out by the

applicants in response to objections submitted there remains an objection from both the County Ecologist and the Council's Senior Arboricultural Officer in relation to the impact on the existing trees on site. As detailed in the very special circumstances section of this report a high number of the visitors to the existing hotel and golf course use would either be concentrated at the hotel for the facilities there, or visitors would play golf and wander through the site in small numbers throughout dispersed times of the day. There would not be concentrated numbers of people and development within the locations of the existing trees as would undoubtedly happen if the lodges were to be approved.

5.9.3 Notwithstanding that the areas below the veteran trees are proposed to be planted, this would not prevent children and adults alike from playing or walking within these areas and as such pressures would inevitably come to the Council requesting permission to prune to keep the trees 'safe' as well as potentially causing compaction issues. In spite of the additional information provided by the applicants, there remains concerns from the Senior Arboricultural Officer and County Ecologist that the underground service runs would cause harm to the tree roots. The proposed loss of trees is predominantly those that were planted when the golf course was created or were self-seeded and have been considered acceptable as their loss would be mitigated by replacement planting. I note the Woodland Trust have withdrawn their objection.

5.9.4 The supporting report states that mitigation measures for great crested newts will be carried out under a European Protected Species Licence and the applicant must provide further information, including a mitigation method statement for the site, which must prove to the Council that the applicant is likely to be granted an EPSL by Natural England if they are granted planning permission. This has not been received to date. It is considered that this could be resolved at appeal and would be willing to work with the applicants and the Inspector to get this in place should Members agree with the recommendation presented to them here. If not, it would need to be resolved before permission is granted.

5.9.5 In light of these objections and in spite of the fact that there would be some biodiversity gain at the site, there remains an objection that has not been overcome during the course of the application and planning conditions would not overcome this objection. The proposal is contrary to national and local policy that seeks to protect and enhance natural assets.

5.10 Drainage

5.10.1 Core Policy 3 of the Core Strategy states the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by:

- guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,
- ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retro-fitting of SUDS where possible,
- ensuring that all development includes pollution prevention measures where appropriate, to prevent risk of pollution to controlled waters.

5.10.2 EQ7 requires new development to include SUDS, which is further echoed in the Sustainable Development SPD 2018.

5.10.3 Paragraph 163 of the NPPF states:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk

assessment⁵⁰. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

A number of concerns were raised initially by the Lead local flood authority, and these were addressed accordingly by the applicants. The holding objection was withdrawn and a pre-commencement condition was recommended.

In light of the above, I consider the proposal to be in accordance with CP3 and EQ7 of the Core Strategy.

Impact on neighbours

In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

I have taken into account the comments received from residents and addressed the points within the relevant sections of this report. Overall, there is no concern with regard to neighbour amenity. The two properties at the site entrance would most likely be effected by the number of cars to-ing and go-ing from the site. However the hotel and golf use could be re-instated tomorrow, and as detailed earlier in the report, the trip generation is not likely to materially increase, despite there being peak arrival and departures times.

6. CONCLUSIONS

The proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances. Harm by reason of inappropriateness should be given substantial weight in the decision-making process.

The proposal would create significant harm to both the spatial element of the openness of the Green Belt as well as the visual element, this harm shall be attributed substantial weight in the planning balance. In addition to the Green Belt harm there is harm to a number of designated Heritage Assets, albeit this is less than substantial harm it is not outweighed by any public benefit arising from the proposal. The applicant has advanced a number of considerations, but it is not considered that these matters clearly outweigh the substantial weight that must be attached to the Green Belt harm identified above.

Full consideration has been given to the case presented by the applicants, that there are public and economic benefits, some ecological benefits as well as benefits to the Heritage on site. It is recognised that there would be some economic benefit from the proposal however this can only be afforded moderate in the planning balance and that the benefits to tourism would be negligible arising from 62 holiday lodges. Any ecological benefit is counteracted by concerns that the proposal would have a seriously detrimental effect on the health of a number of trees on site, some of which are veteran as the use is incompatible and would result in pressure to prune and potentially remove such trees on 'safety grounds'.

Decision maker should attach considerable weight to representations made by statutory consultees and the statutory duty set out in Planning (Listed Buildings and Conservation Areas) Act 1990 that requires that special regard be given to the desirability of preserving listed buildings and their settings.

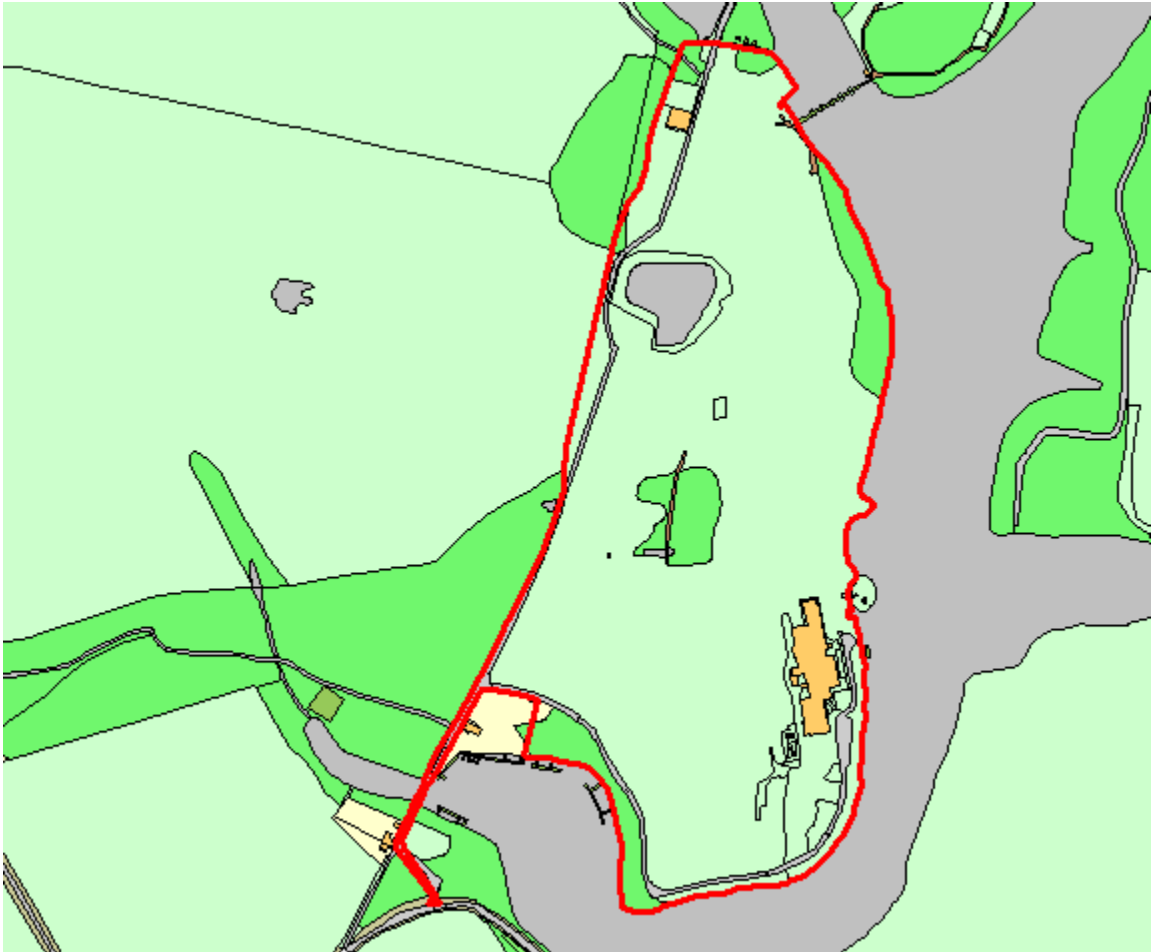
Taking the above into consideration I am recommending the application be refused.

7. RECOMMENDATION - REFUSE

Reasons

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy
2. The Local Planning Authority has considered the reasons advanced but does not consider that these reasons constitute the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness.
3. The proposal would cause harm to a number of designated Heritage Assets including the character of the Grade II listed Park and Garden as well as the setting of the Grade I listed Hall, Grade II* listed Temple and Grade II boathouse. Any public benefit it would not outweigh the harm contrary to Local Plan policy EQ3 and Part 16 of the NPPF. Insufficient evidence has been presented that demonstrates the proposed use is the optimum viable use and that the development is necessary to secure the economic viability of the site.
4. The Veteran trees on site, of which there are a significant number will need to effectively be isolated from casual access by residents. Retaining Veteran trees in high usage areas carries an inherent risk that needs to be managed. Simply providing extra space around them is not sufficient and it is unclear as to whether this has been given ample consideration; even if adequate provisions were made however, there is then the question of whether this in turn would have further impact on the character of the Brownian landscape. Such a high intensity development of the site would only lead to the long term degradation of a high value tree stock contrary to local plan policy EQ4 and Part 15 of the NPPF.
5. Insufficient detail has been submitted to demonstrate suitable mitigation measures for Great Crested Newts will be carried out under a European Protected Species Licence (EPSL). The applicant has not provided a suitable mitigation method statement for the site, which must prove to the Council that the applicant is likely to be granted an EPSL

Proactive Statement -The Local Planning Authority has worked in a positive and proactive manner in accord with National Planning Policy Framework 2021, paragraph 38, by attempting to seek solutions with the applicant to problems associated with the application. A solution could not be found and so the development fails both with regards to the NPPF and the adopted Core Strategy 2012.



Patshull Park Hotel Golf And Country Club, Patshull Park, Burnhill Green WV6 7HR