

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

20th June 2024

Application No:	SMD/2024/0117	
Location	Greenacres Stables Farm, Akesmore Lane, Biddulph, ST8 6RT	
Proposal	Replacement of existing stable buildings with single detached dwelling, landscaping features and a ground-mounted solar array.	
Applicant	Mr E Shaw	
Agent	DBD Architectural Consultancy	
Parish/ward	Biddulph	Date registered: 08.03.2024
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 christopher.johnston@staffs Moorlands.gov.uk		

REFERRAL

The application has been called in by Councillor Charlotte Smith who states that the main reasons for the call in are that SMDC previously accepted the land was previously developed land and that developing the land will make positive use out of land currently derelict and unsightly.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is in the countryside a short distance to the west of Biddulph and comprises an irregular shaped piece of land located to the east of Akesmore Lane. The site comprises a manege (at the southern end of the site) and 3no. buildings in the middle part of the site used as stables. Access is via a single width track from Akesmore Lane that follows the boundary of the adjacent site to the south and west that is used as an agricultural/skip storage yard and lies between the application site and the lane further to the west. The skip site is in different ownership to the application site. The adjacent site has a legacy as a former colliery. The site is bounded by open fields to the north, south and east that are used to graze the applicant's horses. A Public Right of Way (PRoW) Biddulph Town 16 is accessed from Akesmore Lane and follows a southeasterly direction past the southwestern boundary of the application site. The application site is located in the North Staffordshire Green Belt, with the Development Boundary of Biddulph located 170 metres to the east. There are several mature trees along the whole of the length of the west boundary of the site and a few large trees on the east boundary. The site is also within a "High Risk" former Coal Mining Zone.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a resubmitted full planning application for the replacement of a commercial

stables building and outbuildings with a single 2-bed bungalow dwelling on roughly the same linear footprint as the stables building. It would be in the form of a typical linear stables building with timber cladding and a low dual pitch roof. Most of the windows would be on a long section facing the fields to the east (the front or “primary elevation”) and with no windows on the rear elevation other than two small rooflights (facing the skip yard) and with large patio doors on the south side elevations and a small window on the north side. The bungalow would have a footprint of 21.3 x 4.7m but with a slight rear projection for a boiler space. It would have a max height of 3.8m up to the roof ridge. The cladding would be dark stained vertical timber boarding except for part of the rear wall which would be rendered (for fire safety reasons due to the proximity to the site boundary and trees) in a dark colour.

3.2 The Design and Access Statement gives more details about the proposed dwelling design as follows:

The design of an air tight, highly insulated Passive house would result acceptable levels of internal and external noise can be achieved through design, layout, and mitigation, whilst maintaining ventilation to the properties. This is achieved through the use of Mechanical Ventilation Heat Recovery (MVHR) which is also a fundamental part of the passive house design that is envisaged for the development, which is a tried and tested design approach which demonstrates that acceptable living conditions can be achieved with MVHR and windows closed. A passive house design offers a number of benefits to future occupiers, including increased energy efficiency than that of a standard construction home and lower energy costs and doesn't rely on opening windows to control overheating. Airtightness is a critical part of passive house design and therefore when windows are open the effectiveness of the heating and cooling system of the building are compromised. A property designed to Passive house standards would by its own merit generate a sustainable development as seen in many developments in the UK.

3.3 This new application also includes a ground mounted array of solar panels to provide the proposed dwelling with renewable energy. This would be placed in the grass square paddock in the south part of the site at the end of the track and along the north-west boundary with the panels facing south-east. There would be 11 panels placed in a row and the structure would have an overall max height of 1.2m.

3.4 Some additional landscaping would be provided in the form of native hedgerow behind the solar array along the NW boundary of the site. An acoustic close boarded fence with a height of 2.2m would be placed along the whole west boundary, bordering the commercial neighbouring site. In the open paddock area, this section of fence would be screened by a 2m hedge. Two parking spaces for the bungalow would be provided to the north of the bungalow.

3.5 This is a resubmitted planning application following the refusal of a previous application for a bungalow and solar arrays which was refused under delegated powers in January 2024 (ref: SMD/2023/0590). The previous application was

refused for the following reason:

1. The application site is located immediately adjacent to an agricultural/skip storage yard. The submitted Noise Assessment indicates that the existing use operates at significantly high noise levels and even with the proposed mitigation measures, the noise impacts generated would have a significantly unacceptable effect on the amenity of the occupiers of the proposed dwellinghouse, making the application site unsuitable for residential use. In addition, complaints by any future residents could compromise the use of the existing yard. The proposed development is therefore considered to be contrary to policies DC1 and SD4 of the Staffordshire Moorlands Local Plan (2020) and Sections 12 and 15 (para 191) of the NPPF (2023).

3.6 There are no changes proposed to the previous application. The only difference with this new application is the inclusion of a Supplement (dated 23rd February 2024) to the previously submitted Noise Report which assesses the impacts of noise from the adjacent commercial skip yard on the residential amenities of the application site. The supplement includes additional noise survey calculations.

3.7 There was also a previous application before the 2023 application, submitted in 2020 which was refused and dismissed on appeal. The 2020 application was for a bungalow of similar form and scale but with a slightly smaller footprint and slightly less height (3.5m as opposed to 3.8m on the 2023 and 2024 schemes) and would have also been sited slightly further to the north of the new siting and with parking spaces along the east boundary instead of the to the north of the dwelling. The 2020 application was refused on similar grounds to the previous application but the visual impact of a 2.5m acoustic fence along the north/west boundary was also included in the reason for refusal along with the noise impacts. The appeal was dismissed for the same reason.

3.8 The acoustic fence included in the 2023 and the new current 2024 submission is reduced from 2.5m to 2.2m in height and these schemes also include a proposed hedge screen along the section of the fence in the paddock to the south (where it is most visible from a public footpath) to minimise visual impact.

3.9 In addition to the previously submitted Noise Report (dated October 2023) and its new supplement, this new application includes a revised Design and Access Statement (marked "Rev A") and the same documents as previously submitted which comprise Bat Report (November 2023) a ground contamination report (Jan 2021), a Coal Mining Risk Assessment Report (Jan 2021) and a Tree Report (from 2020).

3.10 The application files including the drawings, reports and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=178005>

4. RELEVANT PLANNING HISTORY

SMD/2004/1066: Construction of a manege. Approved 07/03/2005.

SMD/2016/0184: Outline planning permission with all matters reserved for a detached bungalow. Refused 15/08/2016.

SMD/2019/0771: Proposed stable block. Refused 05/03/2020.

SMD/2020/0544: Full application to replace the stables building with a bungalow. Refused on 5th March 2021. Appeal dismissed.

SMD/2023/0590: Full application to replace the stables building with a bungalow. Refused on 31st January 2024.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Strategy
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport
- SD4 Pollution and Water Quality

National Planning Policy Framework (NPPF).- December 2023

Para 11: Presumption in Favour of Sustainable Development

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 5: Delivering a Sufficient Supply of Homes

Section 12: Achieving Well Designed and Beautiful Places

Section 13: Protecting Green Belt Land

Section 15: Conserving and Enhancing the Natural Environment

6. CONSULTATIONS

6.1 A site notice was posted and displayed close to the site entrance at Akesmore Lane on 12.04.24. A press notice was placed in the local newspaper due to it being classed as development affecting a Public Right of Way. This had a deadline of 18.4.24.

Public response to consultation

6.2 None.

Town/Parish Council

6.3 No letters received.

SCC Highways Authority

6.4 *Recommendation Summary: Conditional*

Site Visit Conducted on: 19-Mar-2024

Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on Akesmore Lane within 215 metres either side of the access from 01/01/2019 to 31/12/2021.

Background;

Akesmore Lane is an unclassified road (Road No. D1065) with a speed limit of 60 mph. Akesmore Lane has no footways on either side of the carriageway or streetlights.

Footpath Biddulph Town 16 runs to the south of the site which will not be affected.

Previous Applications;

SMD/2023/0590 - Replacement of existing stable buildings with single detached dwelling, landscaping features and a ground-mounted solar array – Acceptable to the Highway Authority

SMD/2020/0544 - Demolition of existing stable buildings and the construction of one detached bungalow – Conditioned by the Highway Authority

Description of Proposal;

Replacement of existing stable buildings with single detached dwelling, landscaping features and a ground-mounted solar array.

Comments on submitted information;

The proposal is to demolish the existing stable building and to construct a 2-bedroom dwelling. A ground-mounted solar array is also proposed and will be sited to the southwest of the dwelling.

Access to the proposed development will be via the existing access to the stables off Akesmoor Lane. During the site visit it was noted that the access to the site off Akesmoor Lane is currently compacted grass/soil and the back edge of the highway is in poor condition. The rear of the carriageway edge is breaking up and requires improvement to prevent this from deteriorating further and to bring the access up to residential standard.

The proposals as per Drawing Number PL01A, will have 2 off highway parking space (2.4 x 4.8m space) as in accordance with Staffordshire Moorlands Parking Standards.

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1 Before the proposed development is brought into use, the access driveway from the rear of the public highway shall be constructed in a bound and porous material for a minimum distance of 5m in accordance with details to be first submitted to and approved by the Planning Authority which shall thereafter be retained for the life of the development.

2 The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved Drawing Number PL01A and shall thereafter be retained for the lifetime of the development.

3 The access gates shall remain open or removed.

REASONS ALL To comply with NPPF; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.

Note to Planning Officer:

The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport to access the site as required by national and local planning policies.

Gates are indicated on submitted plans but do not show the location of the gates, however, it was noted at the site visit the gates are approx. 1m rear of the carriageway. The gates should be removed or remain open as stated in Condition 3 above to ensure vehicles are not left stationary on Akesmore Lane whilst drivers are hindered opening the gates.

No cycle facilities have been shown – this could be any secure, covered and weatherproof within the site curtilage. No bin storage has been shown and these can be accommodated within the curtilage.

Environmental Health (EH)

6.5 Objection raised. Comments as follows:

Potential Areas Of Environmental Concern.

Contamination: former Colliery (Condition)

Noise from skip yard (Adverse impact to amenity)

Other: smoke, odour, waste activity. (Adverse impact to amenity)

Recommendation:

Environmental Health recommend refusal due to the unsuitability for the site to be used as residential home. It is adjacent to a 'skip yard' which has no planning restrictions in place and can operate 24/7. There are likely to be significant noise impacts compromising the use of external areas in the proposed residential property and also potential odour issues from skips and associated waste operations. If permission is granted for a residential dwelling then both the amenity of those residents and the commercial operation of the skip yard would be compromised.

Comments:

Contamination Report:

The Preliminary Phase 1 report is considered a reasonable assessment of the potential risks associated with the site, and concludes that the primary risk from the site are:

*Hazardous ground gasses from shallow coal mine workings
Soil contamination associated contaminated infrastructure / spoil
Made ground deposits in the area* (NB; The burial of demolition waste in this general area of Biddulph is a known issue).*

The hazard rating attributed to the impacts of these potential risks though is less clear, with the risk assessment concluding a medium to low risk for the site overall. e.g Toxic and explosive gases (Methane & Carbon dioxide) – Probability is judged as “Likely” Consequence only “medium”?? This is potentially not accurate, though of not great significance in the particular scheme of things, providing a robust coal mine gas risk assessment is undertaken.

The report concludes with the requirement for further works (aside from the below – coal mine assessment). Including gas risk assessment. These are tentatively agreed but more detail would be required and the gas risk assessment, should be done in line with the [new guidance on mine gas assessment issued by Claire](#).

The Coal Authority Report:

The REFA coal mining report states , “the presence of shallow coal mine workings lying below the development area of this site is therefore considered to represent a HIGH RISK and further intrusive investigations are considered essential....It will therefore, be necessary to undertake a program of further intrusive investigations in the area of the proposed structure to determine the potential presence of any shallow coal or possible workings”.....

This is agreed.

The investigation (cost of rotary boreholes / gas monitoring) and (if found) the stabilisation of shallow coal mine workings can be a (very) costly process depending upon the volume of grout required to fill the voids present. It is very difficult to determine the likely costs of such works prior to the works taking place. At this site there is the possibility that workings may be present in multiple seams considered lying at shallow depth. However, this will merit further consideration when the intrusive investigations take place.

Viability:

The proposals for further investigations for both areas are tentatively agreed. It is also agreed that it is likely that the site could be remediated, to enable a safe development. However, this could be a costly process. However, the concern is that as the proposal is only for a single bungalow, it is possible that the required works will make this scheme unviable. This can in some circumstances mean that the required level of investigations / remediations can be compromised in order that a development remains viable for a developer. Whilst it is noted that the potential costs of the remediation are unknown, it should be possible to assess the cost of the initial coal mine investigation (3 rotary boreholes + gas monitoring etc) and an estimate of remediation costs to gain an understanding if the to give an

understanding viability of the development. It is recommended that the application is withdrawn until such time that the developer demonstrates that the cost of the required robust investigation / possible remediation, will not affect the viability of the development.

Noise

It is worth noting that advice has been received that the operator of the skip yard has sadly died and it is understood the applicant will inherit the yard. There is no guarantee the yard will cease to operate in its current or similar form due to this change in ownership.

A noise assessment with supplementary information has been submitted to support this application (SBM Safety Solutions) Ref. E19379_BS8233. The assessment proposes that with suitable mitigation internal levels as required by the criteria of BS8233:2014 Guidance on Sound Insulation for Buildings would be achieved. External levels are less clear. Noise impacting external living areas are more problematic and may cause significant loud noise in these areas. The barrier proposed is 2m high on top of a 3m high bund but effectiveness of this bund will be determined by proximity of source and receptor to it. Areas of the garden are likely to be impacted by significant loud noise. The proposed dwelling will be in a rural area and so there will be a reasonable expectation of low noise levels during the evening and night. The skip yard will generate industrial type noise with the potential for 24/7 operation as there are no planning restrictions in place. The potential that a residential property can co-exist next to a skip yard and enjoy a good level of residential amenity is remote, complaint would be likely.

We would advise the ownership and future use of the yard is clarified. If the applicant does assume ownership of the yard then he will be in a position to confirm its use for commercial and industrial purposes terminated. The removal of the yard and ceasing of all commercial activities would address the amenity concerns and our recommended refusal could be withdrawn.

Other

The use of the skip yard has caused complaint of smoke nuisance in the past. There is also a significant risk that localised odour from skips could impact the proposed residential dwelling. The skip site has been previously referred to the County Waste Planning Team for investigation under their remit due to our concerns the site was being operated as a waste transfer station.

Coal Authority

6.6 No objection subject to conditions requiring more intrusive ground investigations before the commencement of development.

United Utilities (UU)

6.7 "No further comments on this application". UU provides standing advice which includes the strong encouragement to use SuDS (Sustainable Drainage) for the

development.

Peaks and Northern Footpaths Society

6.8 We note that the PROW Biddulph 16 is close to the proposed site. Use of the PROW and the safety of users must not be affected by the development, nor during the work taking place.

Ramblers Association

6.9 P.R.O.W Biddulph Town 16 comes off Akesmore Lane and goes through the farm close to the proposed development. This footpath should be fit to be used by the public at all times.

SMDC Waste Collection Service

6.10 No issues regarding waste collections.

7. OFFICER COMMENT AND PLANNING BALANCE

Introduction

7.1 Paragraph 11 of the National Planning Policy Framework (NPPF, 2023) promotes a 'presumption in favour of sustainable development'. For decision takers this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless:

i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.2 Paragraph 8 of the NPPF (2023) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protect, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2023).

7.3 The main issues with the proposal are as follows:

- Whether or not the proposal amounts to inappropriate development in the Green Belt and if so, whether or not there are any “very special circumstances” to outweigh the harm to the Green Belt.
- The overall principle of the development in this location including sustainability.
- The impact on the character and appearance of the area.
- The impact on residential amenity.
- The impact on highway safety.
- The impact on the ecological value of the area.
- The impact on ground stability.
- Ground pollution.

Whether or not the proposal amounts to inappropriate development in the Green Belt.

7.4 The site is in the Green Belt and the strategy for the countryside, Policy SS10 requires strict control over inappropriate development in the Green Belt. The NPPF in paragraphs 154 and 155 lists the exceptional types of development which are not inappropriate in the Green Belt and which are therefore by definition in the NPPF not deemed to be harmful to its openness. Although new-build dwellings are not listed, the redevelopment of previously developed land (PDL) or “brownfield” land is listed. Para 154(g) allows the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. The site has operated as a commercial stables and there are permanent buildings on the site. The site is deemed to be a PDL/brownfield site and therefore new buildings would not be inappropriate providing this would not lead to a greater impact on Green Belt openness. The proposed dwelling would be built roughly on the existing footprint of the main stables building on the site. Furthermore, it has been calculated that the size volume of the proposed dwelling would not exceed the volume of the stables building together with other small buildings to be removed from the site and the proposed height of the dwelling would not be significantly different to the existing buildings on site to be removed. It is therefore considered the proposed dwelling would not lead to a greater degree of harm to the openness than the current development and therefore is deemed to not be inappropriate development in the Green Belt and would therefore comply with Section 13 ‘Protecting Green Belt Land’ of the NPPF and therefore also Policy SS10 of the Local Plan.

7.5 The previous applications for the new dwelling were also deemed to comply with the Green Belt policies in this respect both by the Council and the Planning Inspector at the appeal stage for the first application submitted in 2000.

7.6 With regard to the proposed solar panel ground array, these types of structures are not listed in the exceptions to inappropriate development in paras 154 and 155 of the NPPF and are therefore deemed to be inappropriate development. In terms of impact on openness however, it is considered that this would be limited owing to the

modest size of the array, its height, its siting and the fact that it is a temporary lightweight structure with a limited life and is therefore fully reversible. It is considered that the provision of solar panels to create renewable energy for the benefit of the environment and tackling climate change should be afforded significant weight. Indeed Policy SD 2 positively supports such proposals. Para 62 of the NPPF also says that even small scale projects such as this provide a valuable contribution to cutting greenhouse gas emissions and para 156 confirms that the benefits of renewable energy development can be regarded as a “very special circumstance”.

For these reasons it is considered that in this particular case the provision of renewable energy does clearly outweigh the limited harm to the Green Belt by reason of inappropriateness and loss of openness such that very special circumstances do exist. No objection is raised and this element of the application is also acceptable in principle and compliant with relevant parts of Policies SS10 and SD2. The landscape impact of the array is considered elsewhere and is found to be very limited and acceptable.

Other matters relating to the principle of development

7.7 As well as being acceptable in Green Belt terms, Policy SS10 also allows the conversion or replacement of rural buildings in line with the requirements of Policy H1 ‘New Housing Development’, which for rural areas in the “open countryside” (i.e. areas outside of the Development Boundaries), allows the redevelopment of brownfield land for residential purposes providing it is not of high environmental value. A proposal to replace a commercial stables building (deemed to be brownfield) with a dwelling of similar size in the same part of the site would therefore comply with the policies. The site is not regarded as being of high environmental value.

7.8 The NPPF encourages new housing in sustainable locations. Whilst the site is not in a sustainable location due to it being in a rural area and not being very accessible to local shops, services and workplaces via short and safe walking or cycling journeys or within reach of public transport, it is not predicted that journeys by car arising from a new 2-bed dwelling in this location would be significantly higher than the vehicle movements arising from the established use of the site as a commercial stables.

7.9 It is considered that the overall principle of the proposal in replacing a commercial stables with a 2-bed residential use is acceptable and complies with both the Local Plan and the NPPF.

The impact on the character and appearance of the area.

7.10 Policy DC1 ‘Design Considerations’ of the Local Plan states that new development should, inter alia, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance. Policy DC3 looks to protect landscapes and the rural settings of villages and towns in the District.

7.11 The proposed replacement of a timber stables building with a building of similar

scale, form, footprint and materials would not lead to any further significant impact on the character and appearance of the area. Although such proposals can give rise to the area around the building being covered in domestic outbuildings and domestic paraphernalia, this would not be significantly worse than the retention of all other buildings and structures currently on site and the storage or other materials associated with a commercial stables use. The site is well screened from the road and public footpaths (and particularly from views from the road to the west) by large trees along the west and east boundaries. A condition can be attached requiring the removal of the permitted development rights which would otherwise allow domestic outbuildings and further extensions to the dwelling without a further planning application, to minimise the visual impact of the development.

7.12 With regard to the solar arrays, these may be visible from the public footpaths to the south but this is a small scale solar installation, the structure is of limited height and would not be harmfully intrusive in the landscape. There are no other parts of the site where the arrays can be placed in order to benefit from solar gain together with the minimising the impact on the appearance of the area. The placing of panels on the south-east facing roof of the proposed bungalow would not be effective due to the tree coverage in this direction. The Council is satisfied that the chosen location is the best place within the site to place the panels in order to achieve solar gain without increasing visual intrusion in the landscape.

7.13 All existing trees on site would be retained and there is scope for some additional planting to be undertaken to the south to better screen the development from the public footpaths in addition to proposed new hedgerow planting shown on the site plan, some of which would replace existing concrete perimeter walls. This can be achieved by way of planning conditions.

7.14 Overall, the design and landscaping of the development is acceptable and would comply with Policy DC1.

The impact on residential amenity

7.15 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, protect the amenity of the area, including the creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.16 There are significant concerns regarding the residential amenities and living conditions of the residents of the proposed dwelling being affected by noise emanating from the neighbouring commercial skip yard to the west and this has led to the previous applications for a dwelling being refused by the Council and dismissed at appeal.

7.17 The revised Design and Access Statement, submitted with this new application, in respect of noise and residential amenity issues, states the following:

An updated noise survey has been conducted on site by SBM Safety Solutions Ltd over a period of 7 days to establish the noise levels across the site, together with

true sound recording to identify the noise source. The report its results and recommendations are detailed are supplied in the separate report pack. The findings of this outline that the specification for the construction, windows and ventilation is robust enough to mitigate for any increases in activity at the skip/farm yard.

For all habitable rooms, windows fitted should be a minimum of 6/12/6 double glazing. The proposed windows are to be triple glazed which far exceeds this requirement.

Windows are also to have alternative ventilation to standard trickle vents. This is satisfied with the specified whole house Mechanical Ventilation and heat recovery system. Windows are permitted to be openable as it is to the occupier's discretion if any external noises interfere with daily living in the dwelling. The alternative ventilation allows for acceptable living standards to be maintained if the occupier wishes to have the windows closed. This system will avoid overheating with the incorporation of cooling systems, coupled with the shading given along the front elevation of the stable-style roof overhang.

The site boundary to the adjacent yard, as well as having the earth bund providing some sound deadening, would also have an acoustic fence against the boundary 2.2m high, having a native species mixed informal hedge planted in front to mitigate any visual impact on the landscape.

Following previous comments from the Environmental Health Officer, additional calculations etc that were requested have been provided in this new application. It is regrettable that an opportunity to provide these during the course of the previous application was not given when the consultee comments stated that they would benefit for a clearer assessment of the impacts.

It is a widely accepted understanding between environmental health officers, and planning inspectorates that providing the option of suitable ventilation through protected means, i.e. other than opening a window, it remains at the discretion of the occupant if they wish to have their windows open during period in which noise is produced from the surroundings. Homes on main roads, adjacent to farms and other industries would be subject to high levels of background noise on a more constant basis. Inspectors' comments from an application in this situation have adopted comments which are inserted as an appendix to this revised document. We see no reasons why these opinions cannot apply to this application site. Especially as operations would be limited to normal working hours, so would not impact normal sleeping hours when bedrooms are being used.

An updated and prolonged noise survey carried out at the site, using monitoring equipment placed with a direct line to the adjacent skip yard, has indicated that a correctly constructed building having the recommended specification for the main elements of construction together with a mechanical ventilation system would be robust enough to mitigate against the current noise levels and for any increases in activity at the skip yard. Therefore, there would be no adverse harm to the amenity of future residents from the adjacent yard. The proposed mitigation using a hedge screened acoustic fence for noise levels affecting the enjoyment of the garden area would not harm the character and appearance of the countryside.

The adjacent site which generates noise is a small-scale skip-yard. The possibility of future intensification of the site would be deemed very low. It is not a commonly chosen location for such a site, and were the site to change ownership, it is unlikely to be continued to be used as a skip yard and any expansion of the site would almost certainly not be accepted in planning terms. The most likely future use of the site would be for new homes, being a brownfield site in a rural location, thus removing future noise impacts on this application site.

7.18 In response to the new survey information and calculations put forward with this new application, together with the proposed noise abatement measures, the Council's Environmental Health Officer maintains his objection on the ground of the adverse impact on residential amenity caused by noise from the skip yard. The EH Section stated the following:

A noise assessment with supplementary information has been submitted to support this application (SBM Safety Solutions) Ref. E19379_BS8233. The assessment proposes that with suitable mitigation internal levels as required by the criteria of BS8233:2014 Guidance on Sound Insulation for Buildings would be achieved. External levels are less clear. Noise impacting external living areas are more problematic and may cause significant loud noise in these areas. The barrier proposed is 2m high on top of a 3m high bund but effectiveness of this bund will be determined by proximity of source and receptor to it. Areas of the garden are likely to be impacted by significant loud noise. The proposed dwelling will be in a rural area and so there will be a reasonable expectation of low noise levels during the evening and night. The skip yard will generate industrial type noise with the potential for 24/7 operation as there are no planning restrictions in place. The potential that a residential property can co-exist next to a skip yard and enjoy a good level of residential amenity is remote, complaint would be likely.

7.19 The Council therefore considers there is potential for living conditions to be affected by noise, particularly when the external living areas are in use, such as the garden or elsewhere within the residential curtilage, due to the unrestricted nature of the works which can continue throughout the evenings when environmental noise levels in the area are lower.

7.20 Although works may have stopped following the passing of the operator, any new owner of the site could re-commence skip yard works (or another similar industrial use) without the need for a further application, because the use of the neighbouring site as a commercial skip yard is an established use, causing similar amounts of noise and disturbance to the detriment of the residential amenities of the proposed new dwelling.

7.21 For these reasons it is considered that owing to the proximity of the application site to an established commercial skip yard that the amenity of future occupiers of the proposed bungalow cannot be protected. Furthermore the future operation of the established skip yard could be compromised. The additional information provided has not addressed the previous reason for refusal. The adverse impacts cannot be

sufficiently mitigated and as such there is conflict with relevant parts of Policies DC1 and SD4 and the NPPF which requires planning decisions to ensure a high standard of amenity for existing and future users.

The impact on highway safety

7.22 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use. Policy T1 aims for sustainable means of travel to and from a development.

7.23 The proposed new use would not lead to significant changes in vehicular movements in relation to the current established use of the site as a commercial stables and the use of the site access for a new 2-bed dwelling is safe with the safeguard of improvement which can be achieved via a planning condition. There is sufficient space within the site to provide parking and turning in line with the Council's parking standards and two spaces have been shown.

7.24 Overall, the proposal would not lead to any detriment to highway safety and complies with Policies DC1 and T1 of the Local Plan.

The impact on the ecological value of the area

7.25 Policy NE1 of the Local Plan requires that development does not lead to harm to protected species or the overall ecological value of the area and also states where possible that the development should lead to a Net Biodiversity Gain through its design, layout and landscaping.

7.26 The application included a 2023 Bat Report, which is the same as report submitted with the previous application. Although no response has been received from Staffordshire Wildlife Trust who were consulted on the new application, the report outlined that the site and the stables building has negligible potential for use by bats, a protected species and that during previous surveys, no evidence of bats was found. No trees would be harmed and the proposed demolition of buildings and new development would therefore not harm the ecological value of the site.

7.27 Policy NE1 does not require any mandatory "Biodiversity Net Gain", stating this should be provided "where possible". Recent changes in planning legislation now make this a requirement for all "minor" applications from 2nd April 2024. However, this new planning application was submitted before this date. Despite this, the proposal does include new native hedge planting and other opportunities exist could lead to some form of deemed enhancement to the ecological value of the area.

7.28 Overall, the proposal would not harm the ecological value of the area and would therefore comply with Policy NE1 and Section 15 of the NPPF.

The Impact on Ground Stability

7.29 Policy SD1 states the re-use of sites affected by mining activity will be supported, provided that any mining legacy is appropriately addressed and it can be

demonstrated that the site is safe and stable for the development proposed. The site sits in a High Risk former coal mining zone, but a Coal Mining Risk Assessment has been undertaken and submitted and the Coal Authority have raised no objection providing a condition is added requiring further more intrusive ground survey work. With the safeguard of the further survey, the development is not deemed to lead to any significant additional ground instability that could affect the occupiers or the surrounding environment in general.

Ground Pollution

7.30 Policy SD4 states the Council will protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects; and only permitting proposals that are deemed (individually or cumulatively) to result in pollution (including air/ water/ noise/ vibration/ light/ ground contamination) if after mitigation, potential adverse effects are deemed acceptable.

7.31 The site is adjacent to a commercial skip yard and the area was formerly a quarry and therefore the potential for some form of contamination existing. A "Phase 1" ground contamination survey was undertaken and the Environmental Health Section considers it to be a reasonable assessment of the risks and does not raise an objection on the basis of ground contamination providing further survey work is undertaken. This can be achieved by way of planning conditions.

7.32 With the safeguard of conditions the proposed development can be made acceptable and not lead to any significant pollution impacts on either the occupiers of the site or to the surrounding environment in general and would therefore comply with Policy SD4 and Section 15 of the NPPF.

8. CONCLUSION AND PLANNING BALANCE

8.1 The proposed new dwelling is not inappropriate development in the Green Belt and would also not harm the character or appearance of the area or lead to any other significant harms to the environment in general with the safeguard of conditions.

In terms of the proposed solar array, the other considerations put forward and discussed above are considered to clearly outweigh the Green Belt harm and limited landscape and visual harm

8.2 However, an adjacent and established commercial skip yard is deemed to lead to significant noise and disturbance issues that would adversely affect the residential amenities and living conditions of future occupiers of the dwelling and these impacts cannot be sufficiently mitigated. As such there is conflict with Policies DC1 and SD4 of the Local Plan.

8.3 The previous reason for refusal has not been sufficiently addressed and the application is therefore recommended for refusal.

8. RECOMMENDATION

A. That the application be REFUSED, for the following reason:

1. The application site is located immediately adjacent to an agricultural/skip storage yard. The submitted Noise Assessment indicates that the existing use operates at significantly high noise levels and even with the proposed mitigation measures, the noise impacts generated would have a significantly unacceptable effect on the amenity of the occupiers of the proposed dwellinghouse, making the application site unsuitable for residential use. In addition, complaints by any future residents could compromise the use of the existing yard. The proposed development is therefore considered to be contrary to policies DC1 and SD4 of the Staffordshire Moorlands Local Plan (2020) and Sections 12 and 15 (para 191) of the NPPF (2023).

