

DELEGATED DECISION REPORT

SMD/2023/0590
Valid 04/12/2023

GREENACRES STABLES
FARM AKESMORE LANE
BIDDULPH

REPLACEMENT OF EXISTING
STABLE BUILDINGS WITH
SINGLE DETACHED
DWELLING, LANDSCAPING
FEATURES AND A GROUND-
MOUNTED SOLAR ARRAY

(FULL - MINOR)

MAIN ISSUES

- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the surrounding area.
- Impact on amenity.
- Impact on highway safety.
- Impact of former coal mining activity and contamination.
- Impact on a Public Right of Way (PRoW).
- Impact on ecology.

DESCRIPTION OF SITE

The application site comprises an irregular shaped piece of land located to the east of Akesmore Lane. The site comprises a manege and 3no. buildings used as stables. Access is via a single width track from Akesmore Lane that follows the boundary of the adjacent site that is used as an agricultural/skip storage yard. 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.

PROPOSAL

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. The previous application (SMD/2020/0544) was refused planning permission for the following reason:

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 mitigation through the provision of a 2.5 metre high acoustic fence extending 28 metres in length along the northern boundary of the proposed garden area and adjoining the Public Right of Way, Biddulph Town 16, as recommended by the Noise Assessment, would result in a visually prominent and alien feature within the open countryside and would not be supported on visual amenity grounds. The proposed development is therefore considered to be contrary to policies DC1, DC3 and SD4 of the Staffordshire Moorlands Local Plan (2020) and paragraphs 127 and 184 of the NPPF (2019).

An appeal against the decision was dismissed by the Planning Inspector on the same grounds as above.

This new application includes a new revised Noise Assessment Report (dated October 2023) and also a new updated Bat Report (November 2023) as the last survey took place in 2020 and is now “out of date”. The application also includes a ground contamination report (Jan 2021), a Coal Mining Risk Assessment Report (Jan 2021) and a Tree Report (from 2020) which were also included in the previous application.

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. This was not included in the previous application. There would be 11 panels placed in a row and the structure would have an overall max height of 1.2m.

Some changes have also been made to the design and siting of the dwelling. This would have the same single-storey linear form of the previous but would also be placed slightly further to the south of the previous siting and with the two parking spaces placed alongside it to the north whereas previously those spaces were to the south-east alongside the east boundary of the site.

The previous bungalow had a footprint of 21 x 4.5m and a height of 3.5m to the roof ridge. The new proposal is for a bungalow with a very slightly larger footprint of 21.3 x 4.7m but with a slight rear projection for a boiler space. It would also be slightly higher at 3.8m. The previous bungalow had horizontal timber boarding throughout for the walls but the now proposed bungalow would have dark stained vertical timber boarding except for part of the rear wall which would be rendered in a dark colour for fire safety reasons due to its proximity to the boundary and trees. The window positioning and sizes remain the same. The new bungalow is shown on amended plans which differ with those submitted originally with this new 2023 application. The amended plans reduce the size of the footprint by 7.5 sq.m.

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 north and west

boundary, bordering the commercial neighbouring site is located. In the open paddock area, this section of fence would be screened by a 2m hedge.

The new application also includes a Design and Access Statement (Nov 2023) which 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, window 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 is 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.

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 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.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
SD4 Pollution and Water Quality
H1 New Housing Development
T1 Development and Sustainable Transport
NE1 Biodiversity and Geological Resources

National Planning Policy Framework (Dec 2023)

Sections 4 (Economy), 5 (Housing), 12 (Design), 13 (Green Belts) and 15 (Natural Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

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:	Previous bungalow scheme. Refused on 5 th March 2021. Appeal dismissed.

CONSULTATIONS

Publicity

Site Notice expiry date: 29/1/2023
Neighbour consultation period ends: 29/1/2023
Press Advert: 14/12/2023 (advertised as affecting a Public Right of Way).

Public Comments: None

Town / Parish Comments: None.

SCC Highways: No objection.

Environmental Health

Environmental Health recommend refusal due to the unsuitability to locate a residential home adjacent to a 'skip yard' and the significant 24/7 amenity issues this will cause any future residents at the application site.

A new noise assessment has been submitted with updated noise measurements taken over a 7 day period and a noise mitigation (sound insulation) scheme proposed. It was undertaken by SBM Safety Solutions (E19379. BS8233). The assessment determines the site as suitable for residential development subject to a prescribed sound insulation scheme in compliance with BS8233:2014 Guidance on Sound Insulation for Buildings. There is mention of BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and an investigation of representative noise from a similar skip operation but this does not appear to have progressed to an assessment of potential noise impacts or any noise penalty. We would expect a BS4142:2014+A1:2019 to have been clearly set out so the impact the skip yard has on background noise levels is understood.

The assessment determines there will be loud noise impacts in the garden areas but proposed this can be mitigated in particular parts of the garden through the use of an acoustic fence and distance between noise source and receptor. Additionally it proposes internal noise can be mitigated through the shutting of windows and the use of mechanical ventilation. The assessment also advises the skip yard operator will shortly be retiring so intensification of the site is unlikely.

As in our comments to previous applications the development of a residential house in this rural area next to a skip yard is not ideal. The skip yard as set out in the assessment will cause loud noise which will require mitigation by the occupier by shutting windows, using mechanical ventilation and finding areas of the garden not as excessively impacted by waste operations. It is our opinion this is not practicable and complaint would be likely. The absence of a BS4142:2014+A1:2019 assessment means there is an unknown level difference between the rating level of noise caused by skip operations and the background sound levels when the skip yard is not operating. This would assist in understanding the likelihood of complaints and the significance of impact to amenity. It is a rural area and future occupiers would reasonably expect to open their windows to ventilate and enjoy their garden without the noise from a skip yard.

The advice the operator is due to retire may cause the yard to stop or could cause intensification by any new operator.

The Coal Authority

the Coal Authority concurs with the Coal Report's recommendations; that coal mining legacy poses a risk to the proposed development; and that investigations are

required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should permission be granted for the proposed development, they recommend that conditions are attached that require:

- A scheme of intrusive investigations to be submitted prior to commencement;
- Any remediation works and/or mitigation measures to address land instability to have been implemented in full;
- Prior to the occupation of the development, that a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development is submitted to and approved in writing by the Local Planning Authority.

Peak & Northern Footpaths Society: We note that the PRow Biddulph 16 is close to the proposed site. Use of the PRow and the safety of users should not be affected by the development, not during the work taking place.

Ramblers Association: The proposed development is close to footpath Biddulph Town 16 and the owner should be aware of this. The path should be open for use during and after development.

AES Waste: No issues regarding waste collections. Note: Bins to be presented on Akesmore Lane on collection days.

OFFICER COMMENTS

It was considered previously by the Council that the proposal would not amount to inappropriate development in the Green Belt as a redevelopment of a previously developed site with no further impacts on Green Belt openness. It also did not consider there were any harmful impacts on the visual amenities of the area or any other unacceptable environmental impacts other than the impact on the residential amenities/living conditions of the eventual occupants of the bungalow by virtue of significant noise and disturbance emanating from the neighbouring commercial skip yard operations which is why the previous application was refused. At the appeal stage the Planning Inspector dismissed the appeal on this basis also but did not contest the Council's determination that it was not inappropriate development in the Green Belt and that there were no other unacceptable impacts with the scheme other than the residential amenity issue.

Although the new scheme puts forward a slightly larger bungalow than previous, it has been calculated that the proposed bungalow would not exceed the volume of all the buildings to be removed from the site (the stables building and outbuildings), which is 270 cu.m and therefore would not amount any additional impact on the openness of the Green Belt than the previous scheme. The design remains acceptable and the slight repositioning would also lead to no further impacts on the character and appearance of the area.

There have been no changes to the site or the nature of its surroundings and no significant changes in planning policies since the previous decision. The impact on the openness of the Green Belt, the visual amenities of the area (other than the acoustic fence commented on below), the ecological value of the site, land stability

(caused by historical coal mining), highway safety, ground contamination and the Public Right of Way would remain the same as previous.

Regarding the ecological value of the site, although no response has been received from Staffordshire Wildlife Trust who were consulted on the new application, the updated 2023 Bat Report, like previously, outlined that the site and the stables building had negligible potential for use by bats, a protected species and that during the surveys, no evidence of bats was found. The proposed demolition of buildings and new development would therefore not harm the ecological value of the site. No trees would be harmed and the proposal includes new native hedge planting and other opportunities exist to lead to an enhancement to the ecological value of the area.

However, the revised 2023 Noise Assessment Report, which assesses noise levels from the adjacent commercial skip yard is not considered satisfactory by the Council's Environmental Health section who comment that details of noise impacts from this were not thorough enough. There remains significant concern that the proposed occupants of the bungalow would be affected by noise and disturbance from the skip yard, compromising their living conditions and residential amenities. The proposed noise abatement measures such as the acoustic fence and hedge planting, absence of windows on the rear elevation in favour of mechanical ventilation instead plus other measures incorporated into the design are deemed insufficient to mitigate against the noise impacts.

I consider the reduction in the height of the acoustic fence from 2.5m to 2.2m and the screening provided by way of hedging along the paddock boundary (the adjacent bungalow would screen the rest of the fence) is sufficient to overcome the harmful impact on the appearance of the area, particularly when viewed from the public footpath to the south.

With regard to the proposed solar panel ground array, these sorts 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 which harms the openness of the Green Belt and should not be allowed unless there are very special circumstances considered to outweigh the harm to Green Belt identified. I consider 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. There are no other parts of the site where this can be placed in order to benefit from solar gain and minimise the impact on the appearance of the area including on the south-east facing roof of the proposed bungalow due to the tree coverage in this direction. I am satisfied that the chosen location is the best place within the site to place the panels in order to achieve solar gain. I consider the structure should be allowed under very special circumstances and the benefit would outweigh the identified low degree of harm to the openness of the Green Belt.

CONCLUSION / PLANNING BALANCE

The revised proposal would not overcome the reason for refusing the previous application and the dismissal of the appeal on the grounds of noise impacts on the

residential amenities of the proposed residents caused by the adjacent commercial skip yard. The application should therefore be refused again for this reason although the revisions to the acoustic barrier would no longer harm the appearance of the area. The proposal would remain contrary to Policy DC1 which aims to protect the visual and residential amenities of the area from development, SD4 which aims to protect the amenities of the area from all forms of pollution including noise and Sections 12 and 15 of the NPPF.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston

Recommendation Date: 31.1.24

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council