

Agenda Item:	6.2
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Site:	Wallash Farm, Wallash, Mayfield, Staffordshire
Proposal:	Alterations, new build works and extension to existing agricultural building to provide for increased eaves and ridge heights and floor area, re-cladding and installation of solar panels to accommodate a proposed change of use for the construction of holiday lodges – being a commercial/light industrial use (Class E(f)(iii)) - along with associated parking provision and access alterations

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Penelope James

Hyperlink to Application Details

Application Number:	P/2023/00318	
Planning Officer:	Alan Harvey/Femke Roux	
Type of Application:	Full planning permission	
Applicant:	Mr & Mrs J Stanley	
Ward:	Stamshall and Weaver Ward	
Ward Member (s):	Cllr S Sankey	
	Cllr L Beech	
Date Registered:	28/03/2023	
Date Expires:	30/05/2024 - time extension agreed to allow for the application to be reported to Planning Committee	
Reason for being on Agenda	<p>Councillor S. Sankey has requested that the application be determined by the Planning Committee on the basis that a <i>number of residents have raised concerns in respect of two issues; being.</i></p> <ol style="list-style-type: none"> 1. <i>Highways. In particular the difficulty for larger vehicles leaving the site via the residential road (it isn't wide enough and cars are often parked opposite the entrance/exit).</i> 2. <i>Noise. Previously a quiet funeral director site. The application will increase noise and dust significantly."</i> 	
Recommendation	Grant planning permission , subject to conditions.	

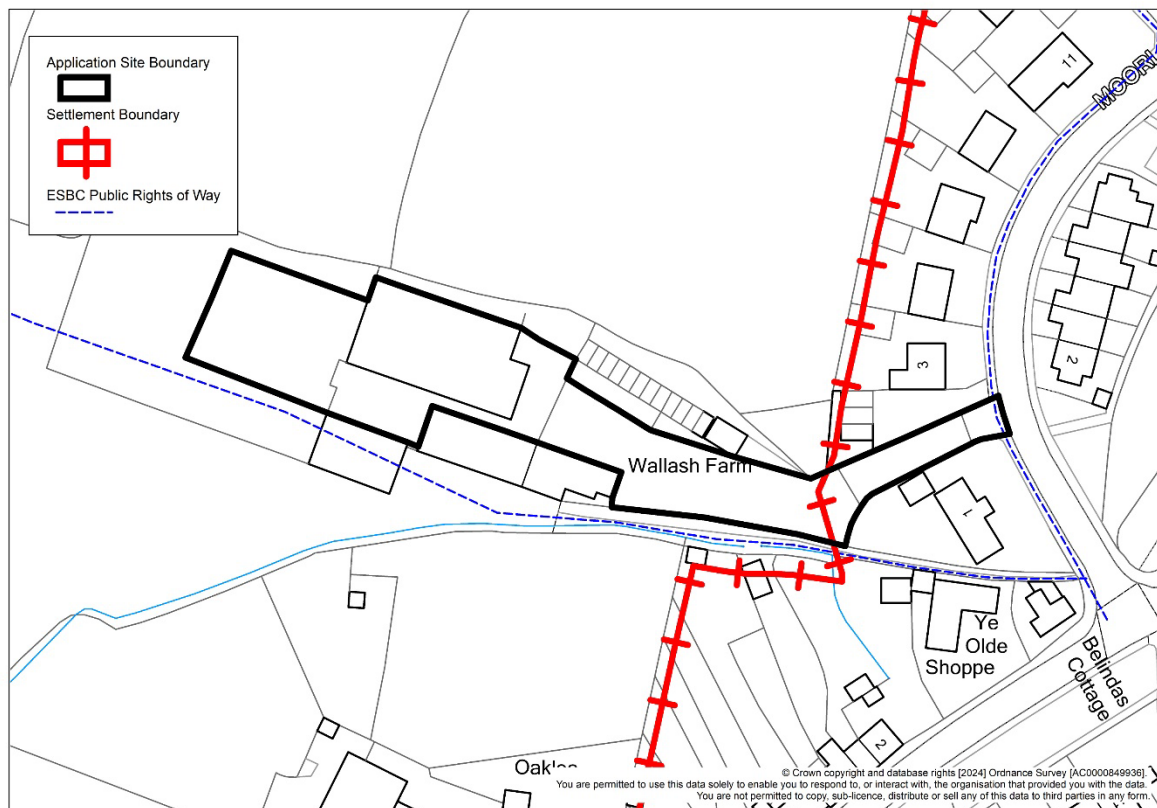
1. Executive Summary

- 1.1 The application site at Wallash Farm, Mayfield comprises part of a field area along with a farm building within a group of existing agricultural buildings lying to the rear of the residential properties that front along Moorlands Drive and Wallash/Ashbourne Road. Vehicular access to the site is taken from the western side of Moorlands Drive via a private road. The application site - with the exception of the access drive - is outside the settlement boundary for Mayfield as defined in the adopted Local Plan.
- 1.2 This application for full planning permission relates to alterations, new build works and extensions to the existing agricultural building to provide for increased eaves and ridge heights and floor area, its re-cladding and the installation of solar panels to accommodate a proposed change of use for the construction of holiday lodges – being a commercial/light industrial (Class E(f)(iii) use - along with associated parking provision and access alterations.
- 1.3 There have been concerns raised by the Parish Council as it is believed that the scheme would usually be on an industrial estate/edge of town area, in relation to the impact on local residents as a result of noise and activity and in respect of the suitability of the local highways to accommodate the traffic to the site with the Parish Council requesting that “*Staffordshire County Council to carry out a comprehensive report on all vehicle movement, both entering and leaving, the proposed development in the application.*”
- 1.4 There have been representations received from the occupants of 16 No. properties as a result of the two public consultations during the application process; with there being one letter of support. In relation to the other submissions the principal objections/concerns relate to the (in)appropriateness of the use in such a rural location, the likely impacts of noise and disturbance to nearby properties, the highway safety implications and the impacts on wildlife/habitats. Councillor S. Sankey in *calling in* the application indicates that residents have raised concerns on highway safety grounds and about noise/disturbance.
- 1.5 As an adaption and re-use of an existing agricultural building - including an increase in footprint and increased overall height - for the specific use for the construction of holiday lodges, the development is considered in principle to meet the overall aims and objectives for development in this outside of settlement location in terms of Local Plan policies and the National Planning Policy Framework and would not result in the loss of the most versatile agricultural land. It is considered that the scheme would not adversely impact on the rural character of the locality by reason of the scale and appearance of the resultant building and associated works.
- 1.6 It is considered that subject to the imposition of appropriate mitigation conditions that the scheme would not sufficiently impact negatively on any residential amenities to warrant a refusal of planning permission. The Councils Environmental Health Team have raised no objections in principle. The proposed use would be restricted by condition to operate Monday to Friday between the hours of 08.00 - 17.00 hours inclusive (with the exception of Bank

Holidays) and would be subject to a noise management mitigation plan and controls on working on the external areas of the site

- 1.7 The County Highway Authority confirm that they have taken on board the comments of the Parish Council and conclude there would be no objections to the specific use being proposed along with the improved access arrangements and revised car parking and turning space provisions that have been secured during the application process. The scheme would also not impact on the public right of way which runs to the south of the application site.
- 1.8 In terms of impacts on biodiversity and ecology, it is concluded that the proposals would not be to the detriment to wildlife habitats subject to mitigation. There are no significant adverse flood risk or land contamination issues likely to arise.
- 1.9 Accordingly, It is therefore considered that on balance the submitted scheme - subject to commensurate conditions - would be compliant with the overall aims and provisions of the relevant development plan policies, supplementary planning documents and the National Planning Policy Framework
- 1.10 **Members are advised that the above is a brief summary of the complex proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report that follows.**

Map of site



2. The site description

- 2.1 The application site at Wallash Farm comprises part of a field area and a farm building within a group of existing agricultural buildings located to the rear of residential properties along Moorlands Drive and Wallash/Ashbourne Road (B5032) in Mayfield. Vehicular access to the site is taken from the western side of Moorlands Drive via a private road that leads into the field area. To the south of the access is the dwelling at No. 1 Moorlands Drive.
- 2.2 To the north of the vehicular access is garaging and the dwelling at No. 3 Moorlands Drive. The boundary treatment to the northern side of the access is of horizontal concrete panel fencing; initially low level but increasing to some 1.8 m in height. There are residential properties on the opposite side of Moorlands Drive to the north-east of the vehicular access.
- 2.3 The building, the subject this application, sits to the northern side of the courtyard of the agricultural buildings. The building is a distance of some 50 metres from the common boundary to the nearest dwelling on Moorlands Drive (No. 3) to the east. The application site also includes the courtyard area to the east and part of the field area to the west. The application site abuts agricultural land to the north and west with the remainder of the agricultural buildings/garages situated immediately to the south and east.
- 2.4 The building which is the subject of this application presently measures 35 m in width (max) x 16.2 m in depth (max). The main building incorporates a shallow (at 15 degrees) pitched roof which has a height to ridge of approx. 4.4 m and eaves height of 2.7m. There is a mono-pitched extension to the northern side.
- 2.5 Externally the building comprises of concrete block plinths with profile metal sheeting above to the western and eastern gables and timber cladding above concrete block plinths to the northern elevation. The southern elevation is largely open. The roof is clad with profile metal sheeting with polycarbonate roof lights.
- 2.6 The application site benefits from mature hedges and vegetation along the northern side boundary with large trees and vegetation along the southern boundary of the larger agricultural parcel of land. A public footpath runs immediately to the south of the application site; and exits onto Moorlands Drive having run alongside the southern boundary of the dwelling at No. 1 Moorlands Drive. The site - with the exception of the vehicular access off Moorlands Drive - is situated outside of the settlement boundary for Mayfield as defined in the adopted Local Plan. The application site is situated within Flood Zone 1.

3. Relevant Planning History

- 3.1 The eastern part of the agricultural/livestock building – subject to this application - was originally erected following a grant of planning permission (ref: PA/04385/010) in September 1996.
- 3.2 In June 2000 full planning permission (ref: PA/04385/011) was approved for the erection of a single storey extension to the existing agricultural building to

house livestock. Various further extensions were added to this structure over the subsequent years – without any applications for planning permission having been submitted to the Local Planning Authority - with the resultant building having been in its present form since circa May 2017. Therefore given that the extensions have been added more than four years ago, the ability of the Council to take any actions against any unauthorised works has now passed.

- 3.3 In October 2018 an application for Prior Approval (ref: P/2018/01243) was given for the erection of a (separate) detached agricultural building to the south. It has come to light that the building has been constructed across the alignment of the definitive public right of way that crosses the applicant's lands and the matter has been brought to the attention of the applicants (whom purchased the site in December 2022).
- 3.4 In November 2016, an application for outline planning permission for the erection of a dwelling at Wallash Farm by the previous owners was refused on the basis that the proposed new dwelling would occupy a site outside any settlement boundary defined in the Local Plan where there was insufficient evidence for any need for housing on the site and none of the criteria were met for housing outside settlement boundaries. Consequently, the proposal did not constitute sustainable development; rather it was an unnecessary and unsustainable form of development in the countryside contrary to Policy SP8 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.
- 3.5 The applicants and local residents in their submissions on the current application scheme refer to the previous owners of the site having operated a funeral business from Wallash Farm.

4. The Proposal

- 4.1 Full planning permission is sought for alterations, new build works and extension to the existing agricultural building to provide for increased eaves and ridge heights and floor area, re-cladding and installation of solar panels to accommodate a proposed change of use for the construction of holiday lodges – being a commercial/light industrial use (Class E(f)(iii)) - along with associated parking provision and access alterations
- 4.2 The resultant structure following the proposed re-building/alteration works would measure 35 m in width x 16.2 m in depth; and incorporate an infill extension on the north east corner (being 6 m in width x 4.5 m in depth) as per Diagram 1 below. The roof design of the building would be altered to create a single overall pitched roof span with a height to ridge of 5.3 m and eaves height of 3.17 m. The overall ridge height of the building will therefore be increased by approx. 1.0 m (in comparison to the existing structure). Diagrams 2 and 3 below show the footprint and elevations of the building as existing and as proposed.
- 4.3 Vertical profile steel cladding is proposed (to be re-used) to the west gable and is to be painted Juniper Green to match the existing newer buildings on the site. Vertical cladding on the north elevation will remain in place with the additional section made to match and this consists of treated Yorkshire boarding set with

concrete block walls below. The roofing materials would comprise of insulated composite roof panels, coloured Slate Blue, incorporating double skin GRP roof lights and a solar panel array (46 No.) on the southern elevation.

- 4.4 The current open south elevation will be clad to floor level in featheredge larch boarding, incorporating 2 No. personnel/exit doors. The east gable will incorporate full width bi-parting hinged doors clad in featheredge Larch boarding. The current building has several internal divisions which will be removed to create an open floor plan. Ventilation fans are proposed to be provided to the western elevation.

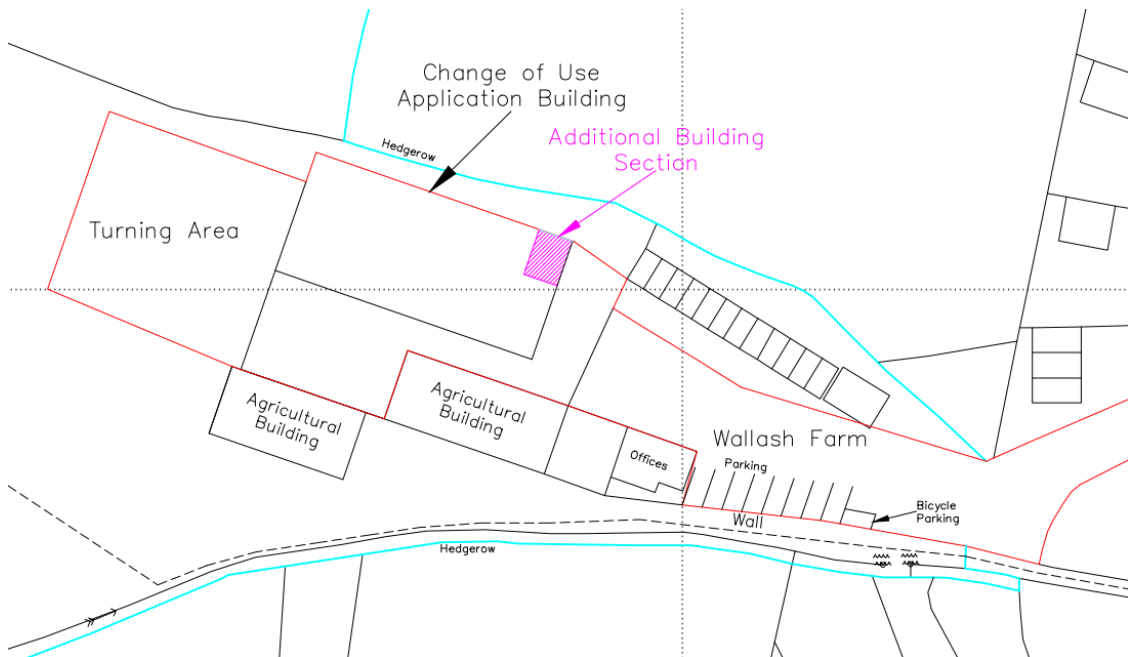


Diagram 1 - Proposed Site Plan (Extension area shown hatched)

Scale 1:100 © A2

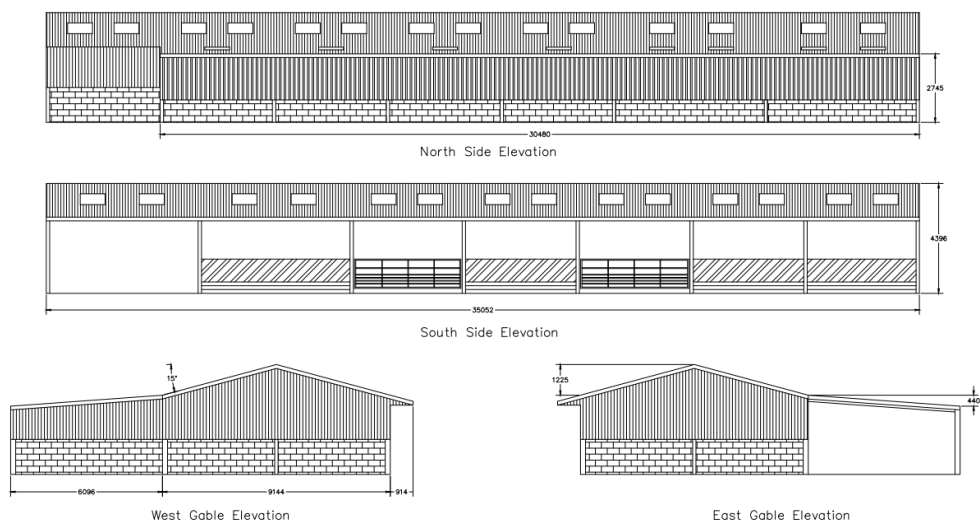


Diagram 2 - Building Elevations (as existing)

Scale 1:100 @ A2

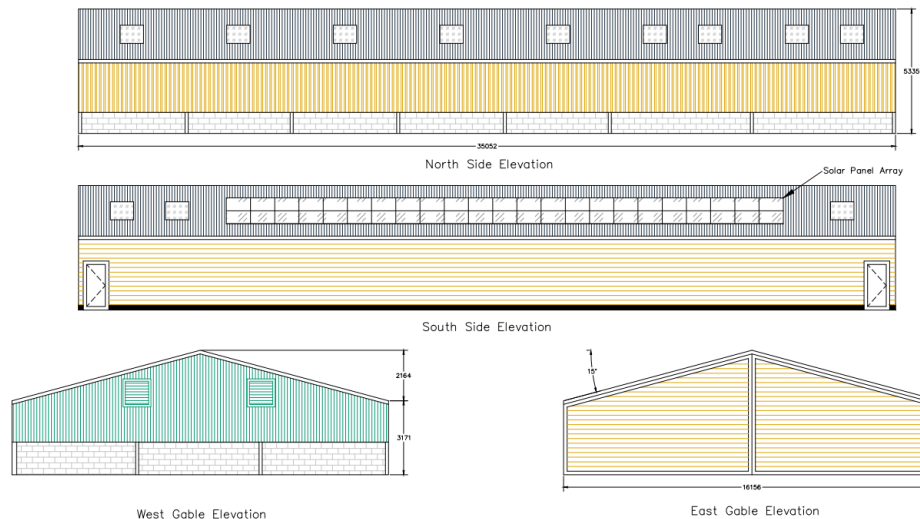


Diagram 3 - Building Elevations (as proposed)

- 4.5 The existing vehicular access from Moorlands Drive to the site is to be utilised, with it being proposed to be widened from its existing width of approx. 8.5 m to 10.4 m to facilitate lorries/vehicles entering into the site.
- 4.6 Parking for 8 No. vehicles will be provided on the site to serve the development, accommodating three No. spaces for employees, one space for the applicants' vehicle, one for customers, two parking spaces for contractors, with one additional space for any sales representatives that may visit. A covered and secured bicycle parking area will also be provided alongside the car parking area.
- 4.7 The applicants are proposing to use the building for the construction of holiday lodges which they indicated would be a similar to the ones that they have on their own 'Mayfield Snuggery' site off Slack Lane (to the south-west of the application site).
- 4.8 In terms of the background to the scheme the supporting documentation submitted on behalf of the applicants advises that:-
- The increased ridge and eaves levels of the building on the site will allow for the additional internal height required for the manufacturing of the lodges along with insulation provisions.
 - It is proposed there will be three lodges manufactured at the site per year. The structure of each lodge is expected to be erected in approximately 2 weeks. The remaining works carried out will take place inside the structure of the lodge itself. This will act as a further noise barrier due to working inside a lodge which is inside a building.
 - The completed lodges will be transported from the site (in two sections) on large articulated vehicles. Each of the 3 lodges will therefore require two trips making a total of 6 No. trips on 3 No. occasions annually.

- The use is to provide up to three full time positions as well as the provision of work for local contractors as and when required.
- The opening hours of the business would be Monday to Friday 08:00 - 17:00 hours (except Bank Holidays). There will be no working on a Saturday and Sunday and Bank Holidays.
- The ventilation fans are to be provided to the western elevation to mitigate the need for doors and windows to be opened during warmer weather

4.9 The application submissions also advise that the applicants have received an agricultural holding number and they wish to continue farming the land purchased with the property and also graze and breed a small flock of sheep. The land is currently being let to a local farmer to ensure that the agricultural land is maintained to a good standard. The remaining buildings on site will therefore remain as per their existing agricultural use.

4.10 During the course of the application the proposal was amended to provide the widened access (supported with a swept path analysis), along with the addition of the turning area/increased parking provision within the site. This on-site turning provision was itself amended to ensure that it was not located on the definitive line of the public right of way.

4.11 A Preliminary Ecological Assessment has also been provided to inform the application process as well as example ventilation fan specifications.

List of documentation

4.12 The following documents therefore now comprise the application submission:

- Location Plan
- Existing and Proposed Block Plan
- Existing elevations of the building
- Proposed elevations of the building
- Proposed elevations of the building (showing re-use of materials)
- Design and Access Statement
- Further Justification Statement
- Preliminary Ecological Appraisal
- Ventilation Fan Specifications
- Swept paths diagrams for vehicles using the access drive

4.13 The relevant findings of the documents are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non-statutory consultee		Response
5.2	Mayfield Parish Council	<p><u>Original Application submissions</u></p> <p>The Parish Council raised concerns in terms of the following:</p> <ul style="list-style-type: none"> • The site’s proximity to residential properties in terms of noise. • The proposed access point given the sharp turn of the B5032 into Moorlands Drive as well as the access to the site which is not sufficient to accommodate the size of the vehicles required for the proposed use. • The proposed use especially given that it relates to industrial activity usually located within industrial site or on the edge of town sites. <p><u>Revised Application submissions</u></p> <p>Further to the revision of the application description and submission of additional information provided in relation to noise, ecology impact and access/parking, the Parish Council commented :-</p> <p><i>“The Council would like ESBC to request for Staffordshire County Council to carry out a comprehensive report on all vehicle movement, both entering and leaving, the proposed development in the application.”</i></p>
5.3	SCC Highways	<p>Having had due regard to the comments of the Parish Council (as per paragraph 5.2 above) no objections are raised to the proposal on highway grounds subject to the use of the site being operated as described in the submitted documents only and therefore that no change to a use within the same use class or otherwise shall be made without the prior approval of the Local Planning Authority.</p> <p>SCC Highways had asked for further information and details in relation to the original submissions.</p>

Internal Consultees		Response
5.4	Environmental Health	No objections in principle subject to mitigation conditions.
5.5	Cllr Sankey	<p><i>Called in</i> the application (for Committee determination) for the following reasons:</p> <p><i>“A number of residents have raised concerns.</i></p>

		<p><i>The two areas I am concerned are:</i></p> <ul style="list-style-type: none"> • <i>1. Highways. In particular the difficulty for larger vehicles leaving the site via the residential road (it isn't wide enough and cars are often parked opposite the entrance/exit).</i> • <i>2. Noise. Previously a quiet funeral director site. The application will increase noise and dust significantly."</i>
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6. Neighbour responses

- 6.1 Representations have been received from a total of 16 No addresses during the application process.
- 6.2 There is one local resident supporting the application.
- 6.3 The remaining correspondences submitted raise objections or concerns (albeit to varying degrees) to the scheme on the grounds summarised below:

Neighbour objection/concerns responses	
Principle	<ul style="list-style-type: none"> • The proposed use is considered to be a high end industrial activity and woodworking and any industrial class use should not be allowed in or close to residential villages. • The building was approved for agricultural use only and that should preclude industrial uses. • The proposed use would destroy good quality agricultural land. • The scheme is contrary to Policies SP1 and SP8 of the Local Plan given likely traffic impacts and as the change of use of an agricultural building to a commercial one producing noise from production of lodges 8-5pm is not appropriate to the countryside, especially considering the type of machinery likely to be required to manufacture the lodges. • It is questioned whether the proposed use would be limited to that applied for by the applicants • The business would be more appropriately sited on industrial areas in Ashbourne or Uttoxeter. • In 2016, a dwelling was refused at the site as being inappropriate development contrary to the current

	Local Plan policies and the present application should be similarly refused on such policies grounds.
Visual Amenities	<ul style="list-style-type: none"> • There will impact from light pollution. • The introduction of a turning area to rear of proposed building will have an adverse visual impact • The operations may necessitate lifting gear on the site which would be unsightly.
Residential Amenities	<ul style="list-style-type: none"> • The scheme will cause noise and disturbance to local residents which will impact on their use of their dwellings and their garden areas. The noise and disturbance impacts are likely to be exacerbated in terms of summer months when building doors/windows are opened. • The proposed use, and the associated vehicle activity, will be noisier than the agricultural use of the site/than the former funeral business that operated at the site. • The applicants has kept the noise and disturbance away from the users of their holiday homes site (at The Snuggery) and moved it close to local residents. • There are no stipulations in terms of decibel output for the machinery to build the cabins to determine the level of insulation required to ensure there is no disturbance to neighbouring properties. • There are specific concerns regarding not only noise levels <i>per se</i> from fans and other machinery to be used on site, but also, the sound quality/tonality of that noise. • It should be borne in mind that daytime activities affect retired residents, whom have chosen to live in the locality to enjoy the countryside location, as well as local residents who have to sleep during the day when they are working shifts. • There will be detrimental noise impacts for users of footpath that runs alongside the application site. • Manufacturing will generate light pollution in the locality. • It is questioned whether there will there be restrictions in place to manage the number of lodges produced to prevent expansion and times of operation.

	<ul style="list-style-type: none"> • It is questioned if the number of employees will be limited, along with the number people who will be on site at any one time. • It is questioned as whether the adjacent farmland will also be used to erect the lodges for hire and generate more traffic/noise implications. • The proposed submissions appear to be deficient on technical data in respect of machinery noise and it is considered these should be addressed at the application stage to avoid the '<i>nightmare scenario</i>' of complaints when any business is in operation.
Highway Safety	<ul style="list-style-type: none"> • The scheme would compromise the safety and integrity of vehicles parked on Moorlands Drive. It would appear that local residents would have to move their vehicles to allow passage of large vehicles and there may be a necessity for yellow lines along the highway(s) leading to the site or other means of traffic controls (at least temporary ones). • Vehicles parked on Moorlands Drive would make access difficult for any large trucks/lorries. It is also questioned whether the B5032/Moorlands Drive junction is capable of accommodating the movements/manoeuvres of large lorries required in connection with the proposed business. • Highway problems have already occurred in proximity of the site where vehicles other than those typically used for agricultural purposes have tried to access the site. This can be demonstrated with photographic evidences. • Multiple deliveries would be required to and from the site to produce the lodges. The application submissions do not make clear the likely levels of traffic movements to and from the site on a daily/weekly basis. • Moorlands Drive is not wide enough to provide sufficient usable access for long vehicles/an articulated lorry. • The scheme would be contrary to Policy SP1 of the Local Plan relating to sustainable development due to the increase in traffic. • It is pointed out that following a Public Inquiry relating to a 1994/95 Borough Wide Plan, a proposal to erect industrial units immediately south of Wallash was dropped. It appears that The Highways Agency had stated that extra traffic would represent a hazard to safety at the B5032/A52 junction. • Street furniture may potentially need alteration to provide sufficient access.

	<ul style="list-style-type: none"> • The Parish Councils request for Staffordshire County Council to carry out a comprehensive report on all vehicle movement, both entering and leaving, the proposed development should be met.
Ecological	<ul style="list-style-type: none"> • There will be impacts on a pair of Tawny Owls that use trees on the site. • The introduction of the turning area to rear of proposed building will have an adverse visual impact, reducing green space and affecting local wildlife. • Once built on the lands will be permanently lost to agricultural production.
Flood	<ul style="list-style-type: none"> • There will be increased risk of flooding in the watercourse running close to dwellings on Wallash due to additional water used in manufacturing and as a soakaway is proposed.
Other Matters	<ul style="list-style-type: none"> • Any job creation benefits would be outweighed by the negative impacts on local residents. • The scheme will impact negatively on values of homes. • It is questioned how waste will be stored and removed from the site. • The scheme will create a precedent and lead to further expansion of business activities and loss of agricultural lands • The application submissions incorrectly state on the application forms that there will be no industrial processes and it is questioned whether the dimensions of the building – as existing and as proposed – are accurately depicted. • In the event that planning permission is approved should the lodge building business close at the site the building/land should revert to agriculture. • Concerns raised that not all residents gaining access to their properties off Moorland Drive have been consulted on the application.* <p>(*members are advised that officers are content that the consultation process has been undertaken in full accordance with the Councils protocols. Additional properties were consulted further to the original submissions. Site Notices were also posted at the site to given wider publicity; again in line with Council protocols).</p>

7. Policy Framework

National Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Local Plan Policies

SP1: East Staffordshire Approach to Sustainable Development
SP8: Development Outside Settlement Boundaries
SP14: Employment in the Rural Economy
SP24: High Quality Design
SP27: Climate Change, Water Body Management and Flooding
SP29: Biodiversity and Geodiversity
SP30: Locally Significant Landscape
SP35: Accessibility and Sustainable Transport
DP1: Design of New Development
DP2: Sustainable Building Techniques
DP7: Pollution and Contamination

Supplementary Planning Documents (SPD's)

Re-Use of Rural Buildings Supplementary Planning Document (SPD)
East Staffordshire Design Guide
Parking Standards Supplementary Planning Document (SPD)
Climate Change Supplementary Planning Document (SPD)

8. Assessment

8.1 The main considerations in the determination of this application are considered to be as follows:-

- Principle of the development/Impact on Visual Amenities
- Impact on Residential Amenities
- Highway Safety implications
- Impacts on Ecology/Biodiversity and Climate Change
- Flood Risk and Contamination

9. Principle of the Development/Impact on Visual Amenities

9.1 The policies in the Local Plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 The Strategic Policy 1 of the Local Plan sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making. Strategic Policy 8 of the Local Plan provides guidance and

criteria on how to deal with development in the countryside and is relevant in this case. This policy in dealing with the principle of development states *inter alia* that outside development boundaries planning permission will not be granted unless it is

- *“essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location”*
- *“The Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD”*

9.3 Policy SP14 of the Local Plan relates to employment in the rural economy and states amongst other things the following in relation to new provision:-

“Within the Tier 1 and 2 settlement boundaries and rural industrial estate boundaries, employment development, including extensions to existing premises, mixed use development which would allow for an element of home working and change of use to employment development will be approved if the development:

(i) does not unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and

(ii) is in accordance with other Development Plan policies.

Permission will be given for new employment development outside strategic or local service villages and rural industrial estates if it meets the criteria of Strategic Policy 8, or there are exceptional reasons why it cannot be located in these villages or in established urban employment locations.”

9.4 Paragraph 88 of the NPPF states that:

“Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings

b) the development and diversification of agricultural and other land-based rural businesses

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”

- 9.5 Paragraph 89 of the NPPF indicates that *“planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*
- 9.6 Having regard to Policies SP1, SP8 and SP14 of the Local Plan and paragraphs 88 and 89 of the NPPF there is overarching support in principle for appropriate rural business/agricultural development and re-use of existing rural buildings. In this case to facilitate the change of use of the existing building the scheme involves extensions and alterations (some of which will facilitate noise insulation) and whilst to some extent it does incorporate re-used materials from the existing structure the scheme would not in the strictest sense represent a conversion of the existing building at the site.
- 9.7 Nonetheless, the Re-use of Rural Buildings SPD does not preclude some re-building works as set in paragraphs 5.10.1 and 5.10.2; namely
- “The extent to which rebuilding, extension or alteration is considered to be excessive will vary depending on the scale and type of building affected and the relative extent of the works proposed. Applications must include detailed plans which indicate the extent of any rebuilding and alterations, and the extent of demolition which would determine whether a proposal constituted conversion or re-building. (para 5.10.1)*
- Limited rebuilding is acceptable to effect repairs, but where a significant part of the original building has been removed or falls into disrepair, rebuilding will not usually be acceptable. (para 5.10.2)”*
- 9.8 In terms of its resultant altered built form in this case, the re-built structure would have an increased floor area of some 27 sq.m whereas the height of the ridge would be approximately one metre higher than at present (as per Diagrams 2 and 3 above). It is considered that such changes are not so significant so as to mean that the building would have a resultant scale and appearance that would have a negative impact on the character of this locality. Externally, the building would essentially still appear as an agricultural type structure surrounded by the other retained agricultural buildings and lands.
- 9.9 The proposed use of the altered building for the construction of the lodges would not necessarily need a rural location - and it is recognised that it could be located within a commercial environment in an urban area - nevertheless in this case the use would be proposed to be operated alongside the existing agricultural holding; with the other buildings remaining in agricultural use.

Furthermore, it is recognised that the site is in relatively close proximity to Ashbourne Road along which there is a regular bus service between Uttoxeter and Ashbourne on weekdays during the hours of operation of the business; meaning that the site can be reasonably accessed by more sustainable means of transport than just the private car/motor vehicle. There will also be secure and covered cycle parking provided at the site.

- 9.10 With regard to the issue of the loss of agricultural land - and notwithstanding the site is an area where agricultural lands are categorised as grade 4 which is defined as poor – the extent of any loss is effectively confined to the new turning area which would also be available for use for the agricultural uses on the site. Visually, the turning area would not be out of keeping at such an agricultural site.
- 9.11 As such, given these circumstances it is considered that the proposed development would in principle be sufficiently in line with the aims of the Policies SP1, SP8 and SP14 and the National Planning Policy Framework so as to be acceptable in policy terms. It is nevertheless also necessary to take into account all technical and other relevant planning related impacts and this detailed evaluation is set out below.

10. Impacts on Residential Amenity

- 10.1 With regard to the scale of the building - as proposed to be altered - given the separation distance involved to any dwelling being is at least 50 metres, the proposed development would not give rise to any significant overlooking, overbearing or overshadowing issues.
- 10.2 With regard to operations on the site in connection with the proposed use, the concerns of the Parish Council and local residents in relation to the impacts of noise and disturbance have been recognised and the application submissions now provide for noise insulation to be installed to the re-constructed building along with ventilation fans to enable working to be carried out in the building with doors and windows closed to limit noise breakout. These provisions will necessarily be secured by conditions along with one providing that for other than for personnel access and egress all doors and windows units to the building shall be retained as closed at all times whilst construction and manufacturing activities are being undertaken at the site.
- 10.3 The applicants proposed hours of the business are to be between 08.00 - 17.00 Monday to Friday (except bank holidays) and in the interests of residential amenities a condition would be attached to any approval requiring that all operations/activities/use(s) in connection with the development, including deliveries to and from the site, shall be undertaken on the days and in the hours of operation stated.
- 10.4 The Council's Environmental Health Section have raised no overall objections to the scheme subject to conditions including those providing for a noise

mitigation management plan and adherence to that plan for the life of development in respect of the following matters

- Precise details of the ventilation scheme (including any noise attenuation measures) to ensure adequate ventilation is provided to the building during hours of operation whilst providing for all doors and window units to be retained in a closed/shut position.
- A scheme for the maintenance of the ventilation system to ensure it continues to be capable of operation for the life of the development.
- Specification of all machinery and power tools/equipment proposed to be used in connection the use hereby approved along with details of any noise attenuation measures to be fitted

10.5 Conditions of any approval would also include that there shall be no outside working within the application site associated with the development, other than in connection with operations to load the completed lodge(s) sections onto the vehicular transportation for dispatch. Those dispatches will be limited by condition to 3 No. lodges in any calendar year as per the applicant's submissions.

10.6 Furthermore, it is not considered that the traffic movements associated with the development as proposed would give rise to levels of noise and disturbance that would be to the detriment of neighbouring properties. The provision of lighting on the application site would be subject to control by a condition to mitigate impacts of light pollution to surrounding residential properties.

10.7 A condition of any approval would also provide for appropriate waste facilities to be provided serve the development. The applicants indicate that internal vacuum systems will be installed to all necessary tools so that dust particles are eliminated which in turn will suck the dust into a bag and then disposed of appropriately.

10.8 Accordingly, it is considered that subject to the imposition of appropriate mitigation conditions that the scheme would not sufficiently impact negatively on any residential amenities to warrant a refusal of planning permission

11. Highway Safety Implications (including Public Right of Way)

11.1 The proposed development is intended to be served off Moorlands Drive by way of the existing site entrance which will be altered and increased in width to provide for the swept paths to vehicles as requested by the County Highway Authority. The Highway Authority consider these alterations to be acceptable to accommodate the low loader lorries that will access and egress the site on three occasions per annum to take away the completed lodges and these works will be secured by condition.

- 11.2 Having had due regard to the comments of the Parish Council (as per paragraph 5.2 above), in terms of overall traffic levels the County Highway Authority also confirm that those have been taken into account in their deliberations. The County Highway Authority confirm, however, that their conclusion of no objections comes with the provisos that the use of the site shall be as described in the applicants submitted documents only and there shall be no change to the use – including within the same use class - without there first being the approval of the Local Planning Authority. Conditions will be attached accordingly.
- 11.3 In terms of on site works, it is considered that the provision of 8 No. parking spaces is an appropriate level to serve likely staff and visitors to the site. Those spaces along with the adjoining cycle parking provision will be secured and required to be retained as available for use at all times for the life of the development.
- 11.4 Accordingly, subject to the necessary conditions, it is therefore not considered that this proposal would give rise to any detrimental impacts on highway safety.
- 11.5 A public right of way crosses the field area immediately to the south of the application and will not be directly affected by the development as it runs alongside a boundary wall. An informative on the decision notice will nevertheless remind the applicants that the public right of way should not be obstructed or extinguished as a result of this development so that users can continue to use the path at all times.

12. Flood Risk and Contamination.

- 12.1 In terms of surface water drainage, whilst the southern roof slope of the altered building will continue to drain to a soakaway, any water runoff from the northern slope of the building will be collected into a rainwater harvesting tank that will provide some of the drinking water requirements for the livestock on the retained agricultural lands and also be used for washing down agricultural machinery and vehicles before exiting site. The drainage of the altered access and turning/parking area are to be subject to conditions with details to be agreed in conjunction with the County Highway Authority.
- 12.2 It is therefore concluded that the proposed new development is not likely to result in a level of increase of surface water that would impact in terms of a flood risk on properties or land outside the application site.
- 12.3 With regard to contamination, the ESBC Environment Health Team raise no concerns in relation to the development although they request that the applicant's attention is drawn to the fact that the proposed development is situated within a "Radon Affected Area". This will be done by way of a standard informative.

13. Impacts on Ecology/Biodiversity and Climate Change

- 13.1 The proposed development will not result in the loss of any trees and the whilst there will be some loss of existing grassland – with the formation of the additional hardstanding area – the land is not itself of particularly high ecological value. A landscaping condition will nevertheless require compensatory ecological provision; which can - if necessary - be undertaken on other lands in the applicant's ownership that are to be retained in agricultural use.
- 13.2 In terms of other impacts on wildlife habitats, the applicants Preliminary Ecological Appraisal (PEA) demonstrates that the scheme will not result in the loss of any bat or bird nesting/roosting sites, but recommends that opportunities be taken for biodiversity net gain, with the provision of new bird boxes on-site, the incorporation of bee bricks into the altered building and planting of fruit trees/nectar-rich wildflowers.
- 13.3 The Preliminary Ecological Appraisal also emphasises that wildlife needs due protection during the development phase. A condition providing for a Construction Environmental Management Plan - in line with the PEA recommendations – is therefore recommended to address all necessary ecological/biodiversity mitigation on the site to be agreed with the Borough Council before any development commences on the site. The recommended condition providing for controls on lighting on the site (for residential and visual amenity mitigation) would also be beneficial to conserving wildlife habitats; in particular foraging bats.
- 13.4 With regard to the concerns have been raised for a pair of Tawny Owls that currently reside in the conifer trees approximately 200m southwest of the building at Mayfield Snuggery (off Slacks Lane), it is agreed with the applicants that these will not be likely to be directly affected by the proposed development. The applicants have, nevertheless, advised that they would be happy to install further nesting boxes around their holding should they decide to migrate to another nest site. Such actions would be clearly be welcomed - and will be encouraged by way of an informative -, however, it is not considered that it would be reasonable to formally require such provision by condition as such mitigations are not directly related to the development.
- 13.5 Having regard to climate change mitigation, the scheme incorporates the provision of solar panels to the southern roofslope, insulation works to the internal elevations and the roof panels and the provision of a rainwater harvesting tank for surface water off the northern elevation of the altered building. These provisions are considered to have due regard to Policy DP2 of the Local Plan and the Councils Climate Change Supplementary Planning Document.

14. Other Matters

- 14.1 The concerns that have been raised by local residents that the scheme would lead to a loss of property values are noted, however, this matter is not itself a material planning consideration.

14.2 With regard to any potential future proposals for development at the site, or extension of activities onto other land, it is pointed out that these would have to be subject of new applications that would fall to be considered on their own material merits.

15. Conclusions

15.1 Accordingly, having taken into account the schemes overall environmental, social and economic impacts it is considered having regard to weighing up the material planning merits, that the scheme should be supported. The application is therefore recommended for a grant of conditional planning permission.

15.2 **RECOMMENDATION: Grant Permission Subject to Conditions**

1: Time Limit – 3 Year Standard Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Drawing No: 1080 - 001 Rev E- Location Plan dated as received 17-05-2024

Drawing No: 1080 - 002 Stanley - A3 Existing Block Plan Rev A dated as received 01-11-2023

Drawing No: 1080 - 003 Stanley - A3 Proposed Block Plan Rev D dated as received 17-05-2024

Drawing No: 1080 - 004 - Existing Elevations dated as received 01-11-2023

Drawing No: 1080 - 005 Rev A - Proposed Elevations dated as received 01-11-2023

Drawing No: 1080 - 006 Rev A - Re-use of Materials dated as received 01-11-2023

Drawing No: 1080 - 007 - Re-use of Materials to Elevations dated as received 01-11-2023

Drawing No: 12297 - 001 - Swept Path Analysis and Proposed Widened Access - dated as received 01-11-2023

Drawing No: 12297 - 002 - Swept Path Analysis, dated as received 01-11-2023
Ventilation Fan specifications dated as received 01-11-2023

Preliminary Ecological Appraisal dated as received 01-11-2023

Design and Access Statement dated as received 20-03-2023

Further Justification Statement dated as received 01-11-2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, flooding, ecology/biodiversity or the safe and efficient use of the adjoining highway(s) in accordance with the aims and objectives of East Staffordshire Local Plan Policies SP1, SP8, SP14, SP24, SP27, SP29, SP30, SP35, DP1, DP2 and DP7, Parking Standards Supplementary Planning Document, the East Staffordshire Design Guide, Re-Use of Rural Building Supplementary Planning Document, Climate Change Supplementary Planning Document and the National Planning Policy Framework.

3: External Materials

All external materials to be used in the development hereby approved shall be as set out on the plans listed under condition 2 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the rural surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

4: Noise Mitigation Management Plan

No development shall commence in connection with the scheme hereby approved until a Noise Mitigation Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Noise Mitigation Management Plan shall provide for the following:

- a. Precise details of the ventilation scheme (including any noise attenuation measures) to ensure adequate ventilation is provided to the building during hours of operation whilst providing for all doors and window units to be retained in a closed/shut position.
- b. A scheme for the maintenance of the ventilation system (required under 4(a) above) to ensure it continues to be capable of operation for the life of the development.
- c. Specification of all machinery and power tools/equipment proposed to be used in connection with the use hereby approved along with details of any noise attenuation measures to be fitted

The approved Noise Mitigation Management Plan shall be complied with at all times for the life of the development unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining and nearby residential properties and the locality in general in accordance with the East

Staffordshire Local Plan Policies SP1 and DP7 and National Planning Policy Framework.

5: Construction Environmental Management Plan (Ecology)

No development shall commence (including any site clearance works) until details of a Construction Environmental Management Plan (including details of scheme of mitigation and a timetable of works for the development phase) have been submitted to and approved in writing by the Local Planning Authority. These provisions shall be in line with the recommendations of the approved Preliminary Ecological Appraisal dated 1 November 2023. The Construction Environmental Management Plan shall be adhered to all times during the development phase/for the life of the development.

Reason: To provide for mitigation works and to safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

6: Landscaping (including compensatory ecological planting)

Prior to the development hereby approved being first brought into use a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include commensurate planting necessary to compensate for the loss of ecology/biodiversity on lands within the application site as a result of the development (as agreed under condition 5 above)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in the interests of ecology and biodiversity and in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29 and DP1 and the National Planning Policy Framework.

7: Vehicular Access Alterations

Prior to the development hereby approved being first brought into use the proposed alterations to the access off Moorlands Drive as shown on Drawing No: 12297 - 001 - Swept Path Analysis and Proposed Widened Access (dated

as received 01-11-2023) shall be completed in accordance with a detailed scheme of hard surfacing and surface water drainage which have been first submitted to and agreed in writing by the Local Planning Authority. The details shall provide for the access to be positively drained to ensure no surface water runs onto the public highway. Once provided the approved altered access arrangements shall be kept free from obstruction and available for use at all times for the lifetime of the development

Reason: In the interests of highway safety and mitigate any flooding risks, in accordance with East Staffordshire Local Plan Policies SP1, SP27 and SP35 and the National Planning Policy Framework.

8: Parking Provision

Prior to the first bringing into use of the development hereby approved the 8 No. car parking spaces shown on Drawing No: 1080 - 003 Stanley - A3 Proposed Block Plan Rev D (dated as received 17-05-2024) shall be constructed, hard surfaced, positively drained and marked out in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Once provided the area shall be kept free from obstruction and be retained as available for use for the purposes of parking for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

9: Turning Facilities

Prior to the first bringing into use of the development hereby approved the additional area to be created for vehicle turning (the 'Turning Area') to the west of the application building shall be provided in the location shown on Drawing No: 1080 - 003 Stanley - A3 Proposed Block Plan Rev D (dated as received 17-05-2024) and shall be surfaced and positively drained in accordance with details to be first agreed in writing with the Local Planning Authority. Once provided the turning area shall be kept free from obstruction and be retained as available for use for its stated purpose for the lifetime of the development.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

10: Cycle Parking Provision

Prior to the development hereby approved being first brought into use secure and covered cycle parking shall be provided in the position as shown on the Drawing No: 1080 - 003 Stanley - A3 Proposed Block Plan Rev D (dated as received 17-05-2024) in accordance with details to be first submitted to and

agreed in writing by the Local Planning Authority. Once provided the secure and covered cycle parking provision shall be maintained and retained as available for use for the lifetime of the development

Reason: To promote sustainable forms of transport in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

11: Insulation/noise mitigation works scheme to building

Prior to the first bringing into use of the development hereby approved a scheme of noise insulation/mitigation measures to the internal elevations and roof structure of the building shall have been installed/completed in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Once provided the approved noise insulation/mitigation measures shall be retained and maintained for the lifetime of the development.

Reason: To protect the amenities of occupiers of adjoining and nearby residential properties and the locality in general in accordance with the East Staffordshire Local Plan Policy SP1 and DP7 and National Planning Policy Framework.

12: Waste Facilities

Prior to first use of the development hereby approved a scheme for the disposal of waste/waste bin(s) provision shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme for the disposal waste/bin(s) provision shall be installed/brought into operation upon the first use of the development hereby approved and thereafter maintained/adhered to for the life of the development.

Reason: To protect the amenities of occupiers of adjoining residential properties and the locality in general in accordance with the East Staffordshire Local Plan Policy SP1 and DP7 and National Planning Policy Framework.

13: Lighting on the site.

No lighting shall be installed at the site in connection with the development hereby approved until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all lighting units/types to be installed/used, including size, lumen output, direction/positioning, luminaire detail and any other measures to prevent or limit light overspill. The lighting scheme shall only be implemented in accordance with the approved details and no other lighting shall be installed on the site in connection with the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the area and the amenities of occupiers of adjoining property and in the interests of ecology in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29, DP3 and DP7 and the National Planning Policy Framework

14: Ventilation scheme to be installed to the building

Prior to the first bringing into use of the development hereby approved the ventilation scheme shall have been installed in accordance with the details agreed under condition 4 above and thereafter retained in operational use at all times whilst the building is in use for construction/manufacturing activities for the life of the development.

Reason: To protect the amenities of occupiers of adjoining and nearby residential properties and the locality in general in accordance with the East Staffordshire Local Plan Policy SP1 and DP7 and National Planning Policy Framework

15: Solar Panels

Unless otherwise agreed in writing by the Local Planning Authority prior to the first bringing into use of the development hereby approved the solar panels shall be installed to the roof structure of the building in accordance with approved details (as per plans/documents listed at condition 2 above) and these shall be retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability in accordance with the East Staffordshire Local Plan Policies SP1 and DP2, Climate Change Supplementary Planning Document and National Planning Policy Framework.

16: Specific Use.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall solely relate to the use of the premises for the construction of holiday lodges as described in the applicants agents 'further justification statement' document dated as received on 1.11.2023 and for no other purpose (including any use in Class E(f)(iii)) unless planning permission is first granted by the Local Planning Authority.

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and the locality in general and in the interests of highway safety in accordance with the East Staffordshire Local Plan Policies SP1. SP35 and DP7 and the National Planning Policy Framework.

17: Days and Hours of Operation.

All operations/activities/use(s) in connection with the development hereby approved, including deliveries to and from the site, shall be undertaken between the hours of 08.00 - 17.00 Monday to Friday inclusive with the exception of Bank Holidays (and therefore there shall be no working on Saturdays, Sundays and Bank Holidays)

Reason: To protect the amenities of occupiers of adjoining and nearby residential properties and the locality in general in accordance with the East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

18. Number of lodges dispatched per annum

No more than 3 No. lodges shall be dispatched on vehicles from the application site in any calendar year.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with and East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

19: Doors and Windows retained closed

Other than for access and egress by personnel all doors and windows units to the building hereby approved shall be retained in closed/shut position at all times unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining and nearby residential properties and the locality in general in accordance with the East Staffordshire Local Plan Policy SP1 and DP7 and National Planning Policy Framework.

20: No working on outside areas

There shall be no outside working within the application site in association with the development hereby approved, other than in connection with operations to load the completed lodge(s) sections onto the vehicular transportation for dispatch from the site, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

Informatives

1: Engagement

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2: Discharge of Conditions

The conditions identified below require details to be approved prior to the commencement of the development.

Condition Nos 4 and 5.

The conditions identified below require details to be approved prior to the development being first brought into use:

Condition Nos 6, 7, 8, 9, 11 and 12.

This means that a development may not be lawful until the particular requirements of these conditions have been met.

Requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority which must be paid when the request is made. Any number of conditions can be included for each request.

Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of a written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3: Highway Works

The County Highway Authority advise that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. It is likely that there will be the need for the highway drainage ditch to be cleared and not obstructed by the works required to construct the access which is likely to require some sort of structure the details of which will need to be approved as part of this agreement. Please email nmu@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

4: Lighting

With regard to condition 13 in relation to the provision of lighting above you are advised that a luminance plan which shows intensity of light across the site and surrounding area may be required where light overspill is likely.

5: Radon

The applicant is advised that the proposed development is situated within a “Radon Affected Area”. Radon Affected Areas are areas where 1% or more of homes are above the Action Level, as designated by the UK Health Security Agency (UKHSA)). This information was obtained from Indicative Mapping supplied by the British Geological Survey and the Health Protection Agency, which splits the borough up into 1km squares, and it is recommended that property-specific advice be obtained from www.ukradon.org. Our records indicate that the development is in an area where 5 to 10% of properties are above the action level.

If, after reference to the above website, there is still possibility of risk from radon, then protection measures should be installed (further advice can be found on the BRE website). Home testing kits can be obtained from the PHE through www.ukradon.org, but it may take several months to obtain the results.

For sites where between 1% and 3% of homes are above the action level, the use of protection measures is not mandatory, although ESBC continue to recommend that basic measures are installed in these circumstances.

6: Public Right of Way

You are advised that Public Footpath which runs through the lands at Wallash Farm should not be obstructed or extinguished as a result of this development. The public right of way should be available for users without any restrictions at all times.

7. Ecology

The applicants are advised that this permission does not absolve them from their responsibilities in relation to protected species. The applicants are also encouraged to install further nesting boxes around their lands to provide enhanced habitats for wildlife, including tawny owls.

16. Background papers

16.1 The following papers were used in the preparation of this report:

- The plans and documents of the applications referenced.

- Local and National Policies as outlined in section 7 above

17. Human Rights Act 1998

17.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

18. Crime and Disorder Implications

18.1 It is considered that the proposal does not raise any crime and disorder implications.

19. Equalities Act 2010

19.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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