

<b>Agenda Item:</b>	5.2
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<b>Site:</b>	Rolleston Park Farm, Lodge Hill, Tutbury, Staffordshire, DE13 9HQ
<b>Proposal:</b>	Demolition of existing cattle sheds and erection of a Class B8 storage building

### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

### [Hyperlink to Application Details](#)

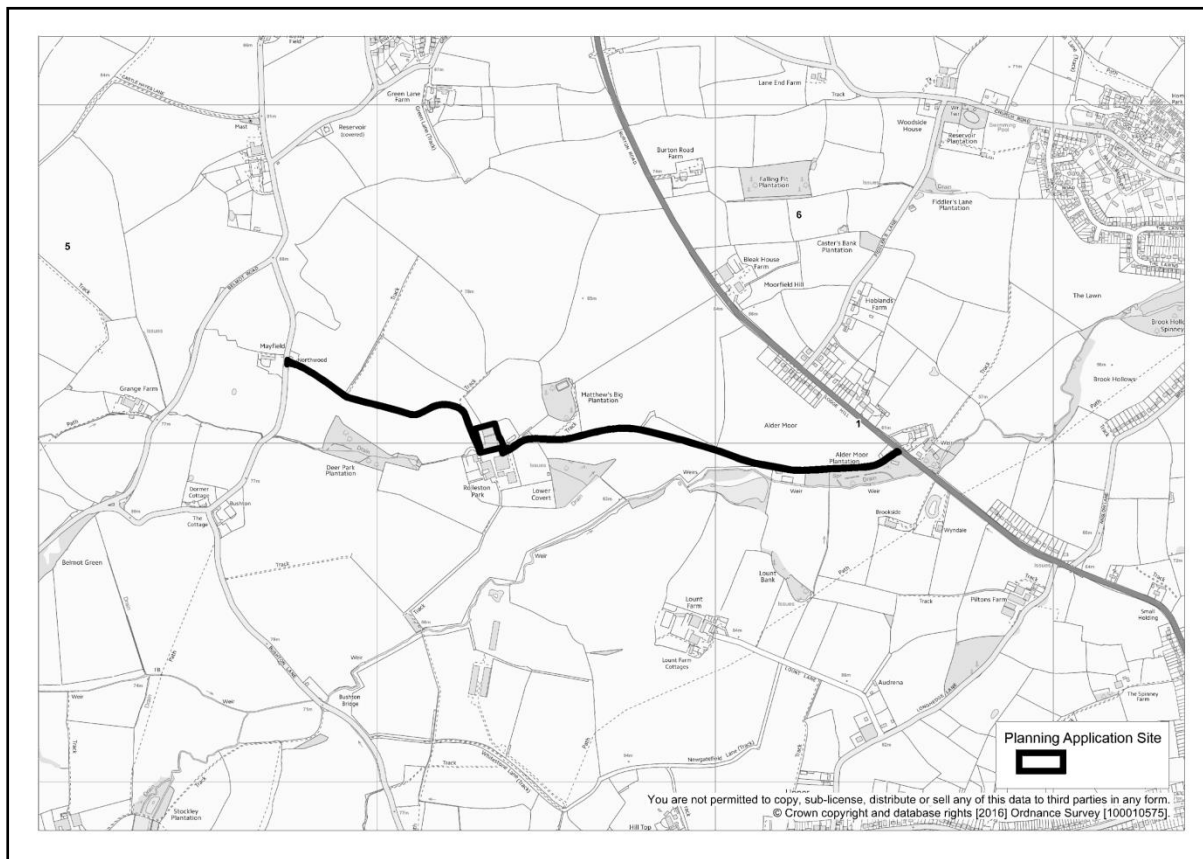
<b>Application Number:</b>	P/2016/00725		
<b>Planning Officer:</b>	Rob Duckworth		
<b>Type of Application:</b>	Detailed Planning Application		
<b>Applicant:</b>	Mr. C Thompstone		
<b>Ward:</b>	Tutbury		
<b>Ward Member (s):</b>	Cllr Goodfellow	D	H Councillor S P Gaskin
<b>Date Registered:</b>	10.06.2016		
<b>Date Expires:</b>	22.08.2016		

## 1. Executive Summary

- 1.1 The proposal involves the erection of a large industrial style building following the demolition of existing agricultural buildings for the purpose of high capacity document storage. The development is supported in the respect of encouraging an existing rural business and farm diversification but the size and design of the building is not supported as it will have a significant impact on the character of the farmstead and landscape as a whole by introducing an overly industrial building in a traditional rural and agricultural setting which would be better suited to an existing industrial estate.
- 1.2 This application follows a refusal in April 2016 by Committee of the same proposal. This resubmission seeks to address some of the Members' concerns on its impact by having Yorkshire Boarding on its elevations and a planting scheme around the north and west sides of the building. The issues regarding the relationship and impact on the historic farmstead have not been addressed.
- 1.3 **Members are advised that the above is a brief summary of the 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.**

## Map of site



## 2. The site description

- 2.1 The site is located between, and accessed via, the A511 and Bushton lane, south of Tutbury, east of Rolleston and north of Anslow. Rolleston Park Farm is a traditional Staffordshire farmstead with a courtyard arrangement and a mix of traditional outbuildings and a spread of more modern agricultural buildings. The site is located within the undulating Needwood Plateau which is comprised of large irregular field patterns, mature hedgerows and clusters of woodland. The farmstead sits in quite an isolated location with the nearest neighbours being at the entrance to the site on Bushton Lane and along the track from A511, 580m and 800m respectively.
- 2.2 Some of the existing outbuildings on the site were granted permission for document storage in 2004. To the north of the site is an extensive solar farm completed in 2014/2015.

## 3. Planning history

- 3.1 CU/06848/012 - Change of use of two agricultural buildings for storage purposes (B8), external alterations, formation of a car parking area and alterations to

existing access from Bushton Lane. Approved 2004. This proposal involved the use of two of the existing agricultural buildings to be adapted for use for the storage of documents.

- 3.2 P/2015/01620 - Demolition of existing cattle sheds and erection of a Class B8 storage building. Refused at April 2016 Committee.

*Reason for refusal: East Staffordshire Local Plan Policy SP1 and DP2 lists principles in determining whether proposals constitute sustainable development and will be judged in the presumption of sustainable development. East Staffordshire Local Plan Strategic Policy 8 states amongst other things that outside settlement boundaries new development will not be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the general public or local community which are reasonably accessible on foot or by public transport, is infrastructure development where an overriding need for the development to be located in countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside. Local Plan Policies SP1, SP8, SP14, SP24, and DP1 also aim to achieve a high quality design of new buildings that relate well to their existing context and within the landscape. On the basis of the information submitted The Local Planning Authority is supportive of expansion of existing rural businesses and the rural economy but not at the expense of the wider landscape. The farmstead exhibits a traditional courtyard layout with the more modern outbuildings of an appropriate scale for their setting. The proposed building is considered excessively large and of industrial appearance in a traditional rural setting at odds with its character, appearance and scale. The proposed building would therefore constitute an unwarranted intrusion in the countryside to the detriment of the character and appearance of this rural locality contrary to East Staffordshire Local Plan Policies, SP1, SP5, SP8, SP14, SP24, DP1 and DP2, the provisions of the National Planning Policy Framework (particularly Paragraphs 6, 7, 8, 9, 11).*

#### **4. The proposal**

- 4.1 The proposal involves the erection of a steel framed and Yorkshire boarding clad industrial style building for use as a document storage facility (B8 Use Class). The building would be 64.3m by 55.2m with an eaves height of 9.3m and ridge height of 12.45m, and area of 3549m<sup>2</sup>. To facilitate this some existing agricultural buildings, dated 1948 and 1978, are to be demolished totalling 2674m<sup>2</sup>, land re-graded, 15m by 20m loading yard created and slurry pit repurposed as a balancing pond. A row of trees are to be planted on the north and east sides of the proposed building and a mixed native hedge to the north side.
- 4.2 The only changes over the previous application are the inclusion of Yorkshire Boarding on the building and landscaping on the north and west sides of the proposed building.

#### List of supporting documentation

- 4.3 The following documents have been provided as part of the application:
- Application form
  - Existing elevations 1

- Existing Elevations 2
- Existing Site Plan
- Location Plan (Access to Tutbury)
- Location Plan (Large Scale)
- Location Plan
- Planning and Design and Access Statement
- Proposed Elevations 1
- Proposed Elevations 2
- Proposed Floor Plan
- Proposed Roof Plan and Drainage Layout
- Proposed Section
- Proposed Site Plan
- Protected Species Appraisal
- Topographical Survey
- Transport Statement

4.4 The relevant findings 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	Tutbury Parish Council	<p>The Parish Council cannot easily see what changes have been made to this application from the previous one. The scale of the development is too large for the property. This will remove the farm from the business which the council feels is not justified and that farmland should be protected.</p> <p>The vehicular access from Bushton Lane is inadequate as it is a one track lane and not suitable for the type or volume of traffic this will bring. The access onto Tutbury road will not be suitable for the increase level of traffic, the lane is inadequate.</p>
5.3	SCC Highways	<p>No objection subject to condition:</p> <p>1. The building and associated site to which this consent relates shall be used for file/paper archiving, management and retrieval purposes only. No operations associated with file/paper shredding/destruction or other B8 operations shall be carried out on the site without the prior express permission of the Local Planning Authority.</p> <p>With reference to the above condition, Bushton Lane is not suitable for use by the types of HGV's normally associated with a general B8 use. The condition is therefore considered valid.</p>
5.4	SCC Environment and Heritage	No objections

Internal Consultees		Response
5.5	Environmental Health	No objections or comments.

## 6. Neighbour responses

6.1 No objections were received from the public consultation.

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP5 Distribution of Employment Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP14 Rural Economy
- SP24 High Quality Design
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction

### Supplementary Planning Documents/Guidance

- Design Guide SPD 2008
- Re-use of Rural Buildings SPD 2010
- Guidance on Traditional Farmsteads in East Staffordshire March 2011

## 8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that `due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The closer the policies in the plan to the framework, the greater the weight that may be given’.

## 9. Local Plan

9.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the 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 Strategic Policy 1 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 where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;

- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

9.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

9.4 The Local Plan in Strategic Policy 5 allocates new employment development on Sustainable Urban Extensions and on sites at Burton Upon Trent and Uttoxeter. Strategic Policy 14 states that within Tier 1 and Tier 2 settlement boundaries and rural industrial estate boundaries employment development will be approved subject to meeting policies in the plan as a whole. Strategic Policy 13 aims to protect existing employment uses and refers to the Employment land review as a key source of evidence in both evaluating the need for new employment sites and listing those sites which should be retained as employment use within the Borough.

9.5 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- 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; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

- 9.6 Rolleston Park Farm has already been partially diversified with permission for a solar farm and conversion of some of the existing outbuildings / barns into B8 Use-Class storage buildings; an established document storage business operates from the premises which was granted planning consent in 2004. The existing buildings are not considered by the applicant to be large enough for the use intended or considered to be fit for purpose. The buildings also contain asbestos. The applicant has submitted details explaining that the proposed building is to help the long term security of the existing business in the location with an aim to provide storage space for documents in the next 15 or so years. The size of the building has been justified in terms of cost per box stored where the net cost will be reduced if the overall capacity is increased: basic economies of scale. Whilst attempts at negotiation on the previous application by officers failed to reduce the size of the building significantly, an analysis from the applicant has shown that reducing the building in height by what was requested would increase the price of each box by about 20pence; for a client storing several thousand boxes this results in a huge increase in cost and business going to competitors who can provide the service for a reduced cost. It has been argued that having the building located elsewhere would mean multiple storage locations, increase costs due to a non-centralised business and more traffic issues. In this respect it could be considered that the proposal is essential to support the vitality and viability of the existing lawful business.
- 9.7 The second part of the criteria of SP8 quoted above states “...appropriate in the countryside in terms of type of operation, size and impact ...” and the second part of SP8 considers the impacts of the development if the initial criteria are met.
- 9.8 Furthermore in the penultimate paragraph of SP8 its states “Development proposals that may affect farmsteads and their setting should be assessed using the relevant evidence base including the farmsteads mapping and landscape characterisation”.
- 9.9 Policy SP14 of the Local Plan reiterates some of Policy SP8’s objectives in that extension of existing business outside of settlement boundaries will be approved where the development: does not unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and is in accordance with other Development Plan policies
- 9.10 SP14 also states that proposals for new employment development outside of settlements or rural industrial estates will be permitted if they meet the provisions of SP8 or there are exceptional reasons why they cannot be located in settlements or established employment locations. Whilst the applicant has provided evidence on the viability and cost of relocating the business to multiple locations, it has not been demonstrated why the business cannot be relocated to one existing employment location nor has it been demonstrated that there is no availability of employment premises for such an employment use.
- 9.11 SP14 goes on to state that where new buildings are proposed that the re-use of buildings is not viable with sufficient justification, giving reference to the Re-use of Rural Buildings SPD and that farm diversification proposals will be supported where they can make a long-term contribution to sustaining the agricultural enterprise as a whole and where the proposal is consistent with its rural location in terms of use, setting and scale.



- 9.12 Policy SP5 relates to the growth of employment within the Borough focussed on particular areas such as existing industrial estates including designated rural industrial estates. It is considered that for developments that encourage large numbers of people to be employed or larger developments for business or industrial uses should primarily be encouraged to be sited in areas designed for them such as existing employment areas or on mixed use strategic sites. This proposal does not meet this aim although justification has been given as to why this approach is not a viable option. It is still considered that a building of this size would be best placed in an area of existing industrial / business use for example Fauld Industrial Estate which in this case is approximately 3 miles away from the site.
- 9.13 Policy SP1 looks at broader sustainability; including how a development will minimise travel, integrate with the existing built form and landscape, if existing buildings will be reused, if the development supports local communities and businesses, and other criteria. Policy DP2 concentrates on sustainable construction methods and how they are integrated into the development. Whilst it is appreciated that by relocating the business this would increase the trips generated by the applicants to their place of work, it wouldn't increase any other trips generated as they would have been made to the site in any case. It is considered that this solution would be acceptable in broader sustainability terms and would encourage the use of existing employment facilities.
- 9.14 In conclusion in terms of the principle of the application. There are two main factors to consider which stem from the relevance of Policy SP8:
1. Is the proposal essential to the support and viability of an existing lawful business?
  2. If the expansion in the location is acceptable is the design acceptable?
- 9.15 In respect of the first point: yes; there is an established business on the site which has been operating in a way that has resulted in no significant harm to the existing farmstead or wider landscape. It is acknowledged however that the existing business is accommodated via the conversion of existing buildings and that this approach retains the coherence of the existing farmstead. However, the business has grown to a point where more space is required. The continuation and expansion of this business by allowing more space is considered appropriate in respect of the first test of SP8; it is essential to the support and viability of an existing lawful business.
- 9.16 In respect of the second point: no; in assessing the application it is clear that the proposed building introduces considerable urban form, is of a size and design that does not relate well to the existing buildings on the site and is not compatible with the character of the surrounding area. In this regard it is considered that the building as proposed is unacceptable in this location and would be better suited in one of the areas marked for employment growth. Whilst it is agreed that development is required for the expansion of an existing rural business and, as such, is broadly supported by the initial part of SP8. The design, however, is of such a size that it appears out of place in the rural context with a building of this size promoted in existing industrial areas. Insufficient justification has been given as to why the entire business could not be relocated to a more suitable, sustainable location. The newly proposed Yorkshire Boarding and landscaping

do help the appearance of the building to some degree but not overwhelmingly so and not so far as to mitigate the impacts discussed; some softening of the general appearance of the building would occur but it would not be effectively screened owing to its general size and massing with it still appearing incongruous in its setting resulting in a negative impact on the traditional farmstead.

9.17 Whilst justification may be given for the expansion of an existing rural business and diversification of farm, the general size of the building proposed and its impact on both the landscape and the farmstead itself will be significant and, therefore, unacceptable in principle. The application therefore is contrary to Local Plan Policies SP1, SP8, SP14, SP24 and SP5.

9.18 The matter of ‘Design and Impact on the Character and Appearance of the Area’ is discussed below in Section 10.

## **10. Design and Impact on the character and appearance of the area**

10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.

10.5 DP2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.

10.6 Local Plan Policy SP8, as noted above, restricts development in the countryside unless that development is appropriate in principle. If the principle is acceptable there are other criteria that need to be met such as not introducing considerable urban form and having a design that is visually well related to the existing buildings and general surroundings.

- 10.7 The East Staffordshire Design Guide SPD states that commercial developments should relate well to their surroundings in terms of existing context in line with Policies SP1, SP24 and DP1 of the Local Plan.
- 10.8 The area is not designated as a locally significant landscape; however, it is regarded as having a good quality landscape in visual terms and forms part of the Needwood Plateau which is comprised of large irregular field patterns, mature hedge rows and clusters of woodland.
- 10.9 The proposed development is for an industrial style building of 64.3m by 55.2m with an eaves height of 9.32m and ridge height of 12.45m. It is proposed to be of steel framed construction and clad with steel sheeting and Yorkshire Boarding (north and west elevations and part of the south elevation). A landscaping scheme is proposed around the north and east sides of the building comprised of field maples and a hedge. The main policies to consider in this regard are regarding design, sustainable construction and heritage assets.
- 10.10 At present the farmstead exhibits a traditional structure as discussed in the Guidance on Traditional Farmsteads in East Staffordshire Document with natural growth of outbuildings of an appropriate scale and design. The buildings to be demolished sit to the north of the centre of the farm. Two were constructed in 1948 and the end building in 1978. The buildings have a combined footprint of approximately 68m by 52m but have a series of ridges, the highest being 7.4m; in comparison with the traditional farm barns which exhibit a height of between 8m and 8.6m. From a visual impact perspective the existing buildings on site are typical agricultural buildings found in the countryside, of an appropriate scale and design, and recede into the landscape.
- 10.11 The proposed building would be 64.3m by 55.2m so the general footprint of the building would not be dissimilar to the existing built form on the site, however; the height of the proposed building is to be 9.3m to the eaves and 12.45m to the ridges. Negotiations occurred in the previous application and the applicants proposed to reduce the height of the ridge by a metre to 12.45m however officers still considered this to be too high. The height of the building remains as negotiated.
- 10.12 The building is to be partially sunken to allow for a level access for HGVs. At present the existing buildings follow the gentle slope of the site between 73.86m / 72.66m above ordnance datum (aod) close to the farm and 71.06m aod at the furthest point from the farm; the proposed building will be cut into the earth closest to the main farmstead, the remainder of the site to be re-graded to 71.56m aod. This will give a projection over the height of the existing traditional farm buildings adjacent of 4.6m. The ridges of the proposed building will run north to south resulting in the prime views on approach being the side of the roof slope rather than the gables as at present. This is to maximise internal storage capacity.
- 10.13 Surrounding the site is the access track and a slurry pond that will be re-graded to create a balancing pond to mitigate the surface runoff of the development and minimise the risk of flooding. The land in the vicinity is undulating with a newly appointed solar farm to the north of the site. There are also sporadic woodland clusters within the landscape. The farmstead sits in a slight bowl in the landscape but is visible from a higher ground in the countryside around Tutbury and Anslow, in particular from its Bushton Lane entrance.

- 10.14 On approach to the farm at present the buildings blend into the landscape and undulating country well; they are evident but not obvious, they recede into the rural context, through a combination of materials, scale and heights and are synonymous with traditional rural buildings. The proposed development is considered to be overly large and of industrial design in a rural setting, despite the newly proposed Yorkshire Boarding and landscaping, totally at odds with the traditional form of the farmstead and how it is read within the landscape.
- 10.15 Negotiations took place on the original application to try to reduce the height of the building to no more than the adjacent traditional farm buildings but, as noted above, the applicant has contended that the economies of scale would result in the development being unviable. The applicant was willing to reduce the height to 12.45m, It was argued by the applicant that a 12m high grain building could be erected as permitted development; whilst this is the case the floor area restricted by the permitted development rights would be 465m<sup>2</sup> – the proposed building is 3574m<sup>2</sup>, some 7.7 times larger than that allowed as permitted development. Furthermore, for that 12m high building to be permitted development it would have to be used for agricultural purposes and would have been constructed in materials appropriate in the countryside, for example Yorkshire Boarding. It is considered that whilst the footprint of the existing buildings is not to be expanded significantly the general height, resultant massing and general appearance of the proposed building will be unsuitable in this rural landscape despite the gentle undulation. Even with an exterior colour treatment and proposed Yorkshire Boarding on selected elevations helping the building to blend in with the local backdrop, the industrial outline, height and massing of the building would not be appropriate in the setting proposed. It is, therefore, considered that the proposal is unacceptable, contrary to policies SP1, SP8, SP14, SP24, and DP1 of the Local Plan, The Design Guide SPD and NPPF section 7.

## **11. Residential Amenity**

- 11.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 The closest residents to the proposed building and site are at the entrance to the site on Bushton Lane and along the track from A511, 580m and 800m respectively. It is not considered that neither the building, nor the vehicle movements associated with it would result in any undue loss of residential amenity.

## **12. Sustainability (energy efficiency and low carbon)**

- 12.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

12.2 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques it does propose the incorporation of a Sustainable Urban Drainage System (SUDS). The proposed building will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient for their proposed purpose. Whilst there is no specific design for solar gain (as there is no need) the building will use minimal materials and modern techniques so it is considered that the proposed building will be much more energy efficient than those in the vicinity and will not result in a significant increased carbon footprint.

### **13. Highway Matters**

13.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

13.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

- 13.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 13.4 Access to the site is proposed from either A511 or Bushton Lane. The Bushton Lane access is not ideal for HGVs with the A511 access being better suited for larger vehicles, however; the business generally operates vans so the access causes few issues.
- 13.5 There have been no objections from County Highways regarding the main access other than a condition restricting the use of the building for storage of documents as use of the building for anything else within the B8 Use Class may result in a high number of unwanted trips in HGVs. The proposed use of the site would not generate a high number of vehicle trips and would generally be lower than that associated with a fully operational farmstead practising intensive agriculture. As a precautionary measure, should the application be approved a condition could be applied restricting any HGVs from using the Bushton Lane Entrance, choosing the A511 entrance instead thereby minimising the dependence on rural lanes, as the Local Planning Authority currently has no control over use of vehicles or entrance to the site.
- 13.6 In respect of the above it is considered that there are no highways matters that would affect the development or the safety of the network in accordance with Local Plan Policies SP35 and SP1.

#### **14. Historic Environment**

- 14.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 14.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 14.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

- 14.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 14.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 14.6 The application site is approximately 1.39km from the boundary of the Rolleston Conservation Area and 1.78km from the boundary of Tutbury Conservation area. The site of the building would be 1.12km from the nearest listed building, being a mile post marker on the A511. The next closest listed building is Chapel House Farm 1.08km to the north of the site. Given these separation distances and no intervisibility between the sites, it is considered that the proposal will not have an adverse impact on views into, or those out of these designated areas, or affect any listed building and that the statutory duties under Section 66 and under Section 72 are not therefore engaged.

## **15. Flood Risk and Drainage**

- 15.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 15.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 15.3 The building would replace existing buildings and the amount of hard surfacing in such a rural setting is highly unlikely to give rise to added flood risk. Additionally the slurry pit will be repurposed as a balancing pond to mitigate any risk. The site is within flood zone 1 (lowest risk).

## **16. Green Infrastructure**

- 16.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range

of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.

16.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet

16.3 This development is not appropriate for Green Infrastructure creation but the landscaping scheme will help to contribute to habitat creation whilst helping to screen the proposed development.

## **17. Landscape**

17.1 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. The NPPF states that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.

17.2 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.

17.3 The landscaping scheme proposed includes a row of field maple on both the north and west sides of the proposed building (21 in total) as well as a mixed native hedge to the north side. These measures (as well as the Yorkshire Boarding) are measures introduced following discussion by Members of how to mitigate the impacts and to help minimise and soften the development on the existing landscape.

## **18. Biodiversity**

18.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

18.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.

18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

18.4 The buildings to be demolished are currently vacant and are not generally suitable for any protected species as detailed in the Protected Species Appraisal



but there may be nesting birds so if approved suitable conditions on timing of works and seeking expert advice if protected species would be attached.

## 19. Conclusions

- 19.1 The proposed building is for the expansion of a rural business. Whilst the Council is generally supportive of such developments and helping the rural economy, on balance the proposed building is of a size and design that is not supported as it will have a significant impact on the character of the existing farmstead and general landscape by introducing a large building in a traditional rural and agricultural setting which would be better suited to an existing industrial estate. In this respect that the proposal is not acceptable in design terms and is therefore contrary to Policies SP1, SP5, SP8, SP14, SP24, DP1 and DP2 of the Local Plan, Design Guide SPD and NPPF section 7.
- 19.2 It is considered that the proposal will not have an adverse impact on views into, or those out of any local designated areas, or affect any listed building with the statutory duties under Section 66 and under Section 72 therefore not being engaged.

## 20. RECOMMENDATION

- 20.1 For the reasons set out in the above report then **REFUSE** for the following reason:-

East Staffordshire Local Plan Policy SP1 and DP2 lists principles in determining whether proposals constitute sustainable development and will be judged in the presumption of sustainable development. East Staffordshire Local Plan Strategic Policy 8 states amongst other things that outside settlement boundaries new development will not be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the general public or local community which are reasonably accessible on foot or by public transport, is infrastructure development where an overriding need for the development to be located in countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside. Local Plan Policies SP1, SP8, SP14, SP24, and DP1 also aim to achieve a high quality design of new buildings that relate well to their existing context and within the landscape. On the basis of the information submitted The Local Planning Authority is supportive of expansion of existing rural businesses and the rural economy but not at the expense of the wider landscape. The farmstead exhibits a traditional courtyard layout with the more modern outbuildings of an appropriate scale for their setting. The proposed building is considered excessively large and of industrial appearance in a traditional rural setting at odds with its character, appearance and scale. The proposed building would therefore constitute an unwarranted intrusion in the countryside to the detriment of the character and appearance of this rural locality contrary to East Staffordshire Local Plan Policies, SP1, SP5, SP8, SP14, SP24, DP1 and DP2, the provisions of the National Planning Policy Framework (particularly Paragraphs 6, 7, 8, 9, 11).

## 21. Background papers

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

- Local Plan 2012-2031
- Design Guide SPD 2008
- Re-use of Rural Buildings SPD 2010
- Guidance on Traditional Farmsteads in East Staffordshire March 2011
- NPPF
- NPPG
- All papers on the file for Planning Ref P/2016/00725 including all documents listed in 4.2 of this report.
- All papers on the file for Planning Ref P/2015/01620
- Decision Notice for Planning Ref CU/06848/012

## **22. Human Rights Act 1998**

22.1 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.

## **23. Crime and Disorder Implications**

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

## **24. Equalities Act 2010**

24.1 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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