

Agenda Item:	6.2
---------------------	-----

Site:	rear of Duncombe Arms, Main Road, Ellastone, DE6 2GZ
Proposal:	<p>1) P/2017/00242: Erection of a two storey detached building to provide overnight accommodation, extension to existing car park with associated landscaping (Revised Plans)</p> <p>2) P/2017/00405: Installation of a replacement sewerage treatment plant and associated drainage works.</p>

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](#) (click on application number below)

Application Numbers:	P/2017/00242 & P/2017/00405	
Planning Officer:	Kerry Challoner	
Type of Applications:	Detailed Planning Application	
Applicant:	JE Greenall Limited	
Ward:	Weaver	
Ward Member (s):	Councillor E W R Barker	
Date Registered:	15 March 2017 (P/2017/00242)	
	03 May 2017 (P/2017/00405)	
Date Expires:	09 May 2017 (P/2017/00242)	
	28 June 2017 (P/2017/00405)	

This application has been called in by Councillor Barker for the following reasons:

As an elected member of ESBC I feel obliged to support two of its three corporate priorities, Promoting Local Economic Growth (to benefit local people by turning aspiration into reality) and Protecting and Strengthening Communities (Love where you live). Therefore when someone has taken a boarded up pub in my ward and turned it into a thriving business and then comes to the council and applies for permission to expand into accommodation I think we should look at it positively.

SO8. Rural Economy: To sustain and enhance employment opportunities in the rural part of the Borough.

SP1: 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. (by adding extra car park spaces for the pub it will improve highway safety by taking parked cars off the road)

SP1: Would demonstrably help to support the viability of local facilities, businesses and the local community

SP8: Development outside settlement boundaries will not be permitted unless it is:

Essential to the support and viability of an existing lawful business

Providing facilities for the use of the general public or local community close to an existing settlement

SP15: New tourism and cultural developments, including the improvement of existing and development of facilities will be assessed according to the extent to which they support the local economy and promote the distinctive character and quality of the Borough. (existing jobs protected + 5 new jobs)

SP 21: Rural Centres. In rural centres retail and other uses (including leisure, entertainment, cultural and tourist uses as well as other mixed uses) that would support the vitality and viability of the centre will be granted provided they: are of a scale and nature that is appropriate to the size and function of the centre

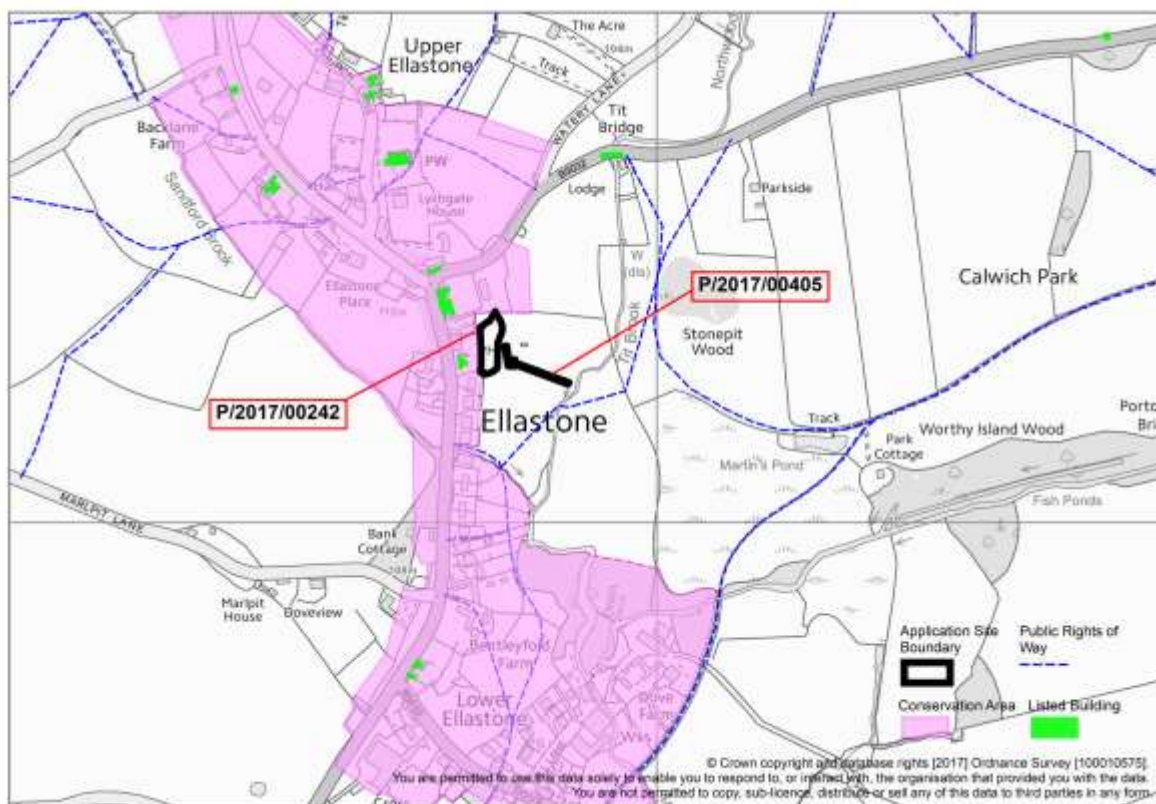
1. Executive Summary

- 1.1 This report relates to two separate, but associated, planning applications in connection with land to the rear of the Duncombe Arms Public House at Ellastone.
- 1.2 Application **P/2017/00242** proposes a detached, two storey building to provide overnight accommodation. There is also an extension proposed to the existing car park together with associated landscaping on land immediately to the rear of the Duncombe Arms. The plans were revised following submission to lower the ground levels of the application site by approximately one metre.
- 1.3 Application **P/2017/00405** relates to the installation of a replacement sewerage treatment plant and associated drainage works for the Duncombe Arms site. The application site is located to the east of the Duncombe Arms and comprises an area of rough pasture land which separates the eastern fringe of the village from Tit Brook. The proposed sewerage treatment plant would replace an existing abandoned tank.
- 1.4 The County Highway Authority has raised no objections to either application and statutory consultees have not raised any issues or

concerns in principle on technical grounds. Historic England do not wish to make any comments.

- 1.5 Ellastone Parish Council have raised concerns regarding the height of the proposed building and the impact on the adjacent listed building. Objections have been received from seven neighbouring occupiers on the grounds of the scale and design of the building, the impact of the building on the Conservation Area, impact on existing privacy and parking issues arising from the development. Four responses in support of the proposal were also received from local residents confirming the positive benefits of the proposal relating to tourism and the local economy in supporting the business and the owners
- 1.6 The applications are taken forward on their own individual merits in this report and having regard to this it is considered that whilst the proposed sewage treatment plant and drainage works are acceptable, the overall scale, massing and design of the two storey detached building would be contrary to policy . The building would also have an unacceptable impact on the setting of the adjacent Grade II listed building and the Ellastone Conservation Area. The concerns include the detrimental impact of the proposed building on the existing linear built form of the village and the encroachment by a building of this scale into open agricultural land.

Map of site



2. The site description

- 2.1 The Duncombe Arms is a public house within the village of Ellastone fronting onto the B5032, which links Ashborne in the north to Uttoxeter

in the south. The site is located outside of settlement limits as defined in the adopted local plan.

- 2.2 Ellastone is a village characterised by its rural setting with traditional brick and stone buildings, including a mix of period properties and more recent additions. The village is linear in form with the majority of buildings lining the B5032 and the B5033. There are public rights of way and informal paths in the fields to the east of the village located within the Tit Brook corridor.
- 2.3 The Duncombe Arms enjoys a central location within the village and comprises a traditional rendered gable building which has been extended to the side and rear. The building sits adjacent to the main road, with landscaped gardens and a car park to the side and rear. To the rear, eastern side of the Duncombe Arms site is open countryside, comprising rough pasture, with views across and from the Dove Valley. Tit Brook is located just over 140 metres to the east of the Duncombe Arms buildings.
- 2.4 The Duncombe Arms is located within the Ellastone Conservation Area, and there is a two storey Grade II listed cottage located within the car park to the south of the main building. The cottage was first listed in 1985 and is described in the list description as a former cottage, which has now been converted to an outbuilding, late 17th or early 18th Century with later additions. The list description provides further detail relating to external architectural features and appearance.

3. Planning history

- 3.1 In April 2011 an application for full planning permission was approved (ref P/2011/00083/EW) to enable the complete refurbishment of the Duncombe Arms. The consent comprised of works to refurbish the pub and included new stone steps to the front, single storey extensions, a new enclosed rear courtyard and external drinking area.

4. The proposal

- 4.1 This report relates to two separate applications related to the Duncombe Arms site. Given the detail of each proposal, it is considered appropriate for the material planning matters to be considered alongside each other in a single report. Whilst the proposed developments are not dependent upon each other, they are none the less interrelated.
- 4.2 As the assessment and conclusions make clear, the applications fall to be determined on their own individual merits.
- 4.3 **Application 1- Ref P/2017/00242:** Proposes the erection of a two storey detached building to provide overnight accommodation alongside an extension to the existing car park with associated landscaping.
- 4.4 The application site comprises an area of agricultural grassland located to the rear of the Duncombe Arms Public House. The site area is

0.17ha in size. The proposed two storey building is located some 11m to the rear of the existing Duncombe Arms building. The ridge height of the proposed building is 9.2 metres. Revised plans have been provided indicating that the ground levels of the site would be lowered by approximately 1 metre, resulting in a reduction in the floor level of the building.

- 4.5 The building would be constructed from brick with stone detailing to reflect existing built form in the locality. The building would have a tile roof over and Oak frame detailing would be used within a glazed gable feature on the front elevation facing the rear of the existing pub. The elevation facing east, overlooking existing pasture land, would contain full height glazed doors to each room. Juliet balcony balustrades would be installed to the first floor doors in this elevation.
- 4.6 The building would provide 10 guestrooms, including 1 accessible guestroom on the ground floor and a foyer/ stairwell area. A plant room and housekeeping room would also be provided.
- 4.7 The existing car park serving the Public House would be extended as part of the proposals. 21 parking spaces would be provided including two disabled bays. Soft landscaping is proposed to the boundaries of the car park.
- 4.8 **Application 2- Ref P/2017/00405:** Permission is sought for the installation of a replacement sewerage treatment plant and associated drainage works.
- 4.9 The application site is located to the east of the Duncombe Arms Public House within open rough pasture land. The sewerage treatment plant would comprise a septic tank set into the ground, with soils replaced and graded over. Two manholes would be installed, and a perimeter fence with pedestrian access gate would be erected around the tank consisting of timber posts and rails. The septic tank will replace an existing tank which would be decommissioned as part of this proposal.
- 4.10 The outfall of the treatment plant would be via underground pipework to Tit Brook.
- 4.11 There is a sewerage plant which serves the existing public house and could, potentially serve the proposed overnight accommodation. However, if consent is granted for the replacement treatment plant the agent has confirmed that it would serve the new building.

List of supporting documentation

- 4.12 The following documents have been provided as part of the application for overnight accommodation (**Application 1- Ref P/2017/00242**):
 - Location Plans
 - Proposed Site Layout plans
 - Proposed Elevation plans of the building
 - Proposed Landscaping Plan
 - Proposed Arial View

- Proposed Topographical Survey
- Landscape and Visual Appraisal
- Design and Access Statement
- Heritage Assessment
- Planning Statement
- Preliminary Ecological Assessment
- Transport Statement
- Supplementary Planning Note outlining alternative proposals considered by the applicants

4.13 The following documents have been provided as part of the application for replacement sewerage (**Application 2- Ref P/2017/00405**):

- Location Plans
- Proposed Site Layout plans
- Proposed Cross Sections
- Proposed Topographical Survey
- Heritage Statement
- Ecological Impact Assessment
- Septic Tank Specification

4.14 The relevant findings are dealt with below, in section 8 of this report.

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	Parish Council	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>The Parish Council looked at the plans and it was agreed that the new septic tank should not worsen the water table in the village. Also, the height of the proposed building is higher than the listed building in front of it. It was agreed that the proposed building should be lowered by 3 feet so it sits level or slightly below the listed building.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>Although the Parish Council are supportive of the application they would like to make the following comments.</p> <p>On a Health and Safety point the Parish Council would like to suggest that the area is secured around the plant to keep children off any electrical unit etc.;also landscaping. A resident also asked the Parish Council why the location of the unit had been moved so it was now behind their property, but that the Parish Council was unable to provide</p>

		any information on this, could this question be asked of the applicant as the resident is most unhappy about the matter.
5.3	SCC Highways	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>No objections raised subject to a condition attached to any approval requiring parking and turning areas to be provided and parking bays clearly delineated before the development is first brought into use.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>No consultation required.</p>
5.4	Environment Agency	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>No objections were raised.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>No objections following the receipt of additional confirming the depth of the trench required for the pipe work and clarifying that the ground levels would be replaced as existing.</p>
5.5	Severn Trent Water	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>No response was received.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>No response was received.</p>
5.6	Architectural Liaison Officer	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>No objections were raised.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>No consultation required.</p>
5.7	Historic England	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>Does not wish to offer any comments.</p> <p>Application 2- Ref P/2017/00405- Proposed</p>

		<p>replacement sewerage treatment plant</p> <p>Does not wish to offer any comments.</p>
5.8	Andrew Griffiths MP	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>Supports the application, believing the proposals to be a greatly beneficial addition to the pub and its value to the village as a community asset.</p>
5.9	Philip Atkins, leader of SCC	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>Supports the application which will sustain the business as it is and provide opportunities for further community facilities.</p>
5.10	Staffordshire Destination Management Partnership (Enjoy Staffordshire)	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>Destination Staffordshire feels strongly that, from a tourism point of view at least, this permission should be considered favourably. I am not able to comment on any other factors which you might need to consider.</p>

Internal Consultees		Response
5.11	Environmental Health	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>No objections - information for the applicant regarding ground contamination and radon to be provided as follows:</p> <p>Ground contamination- the development proposal is within 60 metres of former smithy and forge. Therefore consideration may need to be given to potential soil and groundwater contamination.</p> <p>If during the course of development, contamination is found to be present at the site, then no further development shall be carried out until the developer has submitted a method statement to the Local Planning Authority (LPA) for approval, detailing how the contamination is to be dealt with.</p> <p>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 Health Protection Agency (HPA – now Public Health England (PHE)). This information was obtained from Indicative Mapping supplied by the British Geological Survey and the Health Protection Agency, which splits the</p>

		<p>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 5-10% of properties are above the action level.</p> <p>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.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>There are no Environmental Health comments required regarding this application.</p>
5.12	Tree Officer	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>No objections were raised to the proposal.</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>No consultation required.</p>

6. Neighbour responses

- 6.1 Neighbours have been notified of the applications, site notices have been displayed and advertisements placed in the local newspaper. Comments have been received and are summarised below. With the receipt of the revisions to the overall height of the proposed overnight accommodation neighbours were re-consulted.
- 6.2 Seven local residents have made representations in relation to application **P/2017/00242** raising objections/concerns. In addition four local residents have written in support of the application, the representations received are summarised below. Following additional consultation carried out following the receipt of amended plans three further responses were received raising objections and three confirming support of the proposals. The further representations reiterated the original issues raised and are summarised below.
- 6.3 One neighbouring occupier has made representations in relation to application **P/2017/00405** raising objections/concerns which are summarised below.

Objection Issues raised	
Principle/ Impact on visual amenity and Heritage Assets	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>Objections were raised with regard to the overall scale of the building and the impact that it would have on its surroundings, including the Ellastone Conservation Area and the adjacent listed building. The design and height of the building would not be in keeping and would result an over development of the site.</p> <p>The proposal would not fit in well with the existing landscape and the overall character and appearance of the area.</p> <p>The proposal would not create jobs for local people</p> <p>Pub is the Hub- Pub is the Hub is supportive of the idea behind these proposals. In their experience, the wider provision of all services and activities broadens the appeal of a good rural pub, enabling it to remain at the heart of the local community in these changing times. We envisage the location of The Duncombe Arms may be particularly suitable both to tourism and overnight stays linked to the quality food on offer</p> <p>Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant</p> <p>Concerns were raised regarding the visual impact of the proposal.</p>
Impacts on Amenity	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>The scheme would result in detrimental impact on the existing residential amenity of the neighbouring occupiers, notably loss of privacy and overlooking issues. Furthermore, the proposal would result in increased noise and disturbance.</p>
Highways Impacts	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>There will be a significant increase in traffic as a result of the overnight accommodation, this will negatively affect local residents and road safety. Not only will there be increased traffic volume but also an increase in traffic duration, which will give rise to additional parking issues in the village.</p>
Flood and drainage impacts	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>Concerns were raised regarding the impact on local drainage and the increase in likelihood of flooding from the discharge of water. Concerns regarding the implications on the sewage system were also raised.</p>
Support Issues raised	
Local Economy	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>The proposal will contribute to the local economy and should be welcomed</p>

Tourism	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>The proposed accommodation will add to the quality of the offer to tourists and should be supported</p>
Business Support	<p>Application 1- Ref P/2017/00242- Proposed overnight accommodation</p> <p>The business owners have done a good job in renovating the Duncombe Arms and developing the business and the proposal should be supported</p>

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP14 Rural Economy
- SP15 Tourism, culture and leisure development
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP30 Locally Significant Landscape
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination

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;
- 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 result in the removal of contamination and other environmental problems associated with the site.

9.3 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;
- Provision for renewable energy generation, of a scale and design appropriate to its location; or
- Otherwise appropriate in the countryside

9.4 The principle of the overnight accommodation will meet with the first criterion of Local Plan Policy SP8 in that it would support the viability of an existing lawful business in the countryside. Whilst the business is not a traditional agricultural business, often associated as being the principal type of employment in the countryside, it is nevertheless an established business and the applicant seeks to broaden the business to secure long term financial security. Therefore, as the proposal meets this criterion, the proposal needs to be assessed on the further requirements set out in later in Policy SP8 as well as other relevant policy considerations, set out later in this report. The second set of SP8 requirements relate to impact on character and appearance of the area, the amenity of adjoining occupiers and highway safety. These will be considered in more detail in this report.

9.5 Strategic Policy 15: Tourism, Culture and leisure development, which should be considered alongside SP8, states that tourism accommodation should be provided within existing settlements where it can make use of existing infrastructure and facilities. New tourist accommodation outside settlements will only be acceptable where it will have good accessibility to existing infrastructure, and will not have an adverse impact on the character and appearance of the countryside, features of historic or landscape importance, biodiversity, or the amenities of nearby residents. The Borough Council supports the development of tourism as an important and growing industry in suitable and sustainable locations. It is therefore necessary to assess with the site location is suitable for tourism related development.

9.6 As set out in the Local Plan, the village of Ellastone does not have a settlement boundary. As such the area in general is considered to be similar in policy terms to open countryside. Ellastone is a small settlement with limited facilities; a village hall, tennis court, adventure play area, bowling green, mobile library and church. However one could argue that the needs of those visiting and using the overnight accommodation will differ from those living in the locality. Therefore it

is necessary to look at how the site location relates to the wider infrastructure network. Ashbourne, considered to be a popular tourist destination and gateway to the Peak District is approximately 5 miles from the application site, along the B5032, via Mayfield which offers some services and facilities. There is an hourly bus service, operating between 8am and 6.30pm between Uttoxeter and Ashbourne, calling via Ellastone. There are a number of existing overnight accommodation developments around Ellastone, ranging from holiday cottage rentals on farm complexes and camping demonstrating to some extent that there is a demand for tourism in the location. This proposal would meet the needs of tourists, however the remaining elements of the policy (impact on the character and appearance of the countryside, features of historic or landscape importance and the amenities of nearby residents) will be dealt with in more detail later in this report.

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 A core principle 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.
- 10.3 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. As noted above, Policy SP8 also seeks to address design issues.
- 10.4 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.
- 10.5 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.

- 10.6 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.
- 10.7 'Planning for Landscape Change' Supplementary Planning Guidance (2001) was originally prepared to support the Staffordshire and Stoke on Trent Structure Plan. The document aims to inform about policy and practice for the conservation, enhancement and regeneration of rural landscapes in the plan area. The plan area contains the application sites of both applications under consideration in this report. The visual character of the area is characterised by little settlement, with adjacent villages only having a limited impact in small areas, resulting in a rural landscape of quiet, peaceful character with few pressures for change. This landscape character is considered to be very sensitive to the impacts of development and land use change.
- 10.8 The plans for the proposed overnight accommodation have been revised following consultation with the Parish Council to reduce the overall height of the building by approximately one metre. This reduction would be achieved by lowering the ground levels of the site in relation to the adjacent, existing Duncombe Arms site. Notwithstanding this, the ridge height of the proposed building would still sit approximately 1.4 metres above the ridge height of the Duncombe Arms. The building, due to its scale and form would fail to be subservient to the context of surrounding buildings and would not be aligned with the existing built form of the traditional linear pattern of development in the locality. It is therefore considered that the proposal would not meet with the criteria of Local Plan Policy SP8 which requires new development to not introduce considerable urban form in areas outside of defined settlement boundaries. The proposed two storey building would not be in keeping with the established character and context of the area. The building by reasons of its scale, massing, general design and appearance would result in a form of development which would be visually dominant and incongruous given the existing context of development in the area. The proposal would therefore be contrary to provisions of the Local Plan and the East Staffordshire Design Guide.
- 10.9 Although the proposed materials have been selected in response to existing buildings in the locality, the overall design and appearance of the proposal would not be in keeping with its surroundings or the local character of Ellastone. In addition to the issues addressed above regarding the scale and siting of the building, the architectural and fenestration details are unrelated to any features within its surroundings and would reinforce the appearance of the development as an incongruous addition in the streetscape and in views from the village. There would also be clear views of the proposal, towards the village, from public rights of way in the Tit Brook corridor.

10.10 The proposal is supported by a Landscape and Visual Appraisal which concludes that landscape planting will be incorporated into the development which will allow the development to be absorbed into the existing built form of upper Ellastone. Notwithstanding this conclusion, Officers consider that the proposed development of the overnight accommodation block, due to its overall scale, would result in a substantial impact on the existing landscape character. The existing rural landscape has a defined character as set out above, and although soft landscaping would screen the new car park to a degree, it would not be sufficient to screen the appearance of the relatively large building proposed which would represent a substantial introduction of urban form to the edge of the village of Ellastone. As set out above this would be viewed both from public vantage points both within and outside the village. Overall, the design of this proposal is of insufficient quality and the scale, contrary to the prevailing built context, resulting in a development which would fundamentally and detrimentally change the rural character and appearance of the village of Ellastone, including the local landscape, contrary to Policies SP1, SP8, SP24, SP30 and DP1 of the adopted East Staffordshire Local Plan and the East Staffordshire Design Guide.

10.11 The design and local impact concerns relating to the proposal were discussed with the applicant during the application process and officers requested a meeting to discuss possible alternatives for the overnight accommodation. The offer of a meeting was not taken up and the applicant has alternatively provided a supplementary planning note outlining the alternative options based on a building of the scale proposed which have been considered. The alternatives considered and discounted by the applicant included:

- Redeveloping the listed cottage with an extension to provide accommodation
- Building the new accommodation on the existing pub car park/ beer garden
- Building Single storey accommodation with car parking on land to the rear of the site.

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 site of the nearest dwelling house is located 12 metres to the west of the proposed building for overnight accommodation. Taking into consideration the design of the building and the local land levels, it is not considered that the development would cause any unacceptable harm to the existing residential amenity of the neighbouring occupiers.

11.3 Although concerns have been raised by neighbouring occupiers regarding the impact on privacy/ overlooking the development will have no significant amenity impacts on residential occupiers in the vicinity

given the design of the building, with the accommodation overlooking pasture land to the east.

- 11.4 With regard to the comings and goings related to the proposed accommodation block it is not considered that, given the existing commercial use of the Duncombe Arms site, there would be any significant change to the impact of the proposal on local residential amenity. There are also no objections raised to the proposal from the Environmental Health officers.
- 11.5 With regard to residential amenity the development is considered to comply with Policy DP1, the East Staffordshire Design Guide and the relevant provisions of the NPPF.

12. Highway Matters

- 12.1 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.
- 12.2 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.
- 12.3 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. For hotel accommodation, 1 space per bedroom is required.
- 12.4 The application site for the overnight accommodation is served off the B5032 via the existing access and car park of the Duncombe Arms. The application site contains a total of 21 car parking spaces which would meet the requirements of the Council's parking standards SPD. It is concluded having regard to the comments of the County Highway Authority that the proposed access and parking arrangements are acceptable and the proposal would cause no material detriment to highway safety.

13. Historic Environment

- 13.1 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. Furthermore, it is stated that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation.
- 13.2 Paragraph 132 confirms that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 13.3 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.
- 13.4 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.
- 13.5 Strategic Policy 25 of the Local Plan 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. Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.
- 13.6 The application site is located adjacent to the Ellastone Conservation Area, the boundary of which is to the rear of the existing car park of the Duncombe Arms Public House. The nearest listed building is the grade II listed cottage located adjacent to the Duncombe Arms, within the existing car park. This building is approximately 16 metres away from the proposed overnight accommodation building.
- 13.7 Given the close proximity of the proposed development to the Ellastone Conservation Area and the Grade II listed building, located within the Conservation Area, special regard to the desirability of protecting the

setting of the listed building and preserving and enhancing the character and appearance of the Conservation Area, including its setting must be paid. To this extent, Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

- 13.8 Dealing first with the setting of the grade II Listed cottage. The cottage is highly visible within the surrounding street scene. Views of the listed cottage include significant views from the highway through the Duncombe Arms car park to the rural landscape beyond. It would be possible to view the cottage and the new proposed two storey building from a number of viewpoints within the main street scene. In addition it is noted that from the main street there is a strong impression of a line beyond the cottage which buildings have not visually encroached. Beyond this line the land is predominantly open and free from built form. It is considered that the proposed two storey building would have a significant impact due to its two storey form and its position set beyond the surrounding buildings. The harm arising from the location and scale of the new building and its associated impact on the setting of the Listed Building through the loss of open space to the rear would be significant and would outweigh the economic and tourism benefits of the accommodation being provided.
- 13.9 As set out in the section 9 above, the scale and appearance of the building would also be significant and incongruous. This proposed building would therefore, due to its siting, scale and appearance substantially interrupt important views of the listed building resulting in significant harm being caused to its setting. The setting is an important element as part of the significance of the heritage asset.
- 13.10 Turning to the impact on the character and appearance of the Conservation Area and its setting. The siting, scale and appearance of the building would introduce built form which would be at odds with the established and clearly defined open, rural character of the locality and the village, and the linear form of development which is particularly prevalent on the eastern side of upper Ellastone. The Ellastone Conservation Area appraisal refers to the buildings of upper Ellastone adjoining the main road (or being set along Church Lane, a back loop lane). The buildings are consistent in character and modest in scale. It is also stated that the character of Ellastone is principally that of domestic buildings mostly small in scale often widely spaced. This description fits well with the buildings in the Duncombe Arms site, including the Listed Building, which itself is a small scale, former cottage, building. The proposed overnight accommodation would conflict with the openness and scale characteristic of land and buildings in the village and the conservation area. This would result in new development that fails to preserve the existing character and appearance of the conservation area. The proposed accommodation block would also impact upon the setting of the conservation area as it would be clearly visible from the Tit Brook corridor. Given the above characteristics of the conservation area, it is considered that the impacts would be significant and detrimental to the setting of existing buildings making a positive contribution to the streetscape of

the Ellastone Conservation Area and therefore detrimental to the character and appearance of the conservation area.

13.11 In conclusion, the proposed two storey building would be highly visible in local views and would fail to have an acceptable impact on heritage assets (the Ellastone Conservation Area and the grade II listed cottage and their settings) in this sensitive location. Given the above context it is considered that the development is contrary to policies SP25 and DP5 of the Local Plan and the relevant provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990. This part of the planning assessment needs to be given considerable importance and weight in the determination of the planning application for the accommodation block.

13.12 It is not considered that the proposed sewerage treatment plant, subject to appropriate controls on the finish of the above ground timber fencing, would result in any harmful impacts on heritage assets. Appropriate conditions can be recommended to address this issue.

14. Flood Risk and Drainage

14.1 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.

14.2 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.

14.3 The proposed overnight accommodation would be served by the proposed sewage treatment plant. To this effect, the associated application also under consideration in this report would be integral to serve the overall development.

14.4 The proposed overnight accommodation is within Flood Zone 1. Whilst the proposed septic tank would also be located in Flood Zone 1, part of the associated underground pipework would fall within Flood Zones 2 and 3. The applicant has submitted a Flood Risk Assessment and the Environment Agency has confirmed that it has no objections to the proposed sewerage treatment plant and associated drainage works.

14.5 For the reasons discussed above, it is concluded that subject to conditions the proposed sewerage treatment plant and drainage works will acceptably serve the proposed overnight accommodation and therefore the proposed development complies with the NPPF and Local

Plan Policy SP27 in terms of flooding and drainage matters including protecting the water environment and human health.

15. Conclusions

- 15.1 The proposed overnight accommodation is for the expansion of an existing rural business and would involve the creation of new jobs. The Council is generally supportive of such developments in principle, as it is recognised that the rural economy, including tourism, is a vital part of the Borough's total economy and it faces continuing change and pressure. The development of tourism in sustainable locations is also supported through local plan policies.
- 15.2 Notwithstanding this, and on balance, the proposed building is of a siting, scale and design that will have a significant impact on the local landscape, the setting of an adjacent Grade II listed building and the character and appearance and setting of the Ellastone Conservation Area by introducing a large building at odds with the traditional rural and agricultural setting. In this respect the proposal is considered to be contrary to Policies SP1, SP8, SP24, SP25, SP30 and DP1 of the Local Plan, Design Guide SPD and NPPF sections 7 and 12.
- 15.3 It is considered that the proposal will have an adverse impact on views into and out of the Ellastone Conservation area, and would affect the setting of the conservation area and grade II listed building. A finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so, however in this case it is not considered that the economic and tourism benefits would be sufficient to outweigh the harm identified to the heritage assets.
- 15.4 The statutory duties under Section 66 and under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged and have been addressed above.
- 15.5 With regard to the replacement sewerage treatment plant, it is considered that the development would be acceptable given the above assessment and would not conflict with the prevailing planning policies and can be supported subject to the imposition of conditions to control the above-ground appearance of the proposed fencing details.

15.6 RECOMMENDATIONS

Application 1- Ref P/2017/00242- Proposed overnight accommodation

Refuse for the following reasons

- 15.7 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 and provides new development of a scale and design appropriate to its location and is otherwise appropriate in the countryside. Local Plan Policies SP24 and DP1 state that planning permission will only be granted for proposals which are of high quality in design terms and which relate well to their surroundings. The East Staffordshire Borough Council's Design Guide states that new proposals should respect the context of an area, and not result in inappropriate or unsympathetic development which fails to create a strong character or sense of place. Local Plan Strategic Policy 30 states that development will not be allowed which would adversely affect the quality, character, appearance or the setting of Locally Significant Landscapes will not be allowed. The proposed building is considered excessively large and not in keeping with the context of its traditional rural setting at odds with the prevailing character, landscape, appearance and built form of the locality. The proposed building, by reason of its scale, siting, design and appearance would result in a form of development which is entirely inappropriate and out of context in this sensitive location on the fringe of Ellastone. The development is therefore contrary to East Staffordshire Local Plan Policies SP8, SP24, SP30 and DP1, the National Planning Policy Framework (particularly Sections 7 and 12 and Paragraph 17) and the East Staffordshire Design Guide.

- 15.8 Section 12 of the National Planning Policy Framework states that development should enhance or sustain the significance of heritage assets. East Staffordshire Local Plan Policy SP25 provides that development schemes should protect, conserve and enhance heritage assets and their settings. East Staffordshire Local Plan Policy DP5 states that development will be permitted in conservation areas, where it can be demonstrated that it would protect and enhance the character and appearance, including the setting of the conservation area. The character of the conservation area at Ellastone is defined by an open rural character progressing in a linear form along the main road. The proposed building by reason of its siting, scale, height and materials of construction would become a prominent and visually detrimental feature within the setting of the Ellastone [Conservation Area](#) which would be visible in views from and towards the Grade II listed cottage, the conservation area and public rights of way. The development would consequently detract from the setting of the Grade II listed cottage and would be to the detriment of the setting and character and appearance of the the Ellastone Conservation Area. The development is therefore contrary to Policies SP25 and DP5 of the East Staffordshire Local Plan, the provisions of the National Planning Policy Framework (particularly Paragraphs 6, 7, 8, 9, 11, 12, 14, and 17, and Sections 7 and 12) and the East Staffordshire Design Guide (particularly Section 1.2.) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Application 2- Ref P/2017/00405- Proposed replacement sewerage treatment plant**Permit- Subject to the following conditions:**

- Standard time limit for the commencement of the development.0000001a
- Compliance with the approved plans (subject to other conditions).00002
- Submission of Perimeter fencing details. 00003b

Informatives

1. Engagement informative
2. Submission of fencing details

16. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2017/00242
- Papers on the Planning Application file reference P/2016/00405

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.

For further information contact: Kerry Challoner
Telephone Number: 01283 508615
Email: kerry.challoner@eaststaffsbc.gov.uk