

### Item 5.3

**Site:** Rolleston Park Farm, Lodge Hill, Tutbury, Staffordshire, DE13 9HQ

**Proposal:** 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*

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#### **Hyperlink to Drawing and Forms**

**Application No.** P/2015/01620

**Case Officer:** Rob Duckworth

**Application Type:** Detailed Planning Application

**Applicant:** Mr C Thompstone

**Ward:** TUTBURY

**Ward Member(s):** Councillor D H Goodfellow

Councillor S P Gaskin

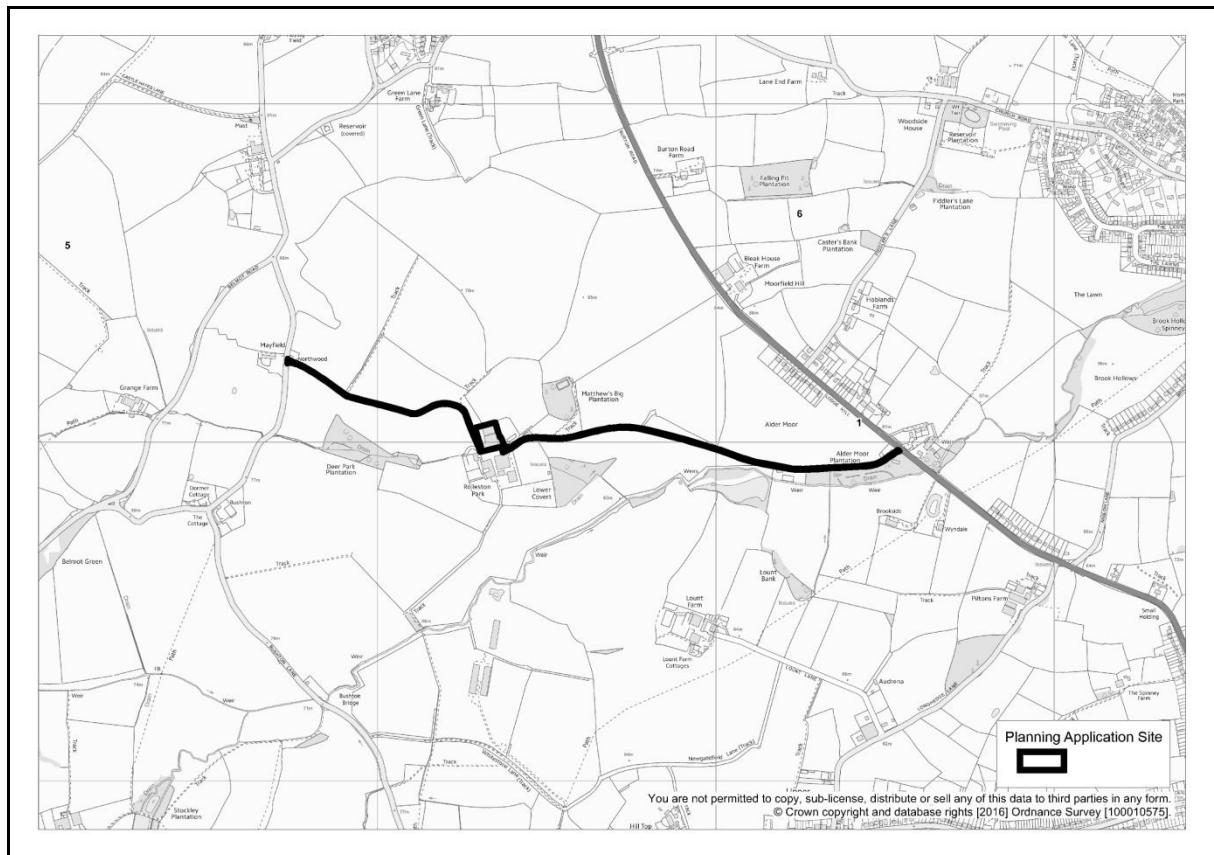
**Registered:** 10 December 2015

**Expires:** 10 March 2016

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#### **1.0 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 **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.**



## 2.0 The Site

- 2.1 The site is located between, and accessed via, A515 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 hedge rows 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 A515, 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.

## 3.0 The Proposal

- 3.1 The proposal involves the erection of a steel framed and 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 pond.

#### 4.0 Relevant Planning History

- 4.1 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.

#### 5.0 Consultations

<b>5.1</b>	SCC Historic Records	No concerns.
<b>5.2</b>	SCC Highways	<p>No objections Bushton Lane is not suitable for use by the types of HGV's normally associated with a general B8 use therefore the following condition is to be applied:</p> <p>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>
<b>5.3</b>	Tutbury Parish	<p>Comment: Objection.</p> <p>The scale of the development is too large for the property. This will remove the farm from the business which the [Parish] 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.</p> <p>The access onto Tutbury road will not be suitable for the increase level of traffic, the lane is inadequate.</p>
<b>5.4</b>	Police	No objections but 'Secured By Design' should be considered in the construction and design of the building.

<b>5.5</b>	ESBC Environmental Health	No comments.
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## **6.0 Publicity/Representations**

- 6.1 Neighbours have been notified of the application, a site notice posted and an advertisement placed in the local newspaper. The period for receipt of comments expired on the **14<sup>th</sup> January, 2016**. No comments have been received from any interested parties.

## **7.0 Policy Framework**

### **7.1 National Policy**

National Planning Policy Framework (NPPF)

### **7.2 East Staffordshire Local Plan Policies**

SP1 – East Staffordshire Approach to Sustainable Development  
SP5 – Distribution of Employment Growth 2012 – 2031 (allocations)  
SP8 – Development Outside Settlement Boundaries  
SP14 – Rural Economy  
SP24 – High Quality Design  
DP1 – Design of New Development  
DP2 – Designing in Sustainable Construction

### **7.3 Supplementary Planning Documents/Guidance**

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

## **8.0 Human Rights Act 1998**

- 8.1 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.

## **9.0 Crime and Disorder Implications**

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

## **10.0 Equalities Act 2010**

- 10.1 Due regard, where relevant, has been taken to the East Staffordshire Council's equality duty as contained within the Equalities Act 2010.

## **11.0 Heritage Assets**

- 11.1 Due regard must be given to listed buildings, conservation areas and other heritage assets as required by Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## **12.0 Main Issues/Evaluation**

- 12.1 The proposal involves the demolition of some redundant farm buildings and the erection of an industrial warehouse for the storage of documents (B8 Storage Use). The main issues to be discussed in this application are:
- Principle of the development
  - Design and impact on the character and appearance of the area
  - Highway matters
  - Other matters (impact on neighbour amenity, ecology)

### **12.2 Principle of the Development**

12.2.1 The site is north of the original farm buildings at Rolleston Park Farm, Lodge Hill, Tutbury. This site is outside settlement boundaries as defined in the Local Plan. The main policies to consider in this regard relate to employment growth, rural economy and developments outside settlement boundaries.

12.2.2 Policy SP8 deals with developments outside of settlement boundaries with an aim to prevent the spread of inappropriate development into the countryside. The policy comes with particular caveats; the first of which being that development will not be permitted unless the development is "essential to the support and viability of an existing lawful business or the creation 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". It then goes on to state that proposals meeting with one of the exceptions, as listed above, will be judged against the following criteria, *inter alia*, where applicable:

- Proposals do not introduce considerable urban form,
- The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,
- The design of the buildings, structures and materials are visually well-related to the proposed site and its setting with careful choice of

materials, landscaping, massing of buildings and attention to local architecture and roofscape design.

- Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.
- The proposed development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users ...

12.2.3 The farm has already been partially diversified with permission for a solar farm and conversion of some of the existing outbuildings / barns into B8 Use storage buildings; an established document storage business operates from the premises, which was given 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 and they contain asbestos. The applicant has submitted details explaining 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 by Officers have 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 20 pence; 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.

12.2.4 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.

12.2.5 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".

- (i) 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
- (ii) is in accordance with other Development Plan policies

12.2.6 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.

12.2.7 It 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.

12.2.8 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 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 3miles away from the site.

12.2.9 Local Plan Policies SP1 and DP2 promote sustainable development with Policy SP1, looks at the broader sustainability; 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; whereas 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.

12.2.10 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?

12.2.11 In respect of the first point; 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. 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.

12.2.12 In respect of the latter point; the second part of Policy SP8 needs to be applied. 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 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.

12.2.13 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, SP24 and SP5.

12.2.14 The matter of ‘Design and Impact on the Character and Appearance of the Area’ is discussed below in Section 11.3.

### **12.3 Design and Impact on the Character and Appearance of the Area**

12.3.1 Local Plan Policies SP24 and DP1 state that developments should exhibit high quality design that relates well to the existing buildings, setting and landscape, help to create a sense of place, building on the urban, suburban and rural local character, respecting local patterns of development and the historic environment, and using heritage assets to their best advantage. The policies go on to state that developments should reinforce character and identity, through local distinctiveness; enhance the landscape, and development proposals should reflect the existing density of its locality and therefore its character and form. Intensification of an existing built area will only be allowed where the development would represent a benefit and would not be harmful to the character and amenity of an area. The policies go on to say that the height and massing of the proposed development should relates to the height of surrounding development and any vistas, views or skyline.

12.3.2 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.

12.3.3 The East Staffordshire Design Guide SPG 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.

12.3.4 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.

12.3.5 The proposed development is for an industrial style building of 64.3m by 55.2m with an eaves height of 9.3m and ridge height of 12.45m. It is proposed to be of steel framed construction and clad with steel sheeting. The main policies to consider in this regard are regarding design, sustainable construction and heritage assets.

12.3.6 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. This 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.

12.3.7 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 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...

12.3.8 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 regraded 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.

12.3.9 Surrounding the site is the access track and a slurry pond that will be regraded 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.

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, totally at odds with the traditional form of the farmstead and how it is read within the landscape.

12.3.10 Negotiations have taken place 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 helping the building to blend in with the local green backdrop, the industrial outline and size of the building would not be appropriate in the setting proposed it is considered that the proposal is unacceptable, contrary to policies SP1, SP8, SP24, and DP1 of the Local Plan, The Design Guide SPD and NPPF section 7.

#### 12.4 Highway Matters

12.4.1 Access to the site is proposed from either A515 or Bushton Lane. The Bushton Lane access is not ideal for HGVs with the A515 access being better suited for larger vehicles, however; the business generally operates vans so the access cause few issues.

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 A515 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.

12.4.2 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 DP1.

## 12.5 Other Matters

12.5.1 Impact on the amenities of nearby residents - The closest residents to the proposed building and site are at the entrance to the site on Bushton Lane and along the track from A515, 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.

12.5.2 Ecology – the buildings to be demolished are currently vacant and are not generally suitable for any protected species 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.

12.5.3 Water management / Flooding – 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).

12.5.4 Impacts on Heritage Assets – Local Plan Policies SP 25 and DP5 and Paragraph 128 of the NPPF require Local Planning Authorities in determining applications to consider the potential of sites to impact upon heritage assets, and areas of archaeological interest. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and Section 66 of that Act imposes a duty in respect of listed buildings to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

12.5.5 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 A515. The next closest listed building is Chapel House Farm 1.08km to the north of the site. Given these separation distances, it is not considered that the proposal will 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.

## **13.0 Conclusions**

- 13.1 The proposed building is for the continued use and 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 an overly industrial 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, SP24, DP1 and DP2 of the Local Plan, Design Guide SPD and NPPF section 7.

## **14.0 Engagement**

- 14.1 The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

## **15.0 Recommendation**

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, 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, SP8, SP24, DP1 and DP2, the provisions of the National Planning Policy Framework (particularly Paragraphs 6, 7, 8, 9, 11).

## **16.0 Informatives**

None

## **17.0 Background Papers**

- 17.1 Local Plan 2012-2031
- 17.2 Design Guide SPD 2008
- 17.3 Re-use of Rural Buildings SPD 2010
- 17.4 Guidance on Traditional Farmsteads in East Staffordshire March 2011
- 17.5 NPPF
- 17.6 NPPG
- 17.7 All papers on the file for Planning Ref P/2015/01620
- 17.8 Decision Notice for Planning Ref CU/06848/012

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