

**TOWN AND COUNTRY PLANNING ACT 1990
REFUSAL OF PERMISSION FOR DEVELOPMENT**

Date valid application received: 11/09/2017

Application No: P/2017/01129

Name and address of Agent

Name and address of Applicant

Third Revolution
20-22 Wenlock Road
London
N1 7GU

Mr Van Reyk
4 Chesham Street

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **REFUSES** to permit:

Installation of decentralised gas peak power facility generating approximately 10 MW, including generator barn, housing 3 containerised generators and a customer substation/electrical cabinet, transformer, sub-station, gas kiosk, oil tanks and radiators

New Farm, Rolleston Lane, Tutbury, DE13 9HE

in accordance with the submitted documents and plans, for the reason(s) specified hereunder:

- 1 Policy SP1 of the East Staffordshire Local Plan 2012 - 2031 lists principles in determining whether proposals constitute sustainable development.. Strategic Policy 8 of East Staffordshire Local Plan 2012 - 2031 states 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, in accordance with a 'Made' Neighbourhood Plan, is development under the Rural Exceptions Sites policy, is appropriate reuse of Rural Buildings, 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.

The construction of a peak power gas generator for the National Grid is not a form of development which falls within any of the types of development permitted outside settlement boundaries as set out in of the East Staffordshire Local Plan 2012-2031. While information has been provided seeking to justify why this proposal needs to be constructed in this location it is considered that this is not sufficient to meet the policy requirements in that there is no site specific overriding need in this case. Consequently, the proposal would not be essential to support the viability of an existing lawful business, nor is it close to an existing settlement and intended to provide facilities for the general public, nor is it infrastructure development where an overriding need for the development to be located in countryside can be demonstrated. it would not provide renewable energy generation of a scale and design appropriate to its location and would not qualify as development otherwise appropriate in the countryside. The proposed development is thus directly contrary to policy SP8 of the Local Plan 2012 - 2031 and would result in development in the open countryside for which there is no substantive justification for it being constructed in the proposed location.

- 2 Strategic Policies 1 and 24 of the East Staffordshire Local Plan 2012 - 2031 indicate that development proposals must contribute positively to the area in which they are proposed. Policy SP24 lists a number of criteria which developments are expected to achieve in order that development proposals must contribute positively to the area in which they are proposed. 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.

It is considered that by reason of their scale and height the proposed new generator barn building and the proposed acoustic fence surrounding the peak generator plant complex at New Farm would detract from the visual amenities of the locality at the eastern approach to Tutbury in views from Rolleston Lane and Cornmill Lane. As such it is considered that the scheme would be contrary to Policies SP1, SP24 and DP1 of the adopted East Staffordshire Local Plan 2012 - 2031.

- 3 The application submissions have failed to demonstrate that the proposed development would result in an acceptable level of noise pollution which would impact on the amenity of residents of properties on Cornmill Lane. As such the proposed development would be contrary to Policy DP7 of the East Staffordshire Local Plan and the National Planning Policy Guidance (in particular paragraph 17).

Informative(s)

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable and unacceptable 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



Dated 13 December 2017

Signed

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice. (Unless the application is for a minor commercial application, please see the criteria for a minor commercial application below). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.



INVESTOR IN PEOPLE

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