PLANNING COMMITTEE – 5 APRIL 2012

COUNTY DEVELOPMENT – East Staffordshire Borough: ES.12/02

Date Received: 13 January 2012

Date Revised/Further Details Received: Revised Transport Assessment and Addendum received on 8 March 2012; revised Design and Access Statement; and a revised Floor Risk Assessment received on 2 March 2012

The Cabinet, Staffordshire County Council application for outline planning permission for the development of up to a 2 form entry primary school, with all matters reserved at land off Tutbury Road, Burton upon Trent

Background

1. This is an outline planning application for development of a new school which forms part of the programme for delivering primary schools in Burton-on-Trent to meet the shortage of primary school places. The proposed primary school development is wholly on County Council land off Tutbury Road, Burton-on-Trent.

2. The purpose of an outline planning application is to establish whether or not a development is acceptable in principle. Outline applications are required to contain information about:

   - Use (including the uses of any distinct zones within the site)
   - Amount of each use
   - Indicative layout (showing separate zones where appropriate)
   - Scale parameters (upper and lower limits for the dimensions of each building)
   - Indicative access points

3. The following matters may be reserved for later approval:

   - Layout
   - Scale
   - Appearance
   - Access
   - Landscaping

4. As with a full application, a Design and Access Statement (DAS) is required. The DAS explains how the applicant has considered what is appropriate and feasible for the site in its context. It therefore plays an essential role in linking the general development
principles to the final detailed design, i.e. the link between the outline permission and
the consideration of the reserved matters.

**Summary of Proposals**

5. This is an outline application reserving all matters for later approval.

**Use**

6. The proposal is to develop up to a 2 form entry primary school on land off Tutbury Road, Burton-upon-Trent accommodating up to 420 primary school pupils with the access off Tutbury Road. As well as the school building, the development would incorporate hard and soft play areas, a habitat area, sports pitches, an all weather games area, servicing and car park provision. The Design and Access Statement explains that members of the wider community would also have an opportunity to use the facilities; however the details would be determined by reserved matter.

**Amount of development**

7. The application site area is about 5 hectares, although the actual area required for construction of the school together with the external recreational space would be 1.8 hectares.

8. The proposed school building would have approximately 2217m$^2$ of floor space. A two storey structure would require a ground floor area of approximately 1260m$^2$ and would be surrounded by the uses described above. These include 8400m$^2$ of sport pitches, a car park adjacent a main entrance to the school, open air play and sport facilities located to the rear, 1,850 m$^2$ of soft play area, 1,440 m$^2$ of game courts, 1,030 m$^2$ of hard play area and 620 m$^2$ for a habitat area.

9. Access roads and car parking is excluded from the proposal as they would be subject to reserved matter approval and would be dictated by the final layout of the school site.

**Indicative Layout**

10. It is envisaged that the main school building would be centrally located within the site with all other ancillary features focusing around the perimeter of the building.

11. The layout would include many sustainable features such as rainwater harvesting, high levels of daylight and passive ventilation to save energy and a balancing pond which can provide sustainable drainage and encourage bullrush beds and wildlife. More details on a layout would be subject to reserved matter approval.

12. The proposal would be designed to high quality with the environment and landscape at its heart. The new school building would incorporate green roofs and the DAS states that the proposal would ensure that the school is a green oasis, with the orientation from a tree lined boulevard entrance disappearing into the landscape.
Scale parameters

13. The highest part of the development would be a two-storey school building, measuring about 10.5m in height. Due to its linear arrangement, the building would measure approximately 60m in length and 21m in depth. The actual configuration of the building would be subject to reserved matter approval and take account of the topography and the location within the site.

Indicative access

14. At this stage only an indicative access has been identified showing the point where the development would be linked to the Tutbury Road (the A511) including a ghost right turn junction off Tutbury Road that would require widening on the eastern side of the road on land owned by the County Council (on the opposite side to the existing residential properties). The drawing also shows a car park for approximately 42 cars. In response to objections received, the applicant has confirmed that provision would be made for a pupil drop off and pick up area within the application site area.

Off-site highway mitigation measures

15. A Transport Assessment has been carried out and later revised. As a result, an Addendum to the Transport Assessment examined possible mitigation measures at the Tutbury Road/Beamhill Road/Harehedge Lane junction. Subsequent sensitivity testing confirmed that whilst a smaller scheme, involving a left filter lane from Tutbury Road to Harehedge Lane would have some benefits in the pm peak only, a larger scheme involving improvement across the whole junction would address the am and pm peak periods and also provide significant improvements generally at the junction.

Screening Opinion

16. In accordance with the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, the County Council has conducted a “Screening Opinion” (re: SCE.124/ES.12/02) on the proposals and concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement.

17. The following documents accompany the application:

- A revised Design and Access Statement incorporating
  - Appendix A Demographic Trends
  - Appendix B Validation / Local List
  - Appendix C Supporting Documentation and Flood Risk Assessment
  - Appendix D Planning Statement
  - Appendix E Site Options Review
- A revised Transport Assessment, Addendum and Sensitivity Testing
- Travel Plan
- A revised Flood Risk Assessment
• Phase 1 Habitat Survey
• Existing Site and Location Plan
• Proposed New School Site and Location Plan
• Proposed New Primary School Concept Impressions

18. The Design and Access Statement sets out the rationale and the principles of the development. These include the following:

• An analysis of population trends identifying a shortage in primary school places in Burton-upon-Trent;

• Locational justification for the proposals featuring various options strategically considered in order to meet the demand for additional primary school places and increased choice for schools in Burton-upon-Trent;

• Benefits of the proposals to all users including the orientation of the building to take most advantage of the layout;

• An element of community usage, the details of which would be subject to reserved matters;

• An analysis of the physical characteristics and constraints of the site.

**Site and Surroundings**

19. The 5 hectare site lies in open farmland between ribbon development to the west along Tutbury Road and to the east along Rolleston Road. To the south is Harehedge Lane with residential development on the south side along with Outwoods primary school. About 3.2 kilometres to the south of the site is Burton centre and to the north about 600m is the village of Rolleston on Dove.

20. The 150-metre long frontage on Tutbury Road runs from the boundary No. 295 Tutbury Road, opposite No. 312 Tutbury Road to a point opposite No. 340 Tutbury Road. The site boundary then runs north-eastwards across the agricultural field to a point about 100m from Rolleston Road. It continues south eastwards for about 160m and then turns westwards back towards Tutbury Road.

21. The proposed school development would sit on a gentle slope, which rises from south to north and continues beyond the site boundary to join a east –west ridge beyond which is Rolleston village. The ridge follows a hedge line to the north of Grenville Farm on Tutbury Road extending to the south of Rosemary Farm on Rolleston Road. The ridge line is almost consistent with the limit of the ribbon development on Tutbury Road and the Rolleston Road.

22. The residential properties to the west of Tutbury Road, which face the application site are on higher ground than the application site. All the properties within this property line benefit from front parking, with the actual houses set back from the road by about 4-5m.

23. Abutting the application site to the south are the side and rear boundary of No. 295 and rear boundary of No. 293 Tutbury Road. The boundary treatment of No. 295 comprises
a timber fence measuring about 1.2m in height with no vegetative barrier or screening from the fields.

24. The frontages of the residential properties from 228 to 258 along the Rolleston Road directly face the site.

Relevant Planning History

25. None

Relevant Development Plan Policy and Planning Guidance

26. The development plan consists of the West Midlands Regional Strategy (see note below); and the ‘saved policies’ in the Staffordshire and Stoke-on-Trent Structure Plan and in the East Staffordshire Local Plan.

27. The West Midlands Regional Strategy:

- UR2 – towns and cities outside the major urban areas
- UR4 – social infrastructure
- PA1 – prosperity for all; (B iv) – development skills
- QE1C – high standards for sustainable natural resource use and management
- QE3 – creation of a high quality built environment for all
- QE4 – greenery, urban greenspace and public spaces
- QE6 – conservation enhancement and restoration of the region’s landscape
- QE7 – protecting, management and enhancing the region’s biodiversity and nature conservation resources
- QE9 – the water environment
- EN2 – energy conservation
- T2 – reducing the need to travel
- T3 – walking and cycling
- T4 – promoting travel awareness

28. The Staffordshire and Stoke-on-Trent Structure Plan:

- D1 - Sustainable forms of development
- D2 - The design and environmental quality of development
- D3 - Urban regeneration
- D6 – Conserving Agricultural Land
- D7 - Conserving energy and water
- D8 – Providing Infrastructure Services, Facilities and/or Mitigating Measures Associated with Development
- T1A - Sustainable location
- T4 - Walking
- T5 - Cycling
- T13 - Local Roads
- T18A - Transport and Development (with reference to School Travel Plans)
- R1 - Providing for Recreation and Leisure
29. The East Staffordshire Local Plan:

- BE1 – Design
- NE1 – Development outside Development Boundary
- T1 - Transport: General Principles for New Development
- T2 - Strategic Highway Network
- T6 - Parking Areas: Design
- T7 - Parking Standards

30. Other material planning policy considerations include:

- PPS1 - Delivering Sustainable Development (with related publications on climate change and on design)
- PPS9 - Biodiversity and Geological Conservation
- PPG13 - Transport
- PPS17 - Planning for Open Space Sport and Recreation
- PPG24 - Planning and Noise
- PPS25 - Development and Flood Risk
- Chief Planner Letter dated 15 August 2011 – Policy Statement on Planning for Schools Development
- Ministerial Statement - Planning for Growth – (March 2011)
- The draft National Planning Policy Framework (published on 25 July 2011) [the final version is expected to be published on 27 March ]
- Structure Plan Supplementary Planning Guidance – Planning for Landscape Change
- The East Staffordshire Core Strategy is at Issues and Option stage, with Preferred Options due for consultation later in the year. In the mean time East Staffordshire Borough Council have prepared guidance for proposals for development on greenfield land “Greenfield Land Release Policy Statement” (published on 20 September 2011) and “Guidance on the Development Principles to inform the Master Planning Core Strategy Allocations” (published in November 2010 and amended in February 2011). Section 6.0 of the latter document is of particular relevance as it refers to the development principles in rural areas and attention that should be paid to the scale of development, which should reflect the settlement’s size and its immediate area.
- Supplementary Planning Document (SPD) - East Staffordshire Design Guide published in February 2008 provides advice about the importance of the use of high quality materials. Paragraph 4.74 of the SPD encourages conservation and reinforcement of local distinctiveness and a sense of place. Paragraph 4.77 summarises the essential characteristics of some of the Borough’s landscape and states that new development will need to reflect these traditional characteristics as appropriate to particular sites. New buildings should respond sensitively to local materials, colours and details. Paragraph 4.78 requires material to be sourced from
as close as possible to the development to reduce embodied energy selecting the most visually appropriate materials in construction.

[Note: The Coalition Government announced in June 2010 its intention to abolish regional strategies as part of the Localism Bill. The Bill received Royal Ascent on 15 November 2011 and is now an Act of Parliament. However, until such time as legislation is changed the RS remains part of the development plan. Also the evidence base material that has informed the preparation of the review of the Regional Strategy may be a material consideration, depending on the facts of the case.]

**Findings of Consultations**

**Internal**

31. The Environment and Countryside Unit (ECU) raised no objection to the principle of a school development. A fully comprehensive scheme of landscape enhancement would be required under reserved matters.

32. ECU have suggested that there is an opportunity to deliver biodiversity enhancements through the design of landscaping and SuDS. It has also been noted that a survey of mature trees for bats would be required should any of these are affected.

33. Transport Development Control – initially objected to the proposals on the grounds that insufficient information had been provided. Following receipt of a revised Transport Assessment, Addendum and Sensitivity Testing, Transport Development Control have confirmed that they have no objection on highway grounds to the proposed access and off-site junction improvements (the larger scheme), subject to conditions requiring the following details to be approved prior to commencement of development and constructed prior to the development being brought into use:
   - parking, turning, pupil drop off and servicing arrangements;
   - highway drainage and surfacing;
   - construction traffic management;
   - a new access off Tutbury Road – including road markings to control parking and proposals to reduce the speed limit to 30 mph (subject to a Road Safety Audit which is due to be carried out prior this report being considered at Planning Committee and such Road Safety Audit and Designers Response assuring the highway authority that the scheme is deliverable within public highway limits and land controlled by the County Council. The results of the Road Safety Audit including Designers Response will be reported verbally at the Planning Committee);
   - off-site improvements to the junction of Tutbury Road/Harehedge Lane/Beamhill Road; and,
   - a revised Travel Plan.
34. Staffordshire County Council’s Noise Engineer raised no objection to the outline application but noted that the future detailed planning application should include information on noise during the construction works and that the design of the school should be carried out with due regard to Building Bulletin 93. – School Acoustics; Compliance with the Building Regulations.

External

35. Severn Trent Water raised no objections subject to a condition requesting details of drainage plans for the disposal of surface water and foul sewage to be approved.

36. Sport England raised no objection to the principle of the school development provided that:

- the playing field has the capacity to meet curricular needs and an additional area beyond that minimum if the pitch(es) are proposed for community use;
- a requirement that the playing pitches be constructed in accordance with Natural Turf for Sport with appropriate drainage measures;
- consideration is given to the size of the playing field, based on opportunities at this site to provide compensatory provision for other potential losses of playing field in Burton-upon-Trent;
- the games court meets the minimum of 1,440m$^2$ and that the MUGA is constructed/laid out in accordance with the relevant technical guidance; and,
- any indoor sport provision are designed in accordance with Sport England’s recommended design guidance.

37. The Environment Agency raised no objection to the revised Flood Risk Assessment subject to a condition requiring a surface water drainage scheme to be approved.

38. East Staffordshire Borough Council’s Environmental Health Officer (EHO) raised no objection but advised that the potential for noise from the new development should be considered in the design and layout of the new school. The layout should be designed to maximise the distance playgrounds and sports fields from residential properties on Rolleston Road, Harehedge Lane and Tutbury Road; and to consider the noise from mechanical/electrical fixed plant installations associated with the school. The EHO considered that a noise assessment and mitigation measures taking into account the noise sources mentioned should be approved prior to the commencement of the development.

39. Police Architectural Liaison Officer – no objection subject to the detailed design complying with the Secured by Design guidance.

40. National Grid Gas/Electricity – no response received

41. County Fire Officer – no response received
Views of District/Parish Councils

42. East Staffordshire Borough Council – object to the proposal on the grounds that the siting of the school is contrary to the aims of the East Staffordshire Local Plan saved policy NE1. The Borough Council suggested siting the school closer to the Harehedge Lane/Rolleston Road junction, closer to the existing built up area and on a low part of the available land in order to limit its visual impact and possibly provide a better/safer place in terms of vehicular and pedestrian access to the school. Whereas, siting the development in the proposed location would result in prominent building that would be isolated from the existing built form of the area. The following conditions have been recommended should the planning permission be granted:

- details of the scale/height of the building to be agreed at the reserved matters stage notwithstanding the scale parameters provided at the outline stage; and,

- provision of on-site drop off and collection car parking facilities for parents/carers and bus drop off/collection parking facilities in addition to any requirements for a Travel Plan.

43. Outwoods Parish Council – no objections and recognise the need for a 2 form entry school, but request that the following matters be taken into account:

- Harehedge Lane traffic issues be resolved – consideration be given to widening the road;

- Staffordshire County Council puts in place their 20 mph speed restriction policy outside the proposed new school;

- Tutbury Road – a 30 mph speed restriction be introduced.

44. Horninglow & Eton Parish Council – no objection and recognise the need for additional school facilities in the parish; but requested that the following matters be taken into account:

- The intended drop off and collection points are planned for the school;

- An independent traffic survey is carried out so that Staffordshire County Council fully understand the current traffic issues;

- Another transport assessment survey should also be carried out for five school days 7.30 - 9.15am, 11.45 -13.00pm and from 15.00 – 15.30pm.

- A compulsory 20 mph should be put in place before and after the school entrance;

- Clarification is required in relation to minor widening of the road referred to in the plans;

- Reassurance that emergency vehicles would be able to get access at peak times;
• Travel statement referring to paths both sides of Harehedge Lane to be amended. The path on the north side of Harehedge Lane only goes part of the way and stops just past the school access.

45. Rolleston on Dove Parish Council object to the proposal on the following grounds:

• There is no evidence that there is a need for 2 form primary school in the area as there are three local schools in the area – Rolleston, Stretton and Tutbury - where there is capacity at present time. If there is a need for a 2 form primary school, it is needed in the centre of Burton or even across the river and so this proposed school is in the wrong place.

• The proposed access off Tutbury Road will cause problems on an already busy road. Parking problems already exist in the area, particularly during school time near the De Ferrers School. This is going to be made considerably worse as the parents of the proposed school are likely to drive their children in as they are unlikely to be living in the vicinity.

• The plans do not comply with PPS1, PPS7, PPS17, National Planning Policy Framework, Staffordshire and Stoke-on-Trent Structure Plan and East Staffordshire Local Plan.

46. Stretton Parish Council object to the proposals on the following grounds:

• The impact on an already struggling local highway infrastructure. Existing Large Academy and primary school are in close proximity to the proposed location and suffer from highway congestion up to 3 times per school day from parents parking and stopping to drop off and collect students.

• The proposed location means that parents will use vehicles to bring and collect their children. There are no cycle routes around the site and the bus service means crossing an extremely busy road.

• The location for the school is not where the places are most required – inner Burton. This means that more children have to travel greater distances to be educated and by car – not environmentally justifiable.

• The proposals contravene Policy NE1 of East Staffordshire Local Plan, which is designed to protect open farmland from development.

• Alternative sites for the school should be sought where the need is and the children can be educated in the communities where they live.
Publicity and Representations Received

47. The application was advertised by site notices on 18 January 2012 and in Burton Mail newspaper.

48. Two site notices were posted adjacent the site on 18th January 2012.

49. Letters were sent to 569 addresses around the site and 92 letters of representation have been received, of which 86 people objecting and 6 people supporting. The applicant has also forwarded 25 representation forms in support of the development.

50. A 14 day re-consultation took place starting on 13 March to allow comments to be made on a number of revised documents. Letters were sent on 9 March to all 569 addresses which were previously notified and in addition to those who responded to the first notification. Any representations received after this report has been finalised will be reported verbally to the Planning Committee.

51. A summary of the representations received is provided below.

Loss of greenfield land beyond the development boundary

- The proposals would result in a loss of open farmland, which is protected by Policy NE1 of East Staffordshire Local Plan. Already there is a slim stretch of farmland which gives Rolleston its village identity and such further development only serves to threaten this more; create precedence for the development of the farmland which surrounds Rolleston; the development on greenfield sites should only be considered as a last resort. No indication whether any brownfield sites were considered.

- Demand for school places has already been addressed and met by Staffordshire County Council, with amalgamation of 2 primary schools that co-located on the De Ferrers Harehedge Lane Campus, less than a mile away. The County Council have closed schools in the Burton area in the last few years; no need for a new school to be constructed on open farmland; a new 2 form entry school on this site would jeopardise the future of other local schools; an increase of 60 children a year would demand a new secondary school or bussing children to other schools all over East Staffordshire further adding to road congestion and the cost of transport for parents;

- New schools should be built within safe and easy reach of the communities they serve. This would make them sustainable. Certainly, there is no need for a new school in Outwoods now.

- Whilst it is accepted that the applicant has to make provision for increased pupil numbers in the town, it is clear that other options have not been adequately considered nearer to the centre of Burton for example the proposed school at Belvedere Sports Club combined with extending and converting existing schools would provide all the places required. Other sites suggested included land off Harper Avenue, access via Catilla Place Horninglow; Upper Outwoods Farm, Mona Road off Belvedere Road, Shobnall; Shobnall Sports Centre; and a large field next to the Burton Albion Football Ground on Derby Road.
Access and the traffic implications

- Tutbury Road is already congested as is Harehedge Lane due to children attending Outwoods school and the De Ferrers Academy. The development would generate significant additional traffic movements and create a hazard for motorists and school children.

- The need for a pupil drop-off/pick-up area on site, for reasons of road safety and free-flow of traffic.

- The need to widen Harehedge Lane before any building work begins as well as widening of Tutbury Road.

- There is no available land nearby for a ‘park and ride’ scheme and the Transport Assessment has already stated that there is no available space on the side roads for parking. The car park at the Beacon Public House is already full with parents with children at Outwoods Primary School and also De Ferrers.

- Access to the site is onto a busy “A” class road with associated hazards and no upgrade of the nearby traffic light junction with Harehedge Lane/Beamhill Road is proposed to deal with the increase in traffic volume.

- The junction at the opposite end of Harehedge Lane, with Rolleston and Bitham Lane is a dangerous junction and tricky to navigate.

- Provision should be made for drivers wishing to turn right towards Tutbury Road at peak time and the 30mph speed restriction would have to be extended.

- The Travel Plan was criticised as being inaccurate, for example the bus services do not pass the site along Tutbury Road during school hours, the closest service runs along Harehedge Lane on a half-hourly basis during the day. Tutbury Road is unsuitable for cyclists and most school children will not walk to school.

- The details of the proposed junction improvement should be considered at this stage.

- The Transport Assessment is deficient, for example there are no plans, traffic flow diagrams, analysis outputs, or other technical information which would normally be expected to be appended to a TA. Also the TA states that only 94 trips to the school and 67 then leaving the school during the morning peak period yet the school is supposed to be for 420 pupils. Have the trips been significantly underestimated? [The revised TA estimated a higher number of trips - 125 in during the AM peak and 89 out (ref. revised TA table 5.2)]

Other matters

- The new building is not attractive and will cause a lot of problems with the roof being too accessible particularly to children and vandals. The design should be traditional
and in keeping with the existing red brick houses in the area. The application does not identify where the school will actually be within the larger site area.

- There are a number of mature trees on the site that should be protected.

- The site is within the National Forest and consideration should be given to heavy tree planting. [Note – the site is not within the National Forest – land to the west of Tutbury Road is in the forest area.]

- The loss of hedgerow to provide sufficient visibility splays.

- The risk that the building and other hard surfaces would exacerbate surface water runoff issues including the effect on the Bitham Lane Brook.

- The failure to carry out an Environmental Impact Assessment and the application should go to a Public Inquiry.

- Criticism that the applicant has separated their proposals for the development of 350 houses from the school planning application.

52. The grounds for support can be summarised as follows:

- This is a fantastic opportunity for members of staff and parents of the children on St Modwens Catholic Primary School to educate the children of both current and future generation at the highest standards.

- Together with the Belvedere Road site, the Tutbury Road site is the most appropriate site for a school. To object to this proposal is to deny children a primary school education.

- Because of increasing birth rates in Burton, the capacity of local schools is likely to be reached in the next 12 months. It is essential that new schools are created.

- The applicant has clearly demonstrated the need for additional primary school places. The education of the children is vitally important for their lives.

53. At the time of writing this report the 14 day consultation period had not expired and so any additional comments received from consultees and neighbours will be reported verbally at the Planning Committee.

**Members’ Site Visit**

54. The site was one of a number visited on 29 February 2012. The visit was a Members training event to familiarise the Committee with the new school sites in Burton-upon-Trent. The proposals and the issues raised were described to the Committee who were then taken on a tour of the site by minibus along Tutbury Road, through Rolleston village, along Rolleston Road and back along Harehedge Lane.
Observations

55. This is an application for outline planning permission for the development of up to a 2 form entry primary school, with all matters reserved at land off Tutbury Road, Burton upon Trent.

56. Having given careful consideration to the application, the supporting information (including the revised information subsequently received), the relevant development plan policies and other material considerations, the consultation responses and the representations received referred to above, the key issues are considered to be:

- Planning policy context
- Development on a greenfield site and beyond the development boundary
- Access and the traffic implications
- Residential Amenity
- Other matters raised in the representations

Planning Policy Context

57. East Staffordshire Borough Council recognises Burton upon Trent as a growth point.

‘Planning for Growth’

58. On 23 March 2011 Greg Clark MP the Minister of State for Decentralisation issued a Ministerial Statement which describes how the Government expects the answer to development and growth wherever possible to be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.

59. The Ministerial Statement expects Local Authorities to work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as …… strategic infrastructure necessary to support growth.

‘Planning for schools development’

60. The Government published a new policy statement ‘Planning for schools development’ on 15 August 2011 which ‘set out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system’. The Government wishes to support the provision of state-funded school places to meet both demographic needs and the drive for increased choice and higher standards. The policy statement sets out a number of planning principles including the following:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework [currently in draft form but a final version is expected to be issued on 27th March ]

- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.
Local authorities should make full use of their planning powers to support state-funded schools applications.

61. **Conclusion**: It is reasonable to conclude, having regard to the policies and material considerations referred to above, that there should be a general presumption in favour of the school development to provide important infrastructure. This is particularly significant in Burton upon Trent where there is a recognised increase in population and demand for new school places. This can be expected to continue as Burton is designated as a growth point and an expansion in housing can be anticipated.

Development on a greenfield site and beyond the development boundary

62. East Staffordshire Borough Council, Stretton and Rolleston-on-Dove Parish Councils together with a number of the representations referred to earlier have raised objections on the grounds that the proposals are on a greenfield site, beyond the development boundary identified in the East Staffordshire Local Plan, which would bringing built development closer to Rolleston on Dove village. The relevant development plan policies are D1, D4 and NC1 in the Staffordshire and Stoke-on-Trent Structure Plan and policy NE1 in the East Staffordshire Local Plan, which reflect the principles in the Government guidance in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas. The policies and guidance all seek to encourage sustainable development, limit new development within the open countryside and concentrate new development within defined settlement/urban boundaries.

63. Policy NE1 in the Local Plan aims to restrict the development outside the development boundary, unless it cannot reasonably be located within the development boundary and meets one of two sets of criteria.

64. The first set of criteria requires development to be:

   a) essential to the efficient working of the rural economy; or
   b) otherwise appropriate in the countryside; or
   c) close to an existing settlement and providing facilities for the general public or local community which are reasonably accessible on foot, by bicycle or by public transport.

65. The second set of criteria requires:

   a) development to not adversely affect the amenities enjoyed by existing land users, including residents of nearby properties
   b) development to be compatible with the character of the surrounding area, and safeguard nature conservation
   c) the design of the buildings and materials to relate satisfactorily to the proposed site and its setting
d) landscaping to take account of the immediate impact and distant views of the development

e) the access roads to accommodate the traffic likely to be generated and to meet the needs of cyclists and pedestrians

f) adequate access to be provided for pedestrians, cyclists and drivers, servicing and parking to be provided within the site

66. The applicant has explained that this school is needed as part of a wider strategy to meet a shortfall for primary school places in Burton upon Trent which is anticipated from September 2013 onwards. The supporting statement states the following:

"Area 1 has an increased average birth rate of 17% resulting in a requirement for an additional 90 places for Reception children in September 2012, growing eventually to a total of 630 new primary school places".

"This outline application for a new school would be 1 of 2 new schools urgently required to meet the need for school place provision in Area 1".

67. The applicant has also informed that an extensive review of existing school sites in the Area 1 took place and it was found that there is insufficient space available to extend the accommodation (up to a 2 form entry) at existing schools as they are located on small sites with restricted space. The applicant has also explained that their search for a site failed to find a suitable alternative site that was available to meet the urgent need. They also point out that the level of accommodation needed in Area 1 will not be met simply with the Tutbury Road development so there are plans for two more new school developments one at Christchurch Primary and the second is on the former Belvedere Sports and Social Club site which are both in the inner urban areas of Burton.

68. In this case, having regard to policy NE1 and the information provided by the applicant, it is reasonable to accept that there are no suitable, available, alternative sites in the right location to accommodate the proposed development. With regard to the first set of criteria, the site is close to the built up area and being a school serves as a community facility that would be used by the general public. It would also be accessible on foot, bicycle and by bus from a new access off Tutbury Road. With regard to the second set of criteria, the size of the site provides an opportunity to locate the site at a sufficient distance away from local residents to minimise the impact on local amenity. An appropriate design, use of materials, landscaping and nature conservation features, approved at the reserved matters stage, would ensure that the development is compatible with and relate to the surrounding area. There are no designated sites of nature conservation interest affected by the proposed development. The design of the new access off Tutbury Road and other proposed highway mitigation measures at the junction of Tutbury Road and Harehedge Lane, the provision of a school drop off and pick up area within the site and parking areas would also meet the criteria.

69. The applicant has pointed out that an alternative location for the school, closer to Harehedge Lane/Rolleston Road junction, suggested by East Staffordshire Borough Council was discounted during their search following initial discussions with the
Highway Authority and the Environment Agency which identified traffic, transport and flooding issues. A school at this location would also be much closer to existing residential properties than the proposed location. It is unlikely therefore that a school in this location would have met the criteria in policy NE1.

70. Local residents have expressed concerns that the development would lead to the merger of the urban area of Burton with Rolleston village. The proposed school development would sit on a gentle slope, which rises from south to north and continues beyond the site boundary to join an east-west ridge beyond which is at a lower level Rolleston village. The ridge follows a hedge line to the north of Grenville Farm on Tutbury Road extending to the south of Rosemary Farm on Rolleston Road. The ridge line is almost consistent with the limit of the ribbon development on Tutbury Road and the Rolleston Road. As such it is considered that there is a natural physical boundary between the site and the village which coincides with the existing limit of the urban development and therefore prevents potential merger between the urban area of Burton and the village.

71. **Conclusion**: It is reasonable to conclude, having regard to the policies, material considerations, consultation responses and representations referred to above, and subject to conditions recommended below, that whilst this is a greenfield site, beyond the development boundary, it is reasonable to accept that the search for available sites in the right location failed to find a suitable alternative and that the proposed development meets the criteria set out in policy NE1.

### Access and the Traffic Implications

72. The West Midlands Regional Strategy policies T1, T2 and T3; Structure Plan policies T1A, T4, T5, T13 and T18A; East Staffordshire Local Plan policy T1; and PPG13, all aim to secure safe and efficient movement of people to and from sustainably-located destinations, reducing the overall need to travel and promoting the use of non-car modes.

73. Objectors have raised concerns in relation to the safety of the proposed access to the school off Tutbury Road; the need for drop off areas and speed restrictions near the school; speed restrictions and widening along Harehedge Lane; congestion at school drop off and collection times due to the close proximity of other schools in the area; clarification about the widening of Tutbury Road; corrections to the Transport Assessment and Travel Plan; and the need for a safety audit.

74. The proposed school development would be outside the development boundary but central to the school catchment area identified by the applicant as Area 1 covering the northern part of Burton-upon-Trent and adjacent settlements. It is therefore reasonable to expect that the proposal would attract children to the school using various modes of transport including on foot.

75. The conclusions of the revised Transport Assessment (TA), Addendum and Sensitivity Testing submitted with the application are:

- The development site is well served by existing sustainable transport modes, explored in a separate Travel Plan.
- The site would be accessed via a ghost island right turn off A511 Tutbury Road, which would require some realignment of the eastern side of Tutbury Road (subject to final confirmation following a safety audit. The results of the safety audit will be reported verbally at the Planning Committee).

- Off-site highway mitigation measures have been examined at the A511 Tutbury Road/Beamhill Road/Harehedge Lane junction where the proposed development exacerbates the morning peak period. The sensitivity testing confirmed that of the two improvement schemes considered the larger of the two schemes considered would be required to mitigate the impacts in the am peak.

76. The Development Management Procedure Order 2010 (article 4 (5)) state that ‘Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.’ Although the details of the junction would be subject to reserved matters, significantly in their response to the objections received the applicant has stated that a provision would be made for a pupil drop off and pick up area.

77. The table above indicates that in the morning peak period the school would attract on average 125 vehicles with 89 leaving the site (the 36 remaining vehicles are school staff). During the afternoon peak period (1700 to 1800) 8 vehicles would arrive and 13 would leave the site.

78. In terms of encouraging the sustainable modes of transport, the Travel Plan submitted by the applicant refers to a number of bus services near the application site which would serve the catchment area. The Travel Plan encourages alternative means of transport to access the school. It also points out that there are no national cycle routes in the immediate vicinity of the site and no official shared cycleways/footways in the vicinity of the site. However, the consultant notes that Harehedge Lane, Rolleston Road and Bitham Lane are marked as advisory cycle routes on the Staffordshire cycling map and as such are marked as suitable roads to cycle on. Local residents have pointed out that the nearest bus services during school hours only stop on Harehedge Lane.

79. The Transport Development Control Officer initially objected to the proposals on the grounds that insufficient information was submitted to quantify the impact of the development in transport terms. In response the applicant submitted a revised
Transport Assessment and Addendum containing details of a scheme to mitigate the impact of traffic associated with the school development on the Tutbury Road/Beamhill Road/Harehedge Lane junction. Sensitivity testing was requested by the Transport Development Control Officer to examine the benefits to two possible junction improvement schemes. The Transport Development Control Officer has now confirmed that he is satisfied that there are no objections on highway grounds to the outline proposals, subject to the conditions referred to in paragraph 33 above, subject to a safety audit to confirm that the proposed access off Tutbury Road is acceptable and subject to the larger of the two junction improvement schemes considered in the sensitivity testing being implemented.

80. **Conclusion:** It is reasonable to conclude, having regard to the policies, material considerations, consultation responses and representations referred to above that, subject to conditions recommended below, the proposals would not give rise to any unacceptable impact on the highway network.

**Residential Amenity**

81. Amenity protection policies set out in part (iv) of RSS policy QE3 seek to minimise noise and light pollution; and Structure Plan saved policy D2, and Local Plan saved policy B1 sets out six design principles, among them “(h) adverse impacts on the immediate and general environment and in terms of emissions and other impacts and any use of techniques or mechanisms to reduce those impacts”.

82. PPG24 states that new development involving potentially noisy activities should, if possible, be sited away from noise-sensitive land-uses. Where this is not possible, consideration should be given to mitigation or measures. The planning application is not supported by a noise assessment but the noise likely to be generated by the school is capable of being minimised by the design and layout of the development at the reserved matter stage. Conditions can also be imposed to control the hours when and where community uses of the development can take place outside normal school hours at the reserved matter stage.

83. The Environmental Health Officer (East Staffordshire Borough Council) advised in his response that the layout of the proposed school should be designed to minimise the proximity of playgrounds to residential housing on Rolleston Road, Harehedge Lane and Tutbury Road; the proximity of sports fields, which are likely to be used in the evenings and at weekends, to residential properties; noise from mechanical/electrical fixed plant installations associated with the school. A condition is recommended that the detailed design and layout required as a reserved matter also demonstrates that noise impacts have been minimised.

84. On construction noise, PPG24 acknowledges that the construction and improvement of essential infrastructure will generate noise although such development should not cause an unacceptable degree of disturbance. A planning condition is recommended to require the submission of a Construction Environmental Management Plan which would include the measures to minimise noise during the construction phase.

85. The visual amenity of a number of residents along Tutbury Road and Rolleston Road would be affected by the proposed development as they currently enjoy open views
across farmland. The opportunity to set the position of the school back from the Tutbury Road frontage does help to minimise the impact from the local residents along that frontage and there is sufficient land to accommodate landscaping to minimise the visual impact from both frontages. Landscaping details are recommended as another reserved matter. A good quality design, use of appropriate materials that are in keeping with the area and control of lighting would also help to ensure that the development is compatible with the surrounding area.

86. **Conclusion**: It is reasonable to conclude, having regard to the policies, material considerations, consultation responses and representations referred to above that, subject to conditions recommended below, the proposals would not give rise to any unacceptable impact on residential amenity.

**Other matters raised in the representations**

**Design principles**

87. The relevant sustainable design principles are set out in the Regional Strategy policies QE3B(iii) and EN2 and Structure Plan policies D1, D7 and MW5(e), policy BE 1 of East Staffordshire Local Plan and Supplementary Planning Document – East Staffordshire Design Guide together with PPS1 ‘Delivering Sustainable Development’ and supplement on ‘climate change’. The policies and guidance seek to ensure high quality design in line with the government’s sustainability objectives. In this case the design and character of the development is subject to matters such as appearance, layout, scale and landscaping being reserved for later approval so that the location and environmental acceptability of the school building can be established through the planning process.

88. The current application is supported by illustrative details of a building setting out the scale parameters. These indicate that the proposed building would be about up to 10.5m in height, up to 60m in length and up to 21m in depth.

89. East Staffordshire Borough Council has commented that the building appears to be large/bulky and very modern and does no appear to relate to the form and detailing of other buildings in the surrounding context. It has been suggested that the design of the proposed school should ensure that it would be sympathetic to this rural location and assimilate into the surroundings. Additionally, the Borough Council has expressed reservations in terms of the proposed scale/height of the building and requested a condition to be imposed on the planning permission, if granted that the scale/height of the building to be submitted at the reserved matters stage notwithstanding the scale parameters provided at the outline stage.

90. The applicant has stated in their response that the proposed new primary school would be a high quality inclusive design in terms of the layout of the site and individual buildings. The applicant goes on to note that the opportunity would be taken to use the changes in level across the site to locate and shape the principle elements in order to deliver a high quality design taking into account the character and quality of the area. It is also stated that the County Council has a commitment to investing in sustainable design and the incorporation of features within the current proposals would be investigated and confirmed as the project develops into the detailed design stage.
Proposals would also be designed in full compliance with the Building Regulation, especially Part L2 with respect to national carbon emission reduction targets.

91. It should be noted that the design and layout of the proposals would be driven by the topography of the site, settlement boundary, access point and proximity to residential properties. The land levels have not been submitted as part of the application, but from the general observation it is possible to assume that the proposed building would be at much lower grounds than other developments on Tutbury Road by approximately 1.5m. Having said that, even if the proposed building were measured considerably less in height than 10.5m, it would still appear prominent by way of its height and massing within the streetscene in this particular location. Setting the development away from Tutbury Road and introducing good quality landscaping and the boundary treatment, thereby softening elevated views of the buildings, should be sufficient to mitigate any adverse impact on the streetscene. On these grounds, it is considered that the condition suggested by the Borough Council’s planning officer in relation to the scale/height of the school is not necessary and would not overcome concerns raised, though it is accepted that the actual design of the school should include features and materials distinctive to the local area which can be addressed at the reserved matter stage.

92. In order to ensure that the proposals are sympathetic to the local settings, the applicant is encouraged to take into consideration essential traditional characteristics of the locality. As indicated in the East Staffordshire Design SPD, “new development will need to reflect these traditional characteristics as appropriate to particular sites. It will be essential that new buildings respond sensitively to local materials, colours and details”. Some of the materials used in the local area are red-orange brick (such as Keuper Marl Clay) using Flemish, English or Common bonding. If the building is proposed to be of contemporary design, this will need to be of a high quality and appropriate to the context of its setting, paying particular attention to the features such as building lines, roof, windows and doors. A condition is recommended to ensure that the design and materials of the school do take into account those distinctive characteristics of the locality. Additionally, in order to encourage high quality development, a condition is also recommended to ensure that the proposed school is designed to meet BREEAM rating (or equivalent) of ‘excellent’ rating.

93. Conclusion: It is reasonable to conclude, having regard to the policies, material considerations, consultation responses and representations referred to above that, subject to conditions recommended below, the proposals are acceptable in terms of outline design.

Ecology and Landscaping

94. PPS9 (Biodiversity & Geological Conservation) seeks to prevent harm to biodiversity interests. The applicant has submitted a satisfactory ecological report. Appropriate planning conditions are recommended requesting the submission of a survey of mature trees for bats should any of these be affected. A condition is also recommended to secure biodiversity enhancements as part of the landscaping and SUDS schemes.

95. The relevant landscape policies are QE1, QE3 and QE4 of the West Midlands RSS; D2 (a) and (b), D3 (e), NC1 and NC2 (Protection of the Countryside: General
Considerations) of the Structure Plan, BE2 (National Forest: Built Development) of East Staffordshire Local Plan. Structure Plan policy NC2 states that development should be informed by and be sympathetic to landscape character and quality and will be assessed having regard to the extent to which they would cause unacceptable visual harm, introduce incongruous landscape elements, cause disturbance or loss of landscape elements that contribute to local distinctiveness, historic elements which contribute to landscape character and quality, visual contribution of landscape elements and tranquillity.

96. Local residents have suggested that the site is in the National Forest area and that heavy tree planting should take place. The site is in fact outside of the National Forest area and the boundary lies to the west of Tutbury Road. Local residents are also concerned about the potential loss of trees and hedgerows.

97. The Design and Access Statement acknowledges that the development should be informed by, and sympathetic to landscape character and quality, and should contribute to landscape enhancement. Staffordshire County Council's Environment and Countryside Unit have raised no concerns in relation to the proposals and have welcomed proposals for a comprehensive scheme of landscape enhancement.

98. Conclusion: It is reasonable to conclude, having regard to the policies, material considerations, consultation responses and representations referred to above that, subject to conditions recommended below, the proposals would not give rise to an unacceptable impact in terms of biodiversity or the landscape.

The risk of flooding

99. A number of local residents have expressed concerns about the risk of flooding and excessive surface water discharge into Bitham Lane Brook. Following an objection by the Environment Agency (EA) to the initial Flood Risk Assessment (FRA), the applicant submitted a revised FRA which has satisfied the EA's concerns and they have withdrawn their objection. It is recommended that a planning condition be imposed to require Sustainable Urban Drainages System (SUDS) to be approved.

The proposed residential development for 350 houses

100. Local residents have criticised the applicant for removing proposals for 350 houses and only applying for planning permission for the school at this stage. Any proposals for housing would be a matter for East Staffordshire Borough Council to determine. The County Council is the determining authority for the school proposals only and must treat the application on its own merits.

Overall conclusion

101. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to the application documents, the supporting information, the consultation responses, the representations and the other material considerations referred to above, it is reasonable to conclude that outline planning permission should be granted, subject to conditions.
DIRECTOR OF PLACE AND DEPUTY CHIEF EXECUTIVE’S RECOMMENDATION

For the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, PERMIT the proposed development subject to conditions (to include those listed below).

General requirements

1. A requirement to submit all “reserved matters” (Layout, Scale, Appearance, Access and Landscaping) for the approval of the County Planning Authority before any development is commenced. Thereafter the development to be carried out as approved.

2. The submission of the reserved matters within three years.

3. The development to commence within two years of the approval of the last reserved matter to be approved.

4. A requirement that a noise assessment be carried out and that the detailed design and layout mitigates any unacceptable adverse noise impacts.

5. Conformity with submitted plans and supporting documents

6. Details of topographical survey across the full extent of all ground surfacing to be permanently altered.

7. Details of siting, location, design of all external lighting, flood lighting and security lights.

8. To achieve a BREEAM rating (or equivalent) of ‘excellent’

9. A requirement that the materials and design of the school take into account materials and features used in the local area and are compatible with the setting.

10. Details of the school operational hours and community use hours (if applicable).

11. Details of siting, positioning and design of the CCTV system.

Access, Travel Plan and off-site highway improvements

12. Details of the on-site pupil drop off and collection arrangements.

13. Details of the car parking, cycle storage facilities, turning and servicing arrangements.

14. Details of the highway surfacing and drainage including the car parking areas.

15. A Revised Travel Plan to be submitted prior the development being brought into use and Periodic Monitoring Reports to be submitted on the 12 month
anniversary following approval and then for a further 5 years following first occupation.

16. Details of the new access off Tutbury Road incorporating a ghost right turn and incorporating such revisions arising from the Road Safety Audit, to be submitted prior to the commencement of the development and implemented before the development is brought into use / first occupied. The details to include school waiting restrictions, ‘keep clear’ road markings and proposals to reduce the speed limit to 30 mph in the vicinity of the school.

17. Details of the off-site improvements to the junction of Tutbury Road/Harehedge Lane/Beamhill Road, based on the larger of the two junction improvement schemes considered in the submitted sensitivity testing, to be submitted prior to the commencement of the development and implemented before the development is brought into use / first occupied.

**Sporting facilities**

18. The playing field to have the capacity to meet curricular needs and an additional area beyond that minimum if the pitch(es) are proposed for community use.

19. The playing pitches to be constructed in accordance with Natural Turf for Sport with appropriate drainage measures.

20. The games court to meet the minimum of 1,440m$^2$ and that the MUGA is constructed/laid out in accordance with the relevant technical guidance.

21. Any indoor sport provision to be designed in accordance with Sport England’s recommended design guidance.

22. A Community Use Agreement (if applicable) to secure the use of the sporting/recreational facilities for the local community and include details of pricing structure, the hours programmed for community use, details of community representation in the facilities management structure, and a mechanism for review.

**Surface water drainage and foul water disposal**

23. Surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

24. Details of plans for the disposal of foul sewage.

**Ecology and Landscaping**

25. Provision of the ecological mitigation measures including those described in the extended phase 1 habitat survey.

26. Survey of mature trees for bats to be submitted should any of these be affected.
27. Enhanced boundary and landscaping scheme
28. Details of a 5 year landscaping aftercare scheme.

Construction Environmental Management Plan (CEMP)
29. Site waste management plan
30. Tree protection measures.
31. Existing footpaths to be protected and appropriate signage erected as necessary
32. Details of all temporary contractors’ compounds and their means of enclosure, construction operatives’ car-parks and their means of enclosure, and of all stockpiles of excavated materials; including measures to prevent mud on surrounding highway from site vehicles to be provided and agreed to be provided and agreed.
33. Details of the construction hours.
34. Measures to control noise, dust, fumes, lighting and vibration during construction.
35 A construction traffic management plan
36 A communication plan

Informatives

Sport England have asked that consideration should be given to the size of the playing field, based on opportunities at this site to provide compensatory provision for other potential losses of playing fields in Burton-on-Trent.

Staffordshire Police Architectural Liaison Officer recommended that the Secured by Design Guidance for Schools is complied with.

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A list of background papers for this report is available on request and for public inspection at Staffordshire County Council's offices at No.1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).