PLANNING COMMITTEE – 4 OCTOBER 2012

COUNTY DEVELOPMENT – East Staffordshire Borough: ES.12/22

Date Received: 3 August 2012

The Cabinet, Staffordshire County Council application for proposed change of use and development of land to facilitate the construction of new access and highway improvement including the removal and replacement of existing hedgerow, new embankment, footway, verge, existing hedgerow, new embankment, footway, verge, low level post and wire fencing and widening of Tutbury Road, Burton-upon-Trent

Background

1. On 5 April 2012 the Planning Committee approved an application by the County Council for outline planning permission to develop a new primary school on land off Tutbury Road, Burton upon Trent. Outline planning permission was issued on 27 April 2012 (ref. ES.12/02). The purpose of an outline planning application is to establish whether or not a development is acceptable in principle.

2. The vehicular access to the site was proposed to be off the A511 Tutbury Road with the indicative access point shown opposite No 330 and 332. Additional off-site improvement to provide a ghost right turn, road marking and speed restriction were considered necessary. Condition 17 of the outline permission requires the submission of the access details as a reserved matter and a separate report has been prepared and is on the agenda for this Planning Committee to consider later.

3. The proposed change of use and development of the land from agricultural to adopted highway is directly linked to the outline planning permission for the school development (ES.12/02) which is situated immediately to the south of the application site.

Summary of Proposals

4. The applicant seeks planning permission for a change of use and development of land to facilitate the construction of new access and highway improvements including removal and replacement of an existing hedgerow, new embankment, footway, verge, low level post and wire fencing and widening of Tutbury Road on Land off Tutbury Road, Burton upon Trent.

5. In drawing up the detailed design on the school it was determined that the new access and highway improvements on Tutbury Road would take place closer to the northern boundary of the school site than originally envisaged. As a consequence a small amount of additional land is required to facilitate the provision of visibility splay for vehicles turning right out of the school.
6. The proposals include the following:

- Removal of the existing hedgerow
- Widening of Tutbury Road
- Construction of the new embankment, footway, verge and northern visibility splay
- Diversion of the existing utilities services
- Replacement of the hedgerow along the line of the visibility splays at the base of the new embankment in the adjoining agricultural land
- Installation of a 1.2m high timber post and rail fence to protect the hedgerow.

7. The application is supported by Phase 1 Habitat Survey dated October 2011.

**Site and Surroundings**

8. The land required to form the visibility splay consists of about 690 square metres of open farmland and hedgerow adjacent to Tutbury Road.

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

10. The 93-metre long frontage on Tutbury Road directly faces No. 338 Tutbury Road to No. 354 Tutbury Road.

11. The application site lies about 3 kilometres to the north of Burton centre and about 500m to the south of village of Rolleston on Dove.

**Relevant Planning History**

12. The land lies adjacent to the permitted school site (ref. ES.12/02 dated 27 April 2012)

**Relevant Development Plan Policy and Planning Guidance**

13. The Staffordshire and Stoke-on-Trent Structure Plan saved policies:

- D2 -The design and environmental quality of development
- D3 – Urban Regeneration
- D6 – Conserving Agricultural Land
- D8 – Providing Infrastructure Services, Facilities and/or Mitigating Measures Associated with Development
- T1A - Sustainable location
- T13 - Local Roads
- T18A - Transport and Development (with reference to School Travel Plans)
- NC1 - Protection of the countryside: general considerations
- NC2 - Landscape protection and restoration
- NC13 - Protection of trees, hedgerows and woodlands
14. The East Staffordshire Local Plan saved policies:

- BE1 – Design
- BE2 – National Forest Build Development
- NE1 – Development outside Development Boundary
- T1 - Transport: General Principles for New Development

15. Other material planning policy considerations include:

- Chief Planner Letter dated 15 August 2011 – Policy Statement on Planning for Schools Development
- Ministerial Statement - Planning for Growth – (March 2011)
- The National Planning Policy Framework (published on 27 March 2012)
- Structure Plan Supplementary Planning Guidance – Planning for Landscape Change
- The East Staffordshire Core Strategy is at Preferred Options stage and is currently out to consultation until 21 September 2012

Findings of Consultations

Internal

16. The Environmental Specialists – no objections. A condition has been recommended to specify that the hedgerow replacement planting species mix match the existing. The planting of three oak trees have also been recommended as an enhancement measure.

17. Transport Development Control – no objections.

External


19. National Forest – no objection but requested that the hedgerow be replaced with a species mix to match the existing.

20. Environmental Health Officer – no comments.

Views of District/Parish Councils


22. Rolleston upon Dove Parish Council – objects to the proposal on following grounds:

- As the application site is so linked to other applications for construction of a two form entry school on Tutbury Road that they should be considered after applications ES.12/02 D1, ES.12/23 and ES.12/24 because if they are refused there is no need for this application to be determined.
As the new school is a Catholic Primary school catering for children aged between 5 and 11 years Rolleston on Dove Parish Council believe that on a cold wet winter’s morning there could be 300 cars bringing children to school.

At school times, Tutbury Road is busy, with all the other schools in the same location, it will be impossible for cars to manoeuvre in and out of the Site, particularly, to turn right at the ghost island into the Site.

Rolleston on Dove Parish Council request that Staffordshire County Council reconsider its desire to build a new Catholic school on Tutbury Road.

Publicity and Representations Received

23. A site notice was posted adjacent the site on 15 August 2012.

24. One letter of objection has been received raising concerns about the principle of permitting the access to the school off Tutbury Road and that other access points should be considered.

Members’ Site Visit

25. Members visited the school site and the viewed the adjacent land 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

26. This is an application for planning permission for a change of use and development of land to facilitate the construction of new access and highway improvement including the removal and replacement of existing hedgerow, new embankment, footway, verge, existing hedgerow, new embankment, footway, verge, low level post and wire fencing and widening of Tutbury Road, Burton-upon-Trent

27. Having given careful consideration to the application, the supporting information, 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:

- Landscaping and Biodiversity
- Highway Safety

Landscaping and Biodiversity

28. Staffordshire and Stoke-on-Trent Structure Plan saved policies D2 (a) and (b), D3 (e), NC1 and NC2; East Staffordshire Local Plan saved policy BE2 and the National Planning Policy Framework part 11 “Conserving and Enhancing the Natural Environment”; all seek to ensure that development should be informed by and be
sympathetic to landscape character and minimise the impact on biodiversity. Structure Plan saved policy NC2 states that all proposals 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.

29. The proposals would result in the removal and replacement of about a 90 metre long hedgerow adjacent to Tutbury Road, opposite No. 338 Tutbury Road to No. 354 Tutbury Road.

30. Staffordshire County Council’s Environmental Specialists and the National Forest have recommended that the species mix used to plant the replacement hedgerow should be the same as the existing hedgerow. Three additional oak trees have also been recommended as an enhancement measure. The applicant has agreed to these recommendations. A condition is therefore recommended to secure the above.

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

Highway Safety

32. Staffordshire and Stoke-on-Trent Structure Plan saved policies T1A, T13 and T18A; East Staffordshire Local Plan policy T1; and the NPPF part 4 “Promoting sustainable transport”; all aim to secure the safe movement of people.

33. Rolleston on Dove Parish Council and the local objector have raised concerns in relation to the safety of the proposed access to the school off Tutbury Road; and have concerns about congestion at school drop off and collection times due to the close proximity of other schools in the area.

34. The land is required to provide the visibility splay for the access to the new school which received outline planning permission in April 2012. In approving the outline permission, the Planning Committee accepted the principle of the school and the access off Tutbury Road. As stated earlier the access reserved matter is the subject of a separate report on the agenda for this Planning Committee meeting. As far as this application is concerned Staffordshire County Council’s Transport Development Control Officer has raised no objections.

35. It is reasonable to conclude, having regard to the policies, material considerations, consultation responses and representations referred to above that the proposals would not give rise to any unacceptable impact in terms of highway safety.

Overall Conclusion

36. 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 the application for a change of use and development of land 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 change of use and development of land subject to conditions (to include those listed below).

General requirements

2. Development to commence within 3 years.

Landscaping and Biodiversity

3. Hedgerow replacement planting species mix to be similar to the existing and 3 oak trees to be planted. Full planting details together with the 5 year aftercare scheme to be submitted no later than 6 months from the date of the permission and the planting to be carried out no later than the first planting season (November – March) following the removal of the hedgerow.

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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).