

Agenda Item:	5.2
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Site:	JCB (Excavators) Ltd Lakeside Works Station Road Rocester
Proposal:	Formation of vehicle parking area with lighting columns along with associated works including a new pedestrian crossing on Old Denstone Lane and landscaping works.

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

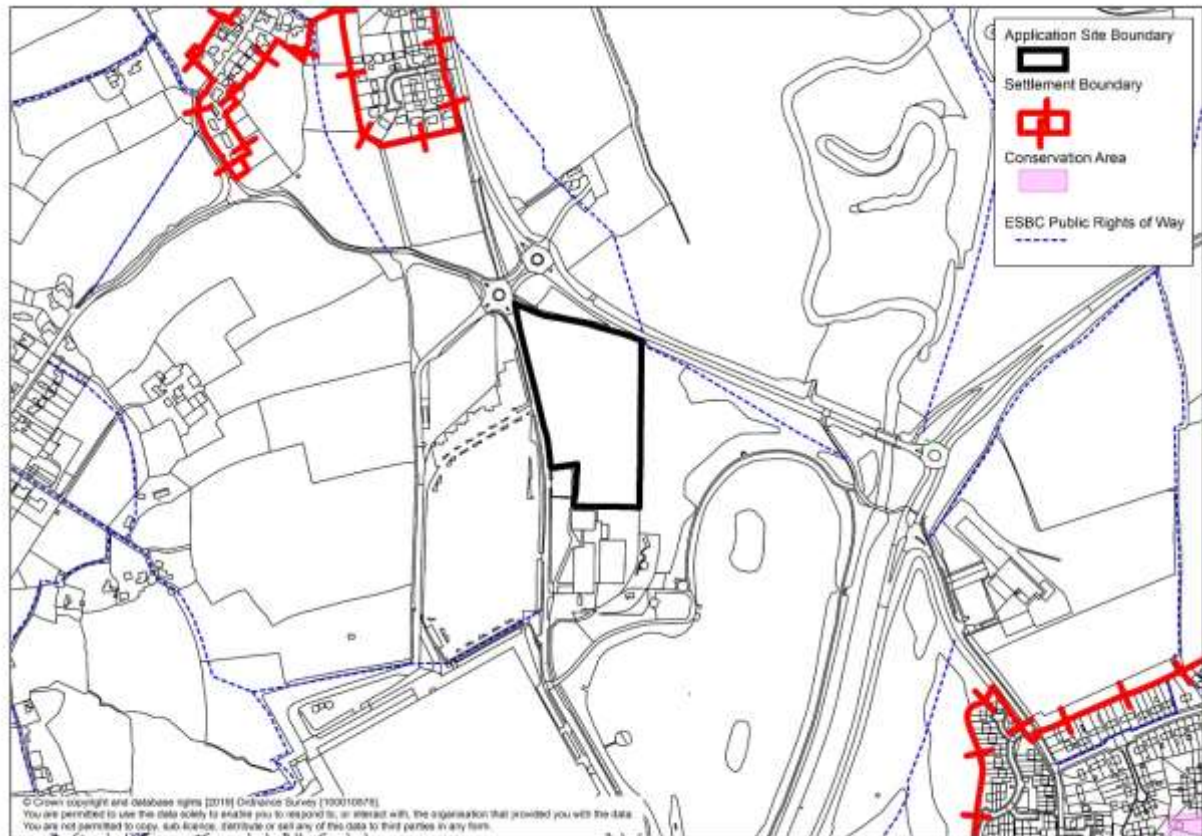
Application Numbers:	P/2018/00669
Planning Officer:	Alan Harvey
Type of Application:	Detailed Planning Application
Applicant:	JCB (Excavators) Ltd Lakeside Works Station Road Rocester
Ward:	Churnet
Ward Member:	Councillor Chris Smith
Date Registered:	27 June 2018
Date Expires:	24 August 2018. Extension of time agreed with applicants for the determination to 25 January 2019 to allow for additional/revised submissions and to report the matter to Planning Committee for determination.

1. Executive Summary

- 1.1 This report relates to a scheme for the formation of a new vehicle parking area on some 2.5 hectares of land to the north-east of the JCB (Excavators) Ltd Lakeside Works in Rocester which serves as the World Headquarters for JCB. The parking area is to be accessed off the mini-roundabout junctions on Denstone Lane (B5031) and will also be served by a new pedestrian crossing on Old Denstone Lane. Associated works include some hedgerow removal along with new hedgerow and tree/shrub planting.
- 1.2 Works in connection with the provision of the parking area have already in part been undertaken on the site. Accordingly, this application whilst being determined as a single scheme is for ease of reference in this report being referred to as being one of phased works (as set out in paragraph 4.2 below); with it now being a combination of the regularisation of the existing development and proposed works for which conditions of any approval need to respectively address.

- 1.3 The County Highway Authority has raised no objections to the scheme and other statutory consultees have not raised any objections which cannot be addressed by conditions/Section 106 (Unilateral Undertaking).
- 1.4 Rocester Parish Council raise no objections in principle subject to it being guaranteed that the scheme eliminates tailbacks on the B5030 and B5031; that it will have drainage systems that will not contribute to any flooding nor pollution of the local water environment; and that the scheme provide(s) for sustainable and alternative means of transport. Denstone Parish Council do not raise objections in principle but seek that it is ensured that JCB look at the size of the new car park as a commensurate approach to their overall reduction of single occupant cars and at the issue of the provision of electric charging points. Denstone Parish Council also question as to whether it would be better to introduce a cycle lane to the Lakeside Works from Uttoxeter.
- 1.5 A press notice was published and a site notice posted. One local resident has raised concerns about the urbanisation of this rural locality with the introduction of a large expanse of tarmac and high lighting columns and also questions as to whether the provision of such a large parking area for single occupancy cars is contrary to attempts to encourage alternative means of travel including the improvement of local bus services and cycle infrastructure.
- 1.6 It is considered that in principle the scheme would comply with adopted Local Plan Policies SP8 and SP15 in relation to development outside settlement limits as the development is necessary to serve an existing business. The application scheme is also not considered to be likely to adversely affect the amenities of occupiers of any dwellings, and would not detract sufficiently from the wider visual amenities of the locality given its context. The scheme will not have an adverse impact on the surrounding highway network nor give rise to any environmental concerns. The scheme would also provide necessary mitigation in relation to biodiversity impacts and would not have a harmful impact on the setting of any heritage assets.
- 1.7 **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.**

Map of the site



2. The site description

- 2.1 JCB (Excavators) Ltd Lakeside Works is located to the north of Station Road, Rocester and to the west of the B5030 (Uttoxeter to Ashbourne road) beyond the large landscaped lake. The main car parking areas are located to the north of the Lakeside Works and are accessed from the B5031 (Denstone Lane) via a double mini-roundabout junction. The now truncated Old Denstone Lane runs south from the westernmost roundabout and there is presently an application from JCB under the Highway Acts with the County Highway Authority to formally 'stop up' this section of highway.
- 2.2 The existing main parking areas provide a total of 1,824 No. car parking spaces and have been extended to the north-west in recent years (as set out in the Planning History in Section 3). Covered and secure motorcycle and cycle storage facilities are situated close to the northern side of the premises.
- 2.3 The application site of some 2.5 ha lies to the east of Old Denstone Lane - opposite the main car park - and until recently comprised the playing fields to the former Ryecroft School; with the school itself recently being converted to JCB's Global Learning Facility. A small parking area which served the school lies to the south-west corner of the application site.
- 2.4 The application site, which is relatively flat, has mature hedgerows to its northern, eastern and western boundaries interspersed with mature trees. There is a belt of woodland to the east separating the site from the lake fronting onto the B5030. A public footpath (Rocester No. 15) runs in the vicinity of the northern boundary of the application site.

2.5 The site is located within Flood Zone 1 and is situated outside settlement boundaries as defined in the adopted Local Plan.

3. Planning history

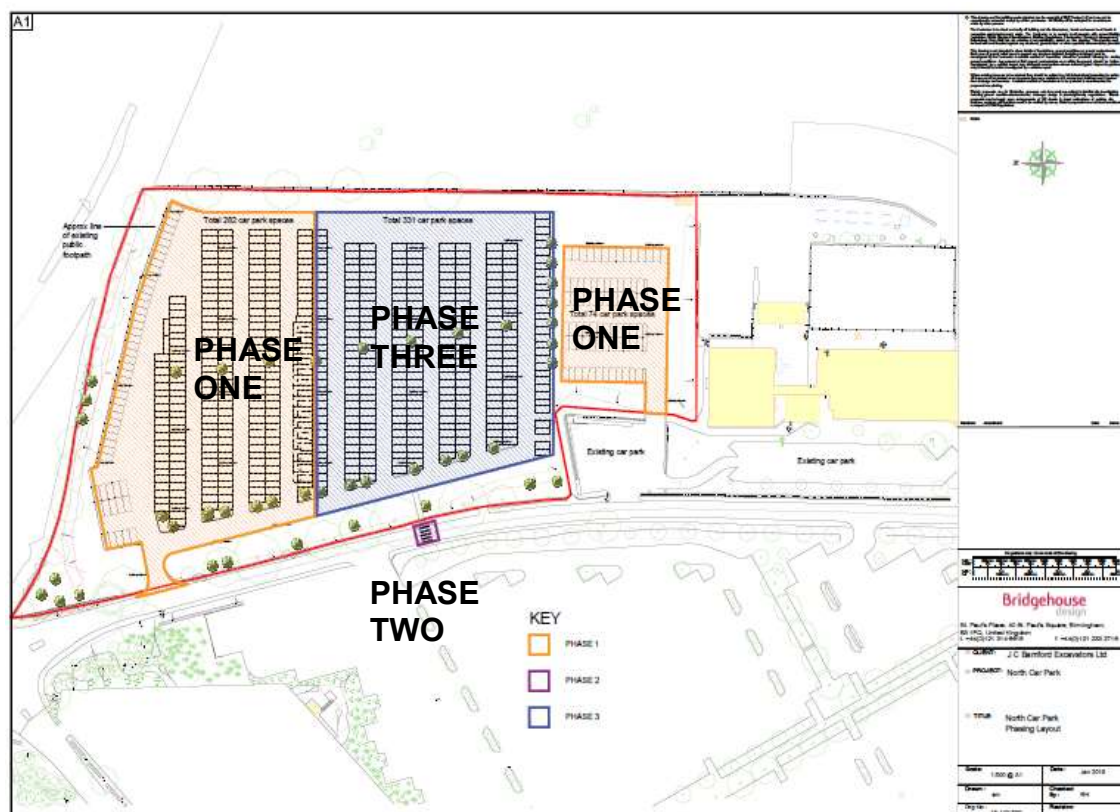
3.1 In May 2012 full planning permission (ref: P/2012/00196) was granted for the construction of a 272 No. space car park extension, with associated 8 metre high lighting columns. The scheme represented a north extension of the main car parking area and a condition of the permission tied the development into a travel plan. The works have been completed.

4. The proposal

4.1 This full application submission relates to the formation of a 687 No. space vehicle parking area with associated lighting and landscaping. The main parking area of 613 No. spaces is proposed to be served by an access off Old Denstone Lane some 50 metres to the south of the westernmost mini-roundabout. The smaller car park of 74 No. spaces has its vehicular access further to the south via the pre-existing parking area that formerly served the school. The parking area(s) will also be served by a new pedestrian crossing on Old Denstone Lane to provide connectivity to the existing main parking areas and the Lakeside Works.

4.2 Works have already been undertaken at the site and areas of the parking facilities are now in use; these being the parking facilities next to the Global Learning Centre and the northern section of the larger parking area. The application whilst being determined as a whole is for ease reference in this report, and in particular having regard to the attachment of conditions to any approval (see paragraph 15.7 below), referenced in terms of being progressed as Phases 1, 2 and 3. The Plan below shows these Phases.

Plan Showing Phasing of Proposed Works in relation to New Parking Area



- 4.3 The Phase 1 element comprises the small parking area (74 No. spaces) near the Global Learning Centre and the parking area works to the northern part of the site (282 No, spaces) that have already been undertaken without the benefit of planning permission. The larger parking area is presently served by a vehicular access off Old Denstone Lane that will be permanently closed upon the execution of the remaining element (313 No. spaces) of the large parking area (with this being Phase 3). Phase 2 will involve the provision of the pedestrian crossing on Old Denstone Lane which is timetabled to be in situ within 6 months (maximum) of any approval of this application and in any event will need to be completed prior to works commencing on the Phase 3 proposed car parking area.
- 4.4 The submissions show that 15 No. spaces are provided in the scheme in the northern parking area for persons with disabilities; with the spaces being on Phase 1. This brings the provision up to a total of 32 No. spaces across all the parking areas at the Lakeside Works. The applicant's agent advises that *“these (facilities) are sufficient to meet the operational requirements of the company and that investigations on the usage of the spaces have indicated that typically 20 of the 32 available disabled spaces are regularly vacant. Should a requirement to provide further spaces be forthcoming JCB are required by disability law to provide appropriate and acceptable parking provision.*
- 4.5 In connection with the application scheme 10 No. spaces would be allocated for electric vehicles as part of the wider car parking provision at the Lakeside Works and be provided with associated electrical charging infrastructure. With regard to the provision of parking spaces of varying sizes, the Phase 3 car parking area submissions show that 4 No. spaces on each row will be allocated as *‘flexible spaces not to be marked out formally to provide for oversized vehicle/van parking.’* The existing parking area to the front of the Global Learning Centre already provides space for oversized vehicles and vans to park.
- 4.6 No motorcycle or cycle parking is proposed as part of the scheme. The applicant's agent points out the existing covered motorcycle and cycle parking is more conveniently located next to the factory and whilst compared to current parking standards the existing provision is below standard the ongoing observations of the usage of the motorcycle and cycle parking areas have identified that there is still spare capacity.
- 4.7 In relation to the new lighting to serve the development the scheme proposes lighting units mounted on 8 metre high columns as per the existing approved parking areas at the site.
- 4.8 The landscaping scheme proposes additional tree and hedge/shrub planting to boundaries with tree planting also provided at the western end of the parking bays themselves and in a north-south direction running through the central area of the hardsurfaced area. The scheme would involve the removal of a section of hedgerow to the western boundary to form the new access off Old Denstone Lane and provide the associated visibility splays. A new compensatory hedgerow will be planted behind the visibility splays.
- 4.9 The applicants advise in their submissions that the need for the additional spaces is because *“the company is seeing an unprecedented growth in machine volumes and this has resulted in a requirement for an additional 600 employees, with further planned increases to support the company's growth*

plans. This (in turn) has had a knock on impact on parking facilities which reached capacity at the end of 2017 and is leading to delays on the B5031. The extension of the car park is central to the company's planned growth in machine volumes and continued support for the local economy.”

4.10 In terms of the issue of examining alternatives to single occupancy car journeys the applicants agent response is summarised as follows :-

- JCB currently offer and actively encourage a significant number of sustainable travel options with a lift share scheme and cycle to work scheme in place.
- The lift share scheme has 716 registered users within confirmed lift share teams. As the registered users are not forced to create a confirmed team, other lift sharing is occurring.
- The JCB lift share team are actively encouraging and developing the service; with the current take up rate 1 lift share registrant for every 11.16 employees. This has improved year on year and it is anticipated the number of registered lift share users to be around 750-790 by the end of 2018.
- Currently 9% of JCB staff are registered on the lift share scheme and the JCB team have a target to get 10% of staff on the scheme.
- For the *cycle to work* scheme JCB had 167 applicants in 2017 during a 2 week application window. A three week window was in operation for the scheme in 2018 and there were 125 applicants.
- The current take up of the *cycle to work* scheme is 2.5% of staff and the JCB team have a target take up of 3%.

4.11 The applicants agent thus believes that *“given the location of the site and that nearly all staff travel need to travel a reasonable distance to the factory the current levels of sustainable travel are good and the current targets are achievable.”*

4.12 The applicants agents advises further, however, it is acknowledged by the applicants that more can be done in terms of sustainable travel promotion and the following is proposed:

- *Active promotion of the lift share scheme*
- *Incentivise the liftshare scheme by implementing priority lift share member only bays*
- *Feedback survey of the lift share scheme to understand successes and failures and identify how to improve the service*
- *Launch, over a longer period, of the cycle to work scheme*
- *Refresh of the cycle parking area*
- *Surveys of actual usage of the cycle parking*
- *Extension of the cycle parking area if required*

4.13 The agents have therefore also confirmed that JCB are content to agree to a condition to be attached to any permission requiring the approval of a Travel Plan as an update of the 2012 Travel Plan and to enter into a Unilateral

Undertaking (under Section 106) to secure the payment of the necessary monitoring fee to provide for an annual review of the Plan by the County Council as the Highway Authority.

- 4.14 During the course of the application process the scheme was amended to provide for additional landscaping, including tree planting and shrub within the car parking areas and to the site boundaries. Also, and further to the initial comments of the County Highway Authority, the pedestrian crossing has been re-sited (southwards) and the highway access details amended to provide for the necessary visibility splays. An air quality survey was submitted upon the initial consultation response of the Council's Environmental Health section.
- 4.15 The application scheme also originally proposed a barrier access to the larger parking area but this has now been removed from the scheme.

List of supporting documentation

4.16 The following documents have been provided as part of the application:

- Application form
- Location Plan
- Proposed Site Layout Plans
- Vehicular Access Plan/Off site highway works plan
- Lighting details and Supplementary External Lighting Report
- Proposed Landscaping Plan
- Archaeological Assessment
- Planning Statement (along with supplementary submissions)
- Transport Statement with supplementary information
- Drainage and Flood Report
- Ecological Appraisal
- Air Quality Assessment

4.17 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses are set out below:

Statutory and non statutory consultee		Response
5.2	Rocester Parish Council	<p>Provided a detailed assessment of the application as part of its submission - which is attached as an Appendix to this report - whereupon the Parish Council in conclusion commented that it has <i>“no objections to the proposed car parking development, subject to it being guaranteed that the final proposed development will indeed;</i></p> <ul style="list-style-type: none"> • <i>eliminate tailbacks on the B5030 and B5031 and so improve highway safety;</i> • <i>have drainage systems that will not contribute to any flooding nor pollution of water courses and lakes; and</i> • <i>provide(s) for sustainable and alternative fuelled transport.”</i>

		(The relevant background material of the Parish Council in them coming to the above conclusion is addressed in the Assessment from Section 7 of this report onwards).
5.3	Denstone Parish Council	Comments that <i>“the Parish Council were not objection (sic) to the planning application however (they requested the) clerk to ask that JCB look at the size of the new car park and justify how does increasing the square footage fall in line with their overall reduction of single car drivers? Also, why doesn't the new car park have electric pumps and wouldn't it be better to introduce a cycle lane from Uttoxeter ?”</i>
5.4	Croxden Parish Council	No comments received
5.5	Uttoxeter Rural Parish Council	No comments received
5.6	SCC Highways	Raise no objections in principle and point out a monitoring fee would payable in relation to providing for an annual review of a necessary updated Travel Plan (with the required monitoring sum for a standard Travel Plan currently being £6,760)
5.7	SCC as Lead Local Flood Authority	No objections in principle
5.8	SCC Archaeology	Advise that there is the potential that the proposals would result in an adverse effect upon the archaeological interest of the site and therefore require that archaeological mitigation be required as a condition on any planning permission.
5.9	Architectural Liaison Officer	Has no objections to this application but makes recommendations in relation to security.
5.10	ESBC Environmental Protection	Commented initially that they require an air quality assessment. Further to the submission of the necessary documentation, Environmental Protection advise that assessment has satisfactorily demonstrated that the scheme would not give rise to significant air pollution concerns.

5.11 A press notice was published and a site notice posted in respect of the original submissions. One No. local resident made representations in relation to the original submissions which are summarised below.

Neighbour responses	
Principle of the development	<ul style="list-style-type: none"> In the last decade new car parking at this JCB site has more than doubled in capacity to some 2500 spaces. Whilst JCB's success is recognised the one dimensional strategy of simply encouraging more single occupancy car movements has to be questioned.

	<ul style="list-style-type: none"> • More should be done to encourage alternative approaches in terms of car sharing, the use of more carbon efficient mass transport (buses from local towns) and cycling. The proposed large increase in parking capacity discourages such approaches. Further in recent years there has been a reduction in local public transport capacity • It is pointed out that cycling along the B5030 from Uttoxeter to Rocester is now extremely hazardous with the increased traffic to the JCB site. Further there is no cycle “lane” on the Combridge Lane to Hollington Road section; a problem exacerbated in recent times by JCB’s closure of the permitted footpath alongside the south lake as part of the golf course annexing. • It is believed that the Borough Council should be doing much more to encourage the alternatives of car sharing, improved public transport and cycling and less to promote the extended use of single occupancy cars. As such it questioned whether such a significant increase in car parking capacity should be accepted until evidence of improvements in alternative transport is demonstrated as part of a holistic approach.
Impacts on Visual Amenity	<ul style="list-style-type: none"> • The scheme will be a vast 2.5 ha 700 No. car parking space of tarmac, totally unbroken by any vegetation which, is totally out of character with the greenery of the largely rural surrounding area. • It is suggested visual mitigation could be achieved by interspersing the site with the planting of trees and shrubs and additional screening around the perimeter, as was deemed necessary on the JCB main and Coppice car parks nearby. • It is urged that all modern directed lighting technology is used to minimise light pollution and that more low level posts are employed in favour of a few massive lighting towers.
Ward Member	No representations received.

6. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP14 The Rural Economy
- SP24 High Quality Design

- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Revised Car Parking Guide SPD

7. Assessment

7.1 It is considered that the key issues relevant to the determination of this application are as follows:-

- Principle of the Development
- Highway Safety Implications
- Impact on Residential Amenities
- Impact on Heritage Assets/Impacts on Visual Amenities
- Biodiversity Impacts/Impact on Protected Species
- Flood Risk and Drainage/Contaminated Land

8. Principle of Development

8.1 Paragraph 11 of the National Planning Policy Framework (in the updated version of July 2018) states that the starting point for determining planning applications is the Development Plan. Annex 1 of the NPPF goes on to state that ‘existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (July 2018). Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given’.

8.2 The site lies outside of any designated development boundary as set out in the adopted Local Plan. Policy SP1 sets out the East Staffordshire Approach to Sustainable Development and Policy SP8 relates to development on such sites outside of designated settlement boundaries and states:-

“Development outside settlement boundaries 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 in terms of type of operation, size and impact and supported by relevant justification for a rural location; or*
- *providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycle or by public transport; or*

- *in accordance with a ‘made’ (i.e. legally in force) Neighbourhood Plan; or*
- *development under the Rural Exception Sites policy (see Policy 18 on Exception Sites); or*
- *Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or*
- *infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or*
- *development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or*
- *provision for renewable energy generation, of a scale and design appropriate to its location.*
- *otherwise appropriate in the countryside.”*

8.3 Policy SP14 of the local plan relates to the ‘rural economy’ and states inter alia that “*permission will be given for new employment development outside strategic or local service villages and rural industrial estates if it meets the criteria of Strategic Policy 8, or there are exceptional reasons why it cannot be located in these villages or in established urban employment locations.*”

8.4 The application scheme is one for the provision of additional parking facilities to serve an existing business use, specifically in relation to providing facilities for the additional 600 No. workers that have been employed by JCB at the existing Lakeside Works site in recent times with JCB indicating that there are further planned increases to support the company's growth plans.

8.5 In terms of such levels of new parking provision, concerns have been expressed by Denstone Parish Council and a local resident that the approach of the applicants is one of simply encouraging more single occupancy car movements rather than seeking to reduce such demand by encouraging car sharing or providing improved bus services or cycle provision. Such sustainability issues were also recognised by officers of the Borough Council and the County Council - as the highway authority - and the application has therefore been interrogated with the applicants during the application process. In these respects the applicant’s agent has advised (as set out in detail in paragraphs 4.9 - 4.11 above) that JCB are offering and actively promoting a lift share scheme and cycle to work scheme as sustainable travel options as well as recognising there is scope to improve the situation (as per paragraph 4.12).

8.6 In the light of the applicant’s response the County Highway Authority have given the sustainability element of the scheme due consideration and as well as initially requiring by condition the provision of 10 No. electric vehicle charging points, the Highway Authority are recommending that a Travel Plan be put in place as was the case with the 2012 car park extension. This Travel Plan - as an update of the 2012 - shall be used to monitor the success of the car sharing scheme/cycle to work scheme in terms of the use of motorcycle, cycle and disabled parking facilities and (in this case for the first time) the use of electric vehicle charging points, so as to provide for additional facilities where the demand is shown to be necessary in the future.

- 8.7 It is further considered that it would be appropriate given the scale of the development scheme, and the fact that some of the facilities being reviewed over time for their adequacy (or otherwise), and thus for potential future enhancement are on other areas of the JCB Lakeside Works site that the updated Travel Plan should be subject to annual monitoring by the County Highway Authority for which a fee would be payable. This would necessarily have to be secured by way of a Unilateral Undertaking as has been agreed by the applicants.
- 8.8 As such it is concluded that the proposed parking area scheme would in principle comply with adopted Local Plan Policies SP8 and SP14 and the economic and social arms of sustainability as defined by the NPPF.
- 8.9 The scheme's compliance with the environmental arm of sustainability, along with detailed highway safety implications, will be considered within the relevant sections of the report below having regard to the relevant planning policies.

9. Highway Safety Implications

- 9.1 The NPPF in section 9 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes and to ensure safe and suitable access to the site to be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.2 Strategic Policy 35 Accessibility and Sustainable Transport of the East Staffordshire Local Plan states that new development must ensure appropriate infrastructure is provided to mitigate the adverse effects of development traffic and other environmental and safety impacts.
- 9.3 The Council's parking standards SPD - recently revised - sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 9.4 Rocester Parish Council expressed concerns as to whether the scheme would eliminate tailbacks on the B5030 and B5031 and so improve highway safety. The County Highway Authority, however, raise no objection in principle to the scheme. The Highway Authority specifically comment that it is not anticipated that the scheme would have a serious impact on the highway network as most of the vehicles to be accommodated are already parking within the overall site area and the relocation of cars currently parking within the HGV waiting area should reduce the existing issue of HGVs queuing on the approaches to the site.
- 9.5 In relation to the updated Council's Parking Standards SPD, as set out in paragraph 8.6 above the scheme provides for 10 No. electric vehicle charging points across the car parking areas at the Lakeside Works and these will be necessary secured and be required to be retained by condition (as well their use being reviewed under the Travel Plan). This would similarly be the case in relation to provision of the spaces of varying sizes on the Phase 3 element of the scheme as part of the overall delineation of spaces.

- 9.6 In terms of the level of parking for persons with disabilities, the provision of 15 No. spaces would be below the 5% provision level for new developments set out in the Council's revised Parking Standards SPD. This brings the provision up to a total of 32 No. spaces across all the parking areas at the Lakeside Works (and as such there is not therefore a cumulative 5% provision across the whole site). It is nevertheless noted that the applicant's agent advises that typically 20 No. of the 32 No available disabled spaces are regularly vacant and that whilst the application scheme also does not represent a new build scheme there is any event a requirement to provide further spaces by '*disability law*' to provide appropriate and acceptable parking provision where there is demand. In these circumstances, it is considered that the proposals are acceptable in this instance.
- 9.7 The access and turning facilities to serve the parking area will be necessarily secured by condition in line with recommendations of the Highway Authority. A condition will also be put in place on any approval to require that any future proposal for the provision of an entrance barrier would have to be subject to a further separate application for planning permission. The barrier originally proposed as part of this scheme has been omitted to address potential concerns about vehicles backing up on the surrounding public highway network whilst waiting to access to the parking area.
- 9.8 In relation to the issue of cycling infrastructure, it is noted that the local resident and Denstone Parish Council suggest that consideration be given to the introduction of a cycle lane from Uttoxeter/a cycle lane on the Combridge Lane to Hollington Road section of the B5030 (Uttoxeter Road to Ashbourne road). Such provision - as off-site works - would necessarily have to be secured under a Section 106 Agreement whereby the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) sets tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 9.9 In this case, neither the County Council - as the highway authority - nor officers of the Local Planning Authority consider that the scale or nature of the development as one serving the existing premises would meet these tests in full and therefore any such cycle lane provision would not be justified. Similarly, it is not considered reasonable having regard to the criteria set out in paragraph 9.8 to request that the applicants provide funding for the provision of additional local bus services.
- 9.10 With regard to the issue of on-site cycling and motorcycling parking, there are no additional facilities being proposed as part of the current scheme given that there are existing facilities provided close(r) to the factory buildings which have existing capacity. In this respect given that in security terms the existing facilities are better located than the new parking area and that any continuing available capacity (or otherwise) of those facilities will be monitored annually under the Travel Plan it is accepted that there would not be any justification for requiring additional cycling/motorcycling facilities at this stage in relation to the operation of the existing factory.

- 9.11 As such the scheme as now submitted is considered to be compliant with the aims of the Local Plan Policies SP1 and SP35 and the Council's revised Parking Standards SPD
- 9.12 With regard to the public footpath that runs in the vicinity of the northern boundary of the site, in line with recommendations of the County Highway Authority an informative to the applicant will be attached to any decision notice to advise that *“the County Councils Definitive Map of Public Rights of Way shows Rocester 15 (footpath) in the vicinity of the (the development on the) site and the attention of the applicant shall be drawn to the fact that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.”* It also considered that a further informative should be added to remind the applicants of the need not to obstruct the right of way during any construction works.

10. Impact on Residential Amenities

- 10.1 Paragraph 127 of the National Planning Policy Framework seeks to ensure new development will not have an adverse impact on the amenities of the occupiers of nearby residential properties. Policy SP1 of the adopted Local Plan indicates that amongst other things that proposals should be designed to protect the amenity of the occupiers of residential properties. Policy DP7 of the adopted Local Plan *inter alia* requires new development not to give rise to unacceptable levels of noise and other pollution (including light pollution).
- 10.2 With regard to the proposed development itself, in terms of its physical impact given that the car parking and its associated lighting is more than 100 metres from any property/dwelling would mean that there would be no overbearing, overshadowing or overlooking impacts arising.
- 10.3 In relation to potential noise and disturbance issues, it is considered that the degree of physical separation distance from any property/dwelling will also ensure the use of the scheme would not have any significant detrimental impact on residential amenities. The physical separation will also mean that the lighting scheme as proposed would not give rise to light pollution issues that would impact on residents.
- 10.4 With regard to air pollution impacts, the Borough Councils Environment Health section comment that further to the submission of the necessary assessment documentation that it has been satisfactorily demonstrated that the scheme would not give rise to significant air pollution concerns.
- 10.5 Accordingly, it is considered that the scheme would be compliant with the relevant local and national planning policies in terms of impacts on residential amenities.

11. Impact on Heritage Assets/Impacts on Visual Amenities

- 11.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for

improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development. Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. The Local Plan policies are supplemented by the East Staffordshire Design Guide.

- 11.2 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 11.3 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 11.4 With regard to the Section 72 duty referred to above, case law (Barnwell Manor Wind Energy Ltd) has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 11.5 The Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 11.6 Policy DP5 of the Local Plan states that development which protects the character and setting of listed buildings and conservation areas will be permitted. Strategic Policy 25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.

- 11.7 In relation to below ground archaeological impacts, the County Archaeologist advises that there is the potential that the scheme would result in an adverse effect upon the archaeological interest of the site and therefore require that archaeological mitigation be required. This will necessarily be secured as a condition on any planning permission, although it is recognised that the works already undertaken at the site will mean there will not be an opportunity to undertake a full assessment (and that potentially there has been disturbance of areas of archaeological interest).
- 11.8 The development scheme does not involve the alteration or demolition of a Listed Building. The nearest Listed Buildings are the Grade II listed Methodist Church, in Stubwood and Grade II listed Churnet Bridge and Mill in Rocester (some 0.6km distant to the south-west and south-east respectively) whereas the Grade II listed All Saints Church Hall and School lie some 680 metres to the north and the Grade II listed Barrowhill Hall (Nursing Home) is situated some 715 metres to the north-east. Given that there is no inter-visibility between the listed buildings concerned and the proposed development due to intervening natural and built features leads officers to conclude that Section 72 is not engaged in this instance and the proposals do not compromise Local Plan Policies SP25 and DP5.
- 11.9 The scheme is not within a conservation area; with the nearest such designation being that of the Rocester Conservation Area some 0.5 km away. The built development proposals would have no impact on the conservation area due to the separation distances between it and the development proposal. Given these separation distances and the form of existing built development and natural features, it is considered that the proposal would not have an impact on views into, or those out of the conservation area. Accordingly, the statutory duty under Section 66(1) is not engaged in this regard.
- 11.10 With regard to the impact on the wider environs, it is noted that concerns are raised that the lighting system proposed to serve the car parking area would be visually intrusive in this rural location. The lighting and associated columns would, however, be seen in the context of the existing lighting columns on the existing parking areas to the factory premises and given that they would be viewed in these environs, it is considered their design, scale and materials of construction (and external finishes) would not be sufficiently detrimental to the surrounding countryside to warrant a refusal of planning permission. The proposed landscaping, along with existing retained hedgerows and trees will provide sufficient screening to the proposed car parking area. Further the planting of trees/shrubs within the car parking area itself will visually soften what would otherwise be an unrelieved expanse of tarmac.
- 11.11 The scheme would therefore be in line with Policies SP24 and DP1 of the Local Plan.

12. Biodiversity Impacts/Impact on Protected Species

- 12.1 Paragraph 175 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

- 12.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making
- 12.3 Strategic Policy 29 lists criteria including development needing to retain features of biological interest to produce a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 12.4 The scheme will result in the loss of the grassed area on the site to accommodate the new parking provision, although the land itself is of no significant habitat value. Sections of hedgerow would also be removed to provide for vehicular and pedestrian access into the site, including the provision of visibility splays. The scheme would, however, provide for new compensatory landscape planting comprising of new hedgerow planting behind the visibility splay lines along with the new tree planting to the site boundaries and within the car parking area itself.
- 12.5 The scheme would also not give rise to any biodiversity concerns as it would not impact on any protected species. The proposed lighting scheme is unlikely to impact on bat habitats as there is no evidence of any existing bat roosting or foraging activity in the locality. Conditions of any approval would require that any hedgerow removal works are undertaken outside the nesting season and tree/hedgerows are protected during the construction phase.
- 12.6 It is therefore concluded that the issue of the impacts on protected species and biodiversity of the scheme have been appropriately addressed.

13. Flood Risk and Drainage/Contaminated Land

- 13.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 13.3 The application site is situated in Flood Zone 1 and as such is unlikely to give rise to any flooding concerns providing the flooding alleviation measures are put in place as part of the development in accordance with the requirements of the Local Lead Flood Authority. These will be secured by conditions, which will also necessarily require the provision of petrol interceptors to mitigate any water pollution concerns.

13.4 The Borough Council's Environmental Protection section do not raise any contaminated land concerns in relation to the development proposals.

14. Section 106 Contributions

14.1 Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

14.2 As set out in this report (at paragraph 8.7) it considered that it would be commensurate given the scale and nature of the development scheme, and the fact that some of the facilities being reviewed over time for their adequacy (or otherwise), and thus for potential future enhancement are on other areas of the JCB Lakeside Works site that the necessary updated (2012) Travel Plan should be subject to annual monitoring by the County Highway Authority for which a fee would be payable. This would necessarily have to be secured by way of a Unilateral Undertaking as has been agreed by the applicants.

15. Conclusions

15.1 This parking provision scheme is considered to be acceptable in principle in planning policy terms as is essential to serve an existing business and the submitted details demonstrate that the development will fit visually acceptably into the locality in the context of the established parking areas serving the JCB Lakeside Works.

15.2 The separation distances between the application scheme and nearest dwellings are such that the development would not have any significant physical impact on the residential amenities of any existing properties. It is also considered that the scheme would not give rise to significant levels of noise and disturbance in the relation to the use of the parking facilities. There will be no significant light or air pollution impacts on residential amenities.

15.3 The County Highway Authority has confirmed that there are no issues in relation to highway safety and other statutory consultees have not raised any issues that cannot be successfully addressed by conditions. It is also considered that the mitigation of all ecological and biodiversity impacts been successfully addressed and that archaeological mitigation in relation to proposed works can be addressed by condition.

15.4 The proposed development is not within a conservation area and given the separation distances (at least 0.5km) it is not considered that the proposal would have an impact on views into, or those out of, the nearest conservation area. The proposed development would not impact on the setting of any Listed Building. The statutory duties under Section 66 (1) and 72 are therefore not engaged in this instance.

15.5 The scheme is therefore considered to be in line with the aims of the policies of the adopted Local Plan and the National Planning Policy Framework.

15.6 Accordingly, having regard to the above planning issues it is recommended that the application should be approved subject to conditions and a Section 106 Unilateral Obligation to provide for a monitoring fee to be paid to facilitate an annual review of the Traffic Plan by the Highway Authority in line with the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended).

15.7 Insofar as the conditions themselves are concerned these are appropriately worded to reflect the need to put in place immediate mitigation for the regularisation of the unauthorised development on Phase 1 (in terms of surface water drainage and landscaping) as well as putting in place the requirement for precise details of proposed works ahead of the implementation of firstly, the pedestrian crossing within approximately six months (as Phase 2); and then finally, the remaining vehicle parking area (as Phase 3). A condition also provides the development to be implemented in accordance with an overall agreed phasing programme.

15.8 That **PLANNING PERMISSION BE APPROVED**, subject to a Section 106 Unilateral Undertaking (to provide for a monitoring fee for the undertaking of an annual review of the Travel Plan by the Highway Authority) and the following conditions:

Condition 1 - Approved drawing Nos. (00002)

Condition 2 - The scheme shall be implemented in accordance with an agreed phasing plan and the conditions of this approval (bespoke)

Condition 3 - Within 56 days of the date of this permission details of a surface water drainage scheme for Phase 1 to be submitted to the LPA to provide for the improvement of the existing surface water disposal/watercourse/drainage system and to ensure access to/improvement/protection and maintenance of existing flood defences/proposed surface water system (including the provision of petrol interceptors). The approved scheme shall be completed within 3 months of its approval (bespoke)

Condition 4 - Within 56 days of the date of this permission details of the new pedestrian crossing to be provided on Old Denstone Lane (as Phase 2) are to be submitted to the LPA. The new pedestrian crossing shall be provided within 3 months of the date of its approval and in any event prior to the commencement of any works on Phase 3 (bespoke)

Condition 5 - Within 56 days of the date of this permission an update of the previously agreed Travel Plan from 2012 (under planning permission ref: P/2012/00196) shall be submitted including a timetable, methodology and implementation scheme to promote travel by sustainable modes. The submission is to be subject to consultation with the County Council as the Highway Authority (bespoke).

Condition 6 - Within 56 days of the date of this permission submission of details to the LPA, including timetable for implementation, for the provision of 10 No. electric vehicle charging points on either the parking area(s) hereby approved or other existing parking areas serving JCB Lakeside Works and their retention thereafter (bespoke)

Condition 7 - Details of a Written Scheme of Archaeological investigation for implementation to be agreed by the LPA prior to the commencement of Phase 3 (bespoke).

Condition 8 - Prior to the commencement of Phase 3 details of a Construction Vehicle Management Plan to include arrangements for the parking of site operatives/storage of plant and materials used in constructing the development/construction and delivery hours/recorded daily inspections of the highway adjacent to the site access/measures to remove mud or debris carried onto the highway (bespoke)

Condition 9 - Prior to the commencement of Phase 3 details of a surface water drainage scheme to provide for the improvement of the existing surface water disposal/watercourse/drainage system and to ensure access to/improvement/protection and maintenance of existing flood defences/proposed surface water system (including the provision of petrol interceptors) (bespoke).

Condition 10 - Prior to the commencement of Phase 3 details, including timetable of works, for the permanent closure of any access made redundant as a consequence of the proposed development of Phase 3 (bespoke)

Condition 11 - Prior to the commencement of Phase 3 details of a scheme for the protection of all trees/hedgerows to be retained shall whilst construction works are being undertaken (bespoke)

Condition 12 - The new access to the parking area on Phase 3 shall be constructed with a gradient not exceeding 8% for the distance of the first 4.5m back from the rear of the highway boundary and all works in connection with the new site access shall be completed within the limits of the public highway prior to the first use of the parking area on Phase 3 (bespoke)

Condition 13 - Visibility splays to be provided before any approved access is first brought into use and thereafter maintained (bespoke)

Condition 14 - New parking area on Phase 3 to be completed and surfaced in a bound material with the individual parking bays (including those allocated for persons with disabilities) clearly delineated before being first brought into use and thereafter maintained (bespoke)

Condition 15 - No vehicle barriers shall be installed to the access/egress to the parking area(s) hereby approved unless planning permission has first been approved by the LPA (bespoke).

Condition 16 - Any soakaway to be provided to serve the development hereby approved should be located a minimum distance of 4.5m to the rear of the highway boundary (bespoke).

Condition 17 - Any approved tree/hedgerow removals works shall be undertaken outside the bird breeding/nesting season unless otherwise first agreed in writing by the LPA (bespoke)

Condition 18 - Approved landscaping works on Phase 1 to be implemented in the first planting season following the grant of this permission unless an alternative timetable is first agreed in writing by the LPA (bespoke)

Condition 19 - Approved landscaping works to be implemented in the first planting season following the completion of the development on Phase 3 (bespoke).

Condition 20 - No lighting other than that shown the approved scheme shall be erected at the site unless first agreed in writing by the Local Planning Authority (bespoke).

Informatives

1. Standard Engagement condition
2. Standard timing/cost of discharge of condition informative
3. Note on the requirement to apply to the County Highway Authority for a Highway Works Agreement for works on Old Denstone Lane unless the highway has been de-registered.
4. It is pointed out that the County Councils Definitive Map of Public Rights of Way shows Rocester 15 (footpath) in the vicinity of the development on the site. The attention of the applicant is drawn to the existence of this route and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.
5. It is pointed out that the County Councils Definitive Map of Public Rights of Way shows Rocester 15 (footpath) in the vicinity of the development on the site and the development, including construction and associated works, should not cause any obstruction to that right of way at any time.
6. With regard to condition 7 the applicant's attention is drawn to the comments of the County Archaeologists.
7. With regard to condition 15 the County Highway Authority advises that if entrance barriers are proposed to be installed to the parking area(s) as a separate application for planning permission in the future these would be expected to be set a minimum distance of 6 metres back from the highway boundary and to raise as vehicles approach with any checking process such as pass card recognition to be only provided at exit from the parking area(s).
8. With regard to condition 6 the County Highway Authority advise that the demand for electric vehicle charging points should be monitored as part of the Travel Plan and additional spaces to be made available as required.
9. Your attention is drawn to the attached comments of the Architectural Liaison Officer in relation to site security.

16. Background papers

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

- The Local and National Planning policies outlined above in Section 7
- Papers on the Planning Application file reference P/2018/00669
- Papers on the Planning Application file reference P/2012/00196

17. Human Rights Act 1998

17.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

18. Crime and Disorder Implications

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

19. Equalities Act 2010

19.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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APPENDIX: ROCESTER PARISH COUNCIL CONSULTATION**P/2018/00669 - PROPOSED NORTH CAR PARK FOR JCB EXCAVATORS.****A consultation response from Rocester Parish Council****1.0 The Proposed development**

- 1.1 The Parish Council is well aware that that JCB Excavators Limited wishes to expand its production and activities, particularly on the site of its World Headquarters at Rocester and recognises the consequent need for restoring its HGV facilities and providing additional employee car parking facilities.
- 1.2 It also welcomes proposals that, hopefully, will end the '*significant delays and tail-backs on the B5030 and B5031*' and '*avoid cars being parked on the highways and in Rocester village*' (Planning Statement paragraphs 2.2 and 3.2). However, it wonders if this will actually be achieved for the reasons given later.

2.0 Planning Policy context

- 2.1 The National Planning Policy Framework provisions for sustainable economic growth in rural areas are recognised. Consequently, it is hoped that the recruitment policies for the expansion of the JCB workforce targets the communities in the immediate vicinity of the World Headquarters, so providing truly sustainable development by limiting the need for individual motorised transport and meet ESBC's declared Strategic Policy 1: Approach to Sustainable Development.
- 2.2 Paragraph 6 of ESBC's Strategic Policy 8 - Development Outside Settlement Boundaries states that '*Development outside settlement boundaries will not be permitted unless...*'
- a. *it is essential to the support and viability of an existing lawful business;* (and)
 - d. *the proposed development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users*'.
- 2.3 Whilst JCB have generally taken great care in designing attractive and safe environments, the design as submitted may not altogether resolve the tailback issues for the reasons stated elsewhere in this response.

3.0 Proposed site layout

- 3.1 If the development aims to reduce tailbacks on the public highways, the effectiveness of a single, barrier-controlled entrance and egress for 624 cars is questioned, especially in the event of an emergency or blockage of the entrance. Also, no mention is made as to how the traffic barrier at the entrance barrier will be operated and at what times so the adopted regime could well affect the smooth flow of traffic.
- 3.2 If such a single access was moved closer to the existing small car park serving the Global Learning Centre, there would be less chance of tail backs and vehicle stacking on both roundabouts. The adoption of this suggestion could also limit obstruction for those vehicles wishing to enter the existing car parks whose access is indicated by the grey arrows on Bridgehouse Design drawing 18-112-005 Rev A.
- 3.3 To reduce the possibility of tailbacks onto the public highways further, a one-way circulation system would seem appropriate within the proposed employee car park. No such circulatory system is shown at present.
- 3.4 There are no footpaths proposed on what will be the desire line from the new car parks to the main factory so hedges may be broken through over time. Such a footpath for the disabled persons bays to avoid the necessity of such persons having to pass along the vehicular circulation route.
- 3.5 With cars generally becoming larger, it is sensible that most of the employee parking bays will be larger than the minimum standards stated in latest ESBC's Supplementary Planning Document. However, it is not understood why the sizes of the new parking bays serving the Global Training Centre should be smaller.

- 3.6 There are some significant omissions in the proposed development regarding sustainable transport. There seems to be a lack of provisions for motor cycles, bicycles and charging points for electric vehicles. Whilst these may be provided elsewhere within the total JCB site in Rocester, no mention of any intention to provide such is made in the planning submission.

4.0 Hard surfacing and drainage

- 4.1 The storm attenuation measures mentioned in paragraph 5.2 of the Flood Risk Assessment and SUDS Drainage Statement are welcome.
- 4.2 It is noted that soakaways will not be used because of the existing ground water conditions (paragraph 4.4). This is also advisable since the run-off from the hard surface parking areas is likely to be contaminated by diesel, petrol and oil from the standing vehicles. Whilst the necessity of petrol interceptors is recognised (paragraph 5.3), no further details are given.
- 4.3 Apart from stating principles, no drainage layout has been submitted with this application.

5.0 External Lighting

- 5.1 It would appear that the lighting proposals meet the requirements for bats as mentioned in the Ecological Appraisal and the design of the luminaires should limit light pollution.

6.0 Ecology

- 5.1 The Ecological Appraisal states the importance of some of the existing hedgerows and at least Hedgerow H1 should be preserved and improved where possible.
- 5.2 Paragraph 4.28 of the Appraisal states that '*All birds are protected whilst on the nest as well as their active nests, eggs and dependant young. Given the potential for nesting birds, any vegetation should therefore be removed outside of the bird breeding season (March to August/September)*'. Therefore, such parts of the development should not go ahead until October 2018.

7.0 Other matters

- 7.1 Paragraph 2.4 of the Planning Statement states that '*The site will be accessed from the existing factory access road (which is currently adopted, but in the process of being stopped up) and roundabouts onto the B5031*'.
- 7.2 Since there is no mention of this in the Application Form itself, it not considered to form part of this planning submission. The Parish Council hopes that the existing public footpath and rights of way will be retained and expects to be consulted formally in due course.

8.0 Conclusion

- 8.1 Subject to it being guaranteed that the final proposed development will indeed;
- a. eliminate tailbacks on the B5030 and B5031 and so improve highway safety;
 - b. have drainage systems that will not contribute to any flooding nor pollution of water courses and lakes; and
 - c. provide for sustainable and alternative fuelled transport,
- Rocester Parish Council has no objections to the proposed car parking development.