

| Local Members' Interest | |
|--------------------------------|-----------------|
| Mr. P.E. Atkins OBE | Uttoxeter Rural |
| Mr. D. Brookes | Uttoxeter Town |

PLANNING COMMITTEE – 4 October 2018

COUNTY DEVELOPMENT

East Staffordshire Borough: Application No. [ES.18/04](#)

Date Received: 11 June 2018

Further Details Received: 9 July 2018 - response to objections from Parish Council;
18 July 2018 - revised landscaping plan

The Cabinet, Staffordshire County Council: Application to vary (not comply with) conditions 1, 5, 11 and 13 of planning permission [ES.14/11](#) to delete A50(T) eastbound and westbound third lane widening works, and for ancillary works to A50(T) junction with A522 at Uttoxeter near to JCB World Parts Centre.

Background/Introduction

1. Planning permission was granted on 14 November 2014 for the construction of a new grade separated junction on the A50 (T), including associated link roads to the A522, demolition of an overbridge, and landscaping (known as Project A) (ref. [ES.14/11](#)) [hereafter referred to as the 'the A50 Scheme']. The construction of the new grade separated junction on the A50 commenced in February 2016 (ref. [ES.14/11 D3](#)).
2. The 'A50 Scheme' includes a number of elements which were detailed in the Environmental Statement accompanying the planning application and covered in the [Planning Committee report dated 6 November 2014](#).
3. Project A forms a part of an overall project referred to as the 'A50 Growth Corridor' which involves highway improvements to the A50 between Blythe Bridge and Doveridge Bypass. No proposals have been submitted for improvements to the A50(T) junction with the B5030 Ashbourne Road / A518 Derby Road (known as Project B). Highways England have appointed consultants to carry out a completely new Options Appraisal and Costing for Project B and currently there is no preferred design for Project B.

The Site and Surroundings

4. The A50 Trunk Road (A50(T)) is located to the north of the town of Uttoxeter within Staffordshire, and within the administrative area of East Staffordshire Borough Council (shown on Plan 1). The A50(T) is predominantly dual-carriageway and provides a strategic link between the East and West Midlands between the M6 motorway in Staffordshire (via the A500) and the M1 in Leicestershire, serving both strategic and local purposes.

5. The River Tean is approximately 75 metres from the site boundary, with further agricultural land beyond and the village of Stramshall being some 700 metres from the site boundary. To the north west of the site between the A50(T) and A522 is the JCB World Parts Centre and Heavy Products building. South of the A50(T) and west of the site is Parks Farm, along with the Parks Inn Restaurant and suburban residential properties including those along New Road, Tunncliffe Way and Davies Drive. Immediately to the east of the site on New Road are further residential properties and a petrol filling station (Shell).

Summary of Proposals

6. The 'A50 Scheme' included a third lane both westbound and eastbound linking to improvement works associated with Project B as part of the overall A50 Uttoxeter Growth Corridor Project.
7. This application relates to the amendments to the junction of the A50 with the A522 (the approved documents specified in *Condition 1*). It is proposed not to construct a lane of the slip road to the A522 on the westbound and on the eastbound carriageway (the areas shown in purple on Plan 2). This would reduce the scope of works over approximately 450 metres eastbound and 350 metres westbound.
8. In addition, the following consequential amendments to the 'A50 Scheme' have been submitted:
 - A revised surface Water Drainage Scheme (*Condition 5*). [A scheme was previously approved on 16 June 2016 (ref. [ES.14/11 D1](#))].
 - Revised street lighting details (*Condition 13*). The revised details including additional lighting columns adjacent to the Shell Petrol Station and along the slip road access.
 - Landscaping details (a Landscaping and Ecological Management Plan / "LEMP") (*Condition 11*).

Access to the Shell Petrol Station (Permitted development)

9. The 'A50 Scheme' removed the access to Shell Petrol Station from the A50 and the access would have been from the A522. Access from the A50 is now to be retained and upgraded to comply with the Design Manual for Roads and Bridges Standards. These works would be carried out as 'Permitted Development' in accordance with [Schedule 2, Part 9, Class B of the General Permitted Development Order 2015](#) ('*development by the Secretary of State ... under the Highways Act 1980*'). The applicant has confirmed that access from the A522 only would have resulted in operational issues associated with the HGV manoeuvring.

The Applicant's Case

10. The applicant has indicated that the original Growth Corridor design included future proofing for potential traffic growth and a third lane gain eastbound and westbound, to the east of Project A into planned Project B (east of Uttoxeter).
11. The applicant has confirmed that an Options Appraisal and Costing for Project B has

been undertaken on behalf of the Highways England and there is currently no preferred design for Project B, therefore, there are no definite plans to utilise the proposed third lanes.

12. The applicant contends that the proposal would reduce the likelihood of potentially abortive and/or unrequired work considering the unknown status of Project B.
13. The applicant submitted additional information to address concerns raised by Uttoxeter Rural Parish Council and Uttoxeter Town Parish Council (see Parish Council responses below):
 - a) The 'A50/B5030/A518 McDonalds' roundabout is outside of the scope of Project A;
 - b) There is currently no preferred design for Project B; therefore, there are no definite plans to utilise the original third lanes contained within Project A at this time;
 - c) If the third lanes were constructed, this would create a hard shoulder delineated by lining and road studs;
 - d) The independent Road Safety Audit submitted with the application has highlighted that motorists may mistakenly use this as a carriageway until a potential Project B scheme was underway;
 - e) There is no capacity gain in constructing the third lanes at this stage;
 - f) If the third lanes were constructed this could create safety issues and would be a maintenance liability;
 - g) Traffic flows have been modelled and developments such as Alton Towers, the St Modwen development, and new JCB factory taken into consideration; and,
 - h) The third lanes can still be constructed as part of a potential future Project B if still deemed necessary.

Relevant Planning History

14. The relevant planning history is as follows:
 - a) [ES.14/11](#) (dated 14 November 2014) - planning permission for the construction of a new grade separated junction on the A50 (T), including associated link roads to the A522, demolition of an overbridge, and landscaping. The new junction comprises two roundabouts and a connecting bridge over the A50(T). The southern roundabout at the junction linked back to the A522 New Road at Uttoxeter and linked with a new roundabout to the realigned and extended A522 New Road to serve housing and business developments. Slip roads and roundabout from the A50 westbound carriageway to the A522 (New Road) would be closed.

- b) [ES.14/11 D1](#) (approved 16 June 2016) - details in compliance with conditions 5 and 6 of planning permission ES.14/11 relating to drainage and contaminated land;
- c) [ES.14/11 D3](#) (approved 2 September 2016) - details in compliance with condition 2(a) and 3 b, c, h, i (part), k, m-o, s and t of planning permission ES.14/11 relating to Construction Environmental Management Plan;
- d) [ES.14/11 D4](#) (approved 2 September 2016) - details in compliance with conditions 3a, d, e, j, l, p, q, r and u of planning permission ES.14/11 relating to the environmental management of the site preparation and construction operations;
- e) [ES.14/11 D5](#) (approved 16 November 2016) - details in compliance with condition(s) 3f and 3g of planning permission ES.14/11 relating to Traffic Management Plan.
- f) [ES.16/04](#) (approved 6 April 2016) - Request to confirm that proposed accommodation works in connection with new grade separated junction on A50 (T) are Permitted Development.

Environmental Impact Assessment (EIA)

15. **Screening Opinion:** YES **Environmental Statement:** NO
(Screening Opinion ref. [SCE.248/ES.18/04](#) dated 26 July 2018).

Findings of Consultations

Internal

- 16. The County Council's Transport Development Control Team (on behalf of the Local Highway Authority for County roads) has no objection and have recommended an informative indicating a further safety audit should be undertaken for the amended access into the Shell Petrol Filling Station.
- 17. The County Council's Environment Advice Team has no concerns following the submission of revisions to the LEMP.
- 18. The County Council's Flood Risk Management Team has no concerns.
- 19. The County Council's Noise Engineer has commented that the change in noise from removing traffic from the third land would be negligible.

External

- 20. Highways England has no objection and has confirmed that the scheme has been agreed in collaboration with the County Council.
- 21. Natural England has no comments.
- 22. English Heritage made no comments.

23. The Canal and River Trust made no comments.
24. The Environment Agency has– no objection.
25. Ramblers Association – no response.
26. Severn Trent Water Ltd – no response.
27. National Grid – no response.
28. East Staffordshire Borough Council (Environmental Health) – no response.

District/Parish Council

29. East Staffordshire Borough Council no comments
30. Uttoxeter Rural Parish Council objected for the following reasons:
 - the third lanes and the alterations to the McDonalds Roundabout should go ahead (Project B);
 - this section of the road alteration is vital due to the volume of traffic from JCB and Alton Towers;
 - when traffic becomes slow on the approach to the McDonalds roundabout, drivers use the lanes of the Parish as a cut through, which greatly affects the residents and narrow lanes, and;
 - the new JCB factory would greatly exaggerate this problem.
31. In response to the additional information submitted by the applicant, the Rural Parish Council have stated the following:
 - at peak evening times 5pm when JCB finish with the existing roads Stramshall is a rat run;
 - when the new factory opens (400 jobs/cars) this would increase the problem;
 - the proposed entry onto the A50 to go east will get blocked up, and;
 - the third lane flowing east is essential.
32. Uttoxeter Town Council has objected for the following reasons:
 - Project B Scheme is again under review and costs are a significant issue. It is unclear when or in what format the Project B scheme will be taken forward;
 - the safety concerns expressed by the traffic safety expert are relatively minor and could be addressed in the design of the project;
 - it would be a retrograde step to delete the extra lane from the project, as they will prove necessary in the future as traffic increases;

- the Parish Council object to the deletion of the additional lanes from the plans as they would need to be constructed eventually at great additional cost and traffic disruption as part of Project B.

33. The Town Parish Council 'noted' the additional information submitted by the applicant.

Publicity and Representations

34. Site notice: YES Press notice: YES

35. 82 neighbour notification letters were sent out and no representations have been received.

The development plan policies and proposals, and the other material planning considerations, relevant to the previous decision and this decision

36. Refer to [Appendix 1](#) for the development plan policies and proposals, and the other material planning considerations, relevant to the previous decision and this decision.

Observations

37. This is an application to vary (not comply with) conditions 1, 5, 11 and 13 of planning permission ES.14/11 to delete the A50(T) eastbound and westbound third lane widening works, and for ancillary works to A50(T) junction with A522 at Uttoxeter near to JCB World Parts Centre.

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

- Any material changes to the site, its surroundings, or in terms of the planning policy considerations;
- The proposed changes to the road scheme;
- Environment and amenity considerations; and,
- The need to review and update the planning conditions

Any material changes to the site, its surroundings, or in terms of the planning policy considerations

39. When planning permission was granted for the construction of a new grade separated junction on the A50 (T), including associated link roads to the A522, demolition of an overbridge, and landscaping, it was concluded that:

'..... the proposals accord with the relevant development plan policies in the adopted Local Plan. Therefore the proposals do not constitute a departure from the development plan. They also accord with the National Planning Policy Framework and the emerging policies in the replacement Plan, which is now at

an advanced stage' [paragraph 73 of the 6 November 2014 Planning Committee report].

40. The construction of the new grade separated junction on the A50 has commenced.
41. The relevant changes to the Development Plan and other material planning policy considerations are discussed below.
42. In July 2018, the [National Planning Policy Framework](#) (NPPF) was updated.
43. Section 9 of the NPPF confirms that transport issues should be considered that the early stages of plan making and development proposals so that:
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places (paragraph 102).
44. NPPF (paragraph 108) states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
45. NPPF (paragraph 109) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No objection has been raised by Highways England and the County Council's Transport Development Control Team in relation to this proposal.
46. It is therefore reasonable to conclude that the changes to the NPPF are not significant in terms of the determination of this application.

47. Consideration was included given to the adopted East Staffordshire Local Plan and the “emerging (Submission Version)” which was to replace it in November 2014 (see Planning policy considerations in the [Planning Committee report dated 6 November 2014](#)). It was concluded at that time that the proposal accorded with the adopted plan and the emerging policies in the replacement plan. The replacement [East Staffordshire Borough Council Local Plan](#) was adopted in October 2015.
48. It is considered that no substantial changes were made from submission to adoption of the Local Plan in relation to the Strategic Objectives (SO3 - Accessibility and Transport Infrastructure) or the Strategic Policy (Strategic Policy (SP1 - promoting the principles of sustainable development to accord with the NPPF); Strategic Policies (SP3 and SP4 - set out the strategic provision and distribution of housing and jobs with some 1,487 dwellings (*reduced from 1,557*) being allocated for Uttoxeter along with provision of employment land); Strategic Policy (SP5 - allocates land for the distribution of employment growth for B1, B2 and B8 uses on land at Uttoxeter West); Strategic Policy (SP6 - aims to manage the release of housing and employment land); Strategic Policy (SP7 – setting out allocations for sustainable urban extensions for the West of Uttoxeter along with smaller allocations in the area); and Strategic Policy (SP9 – infrastructure delivery). Given, that no substantial changes have been made, it is considered that the proposal continues to accord with the current adopted Local Plan.
49. The [Uttoxeter Neighbourhood Plan](#) was ‘made’ March 2017. Reference is included in Neighbour Plan to the ‘A50 Scheme’ and the Plan acknowledges the uncertainty concerning the improvements to the junctions of the A50 (i.e. Project B):
- “Finally, Highways England and Staffordshire County Council are advancing proposals for improvement to the flows and junctions of the A50. Proposals for a junction to the west of Uttoxeter serving one of the SUEs¹ and the JCB headquarters to the northwest of the town are now well advanced with work scheduled to begin in early 2016. Other proposals, including closure of key junctions and a new junction between the Dove Way and the A50 are less certain and will be subject to ongoing consultation and design. This Plan must be in accordance with these plans and strategies and ensure that the view of the community is reinforced in each of these current and future decisions”.*
50. *Conclusion:* It is reasonable to conclude that the proposals accord with the relevant planning policies and guidance referred to above. However, the proposal must also be considered in light of their compatibility with other policies within the development plan and should demonstrate that the operations would not have any overriding unacceptable adverse impacts. It is also important to consider the matters raised by Uttoxeter Rural Parish Council and Uttoxeter Town Council.

The proposed changes to the road scheme

51. The applicant is seeking not to construct a lane of the slip roads to the A522 on the westbound and eastbound carriageway (the areas shown in purple on Plan 2).
52. Uttoxeter Rural Parish Council and Uttoxeter Town Council have objected to the removal of the slip roads due to the volume of traffic from the JCB factory (including the new JCB factory) and to and from Alton Towers; the use of local lanes as a ‘cut

through'; the safety concerns expressed are relatively minor and could be addressed in the design of the project; the deletion of the additional lanes from the plans as they would need to be constructed eventually at great additional cost; and, traffic disruption as part of the existing project; and alterations to the McDonalds Roundabout (Project B) should take place.

53. The Traffic and Transport section of the Supporting Statement indicates that it is not considered necessary to remodel traffic flows as Project A was assessed in isolation and confirms that the Transport Assessment submitted with the 'A50 Scheme' considers Scheme A (Project A). The Supporting Statement also concludes that the 'A50 Scheme' provides

"..... a significant benefit to the performance of the transport network within the study area and improves the resilience of the network as a whole, whilst providing additional operational capacity to support the local development proposals, and removal of substandard slip roads".

54. The applicant has indicated that an Options Appraisal and Costing for Project B has been undertaken on behalf of the Highways England and confirmed that there is no preferred design for Project B and no definite plans to utilise the original third lanes. The construction of the third lanes at this stage would not therefore result in a gain in road capacity.
55. Having regard to the summary of the independent Road Safety Audit submitted with the application, the applicant contends that there is a safety concern that motorists may mistakenly use the slip roads as a carriageway until a potential Project B scheme was underway. The applicant also points out that there would be an unnecessary additional maintenance liability and that the third lanes could still be constructed as part of Project B (if still deemed necessary).
56. Any alterations to the McDonalds Roundabout/ A50/B5030 McDonalds Roundabout (Project B) do not form part of this application or for the improvement to the new grade separated junction on the A50 (T), including associated link roads to the A522 (Project A). The alterations would require separate permission to be obtained which would involve further public consultation. Uttoxeter Rural Parish Council and Uttoxeter Town Council would be able to participate in this public consultation to ensure that their views are taken into consideration.
57. Uttoxeter Rural Parish Council have stated that the Project B section of the road alteration is vital due traffic from JCB and Alton Towers. The applicant has confirmed that traffic flows have been modelled and developments such as Alton Towers, the St Modwen development, and new JCB factory have been taken into consideration and the construction of the third lanes would not create new capacity.
58. The County Council's Transport Development Control Team and Highways England have no objection to the proposed changes.
59. *Conclusion:* Having regard to the summary of the independent Road Safety Audit and the information subsequently provided, and the comments received, it is reasonable to conclude that the proposals would not give rise to any unacceptable adverse traffic impacts. The Uttoxeter Project B improvements do not form part of the planning proposals and the construction of the slip roads could form part of that project.

Environment and amenity considerations

60. When the original planning application was submitted it was necessary to assess the environmental information provided in the accompanying Environmental Statement, to determine whether or not the development would give rise to any unacceptable adverse impacts individually or in combination on the environment and amenity that would outweigh any material planning benefits of the proposals. Overall it was concluded, subject to the imposition of conditions, that the proposals would not give rise to any unacceptable adverse impacts on the environment and amenity individually or in combination that would outweigh any material planning benefits of the proposals.
61. In this case, it is considered necessary to determine whether the proposed changes to the road scheme would give rise to any unacceptable adverse impacts. The following sections consider the proposed changes to the approved 'A50 Scheme' relating to the surface water drainage and flood risk; the Landscaping and Ecological Management Plan and street lighting, having regard to the relevant development plan policies, the other material considerations, the consultee comments and the representations received.

Surface Water Drainage and Flood Risk

62. The [NPPF](#) (paragraph 155) advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 163 advises that local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment.
63. The Flood Risk implications were considered in paragraph 113 to 119 of the [Planning Committee report dated 6 November 2014](#).
64. A Flood Risk Assessment was submitted with A50 Scheme, which concluded that no overall change to flood risk, or the impact of surface water flooding or operation of the highway as a result of the development. Mitigation measures were also proposed in the Environmental Statement which accompanied the construction and operation phases of the A50 Scheme. It was considered, having regard to the flood risk assessment, the planning policy considerations, the comments received from consultees (the Environment Agency and the County Council's Flood Risk Management Team), that it was reasonable to conclude that the proposals would not give rise to an unacceptable adverse impact in terms of the risk of flooding subject to a condition for the submission of a Surface Water Drainage Scheme (based on the Flood Risk Assessment and Drainage Strategy) (Condition 5). The scheme was required to protect the water environment and to reduce the risk of flooding in accordance with the requirements of the Environment Agency.
65. A scheme was approved in 16 June 2016 (ref. [ES.14/11 D1](#)), due to the changes to the A50 Scheme, a revised water drainage scheme was submitted with the application.
66. No objection has been received from the County Council's Flood Risk Management Team and the Environment Agency.

67. *Conclusion:* Having regard to the revised drainage details, the planning policy considerations, the comments received and subject to the condition recommended below it is reasonable to conclude that the proposals would not give rise to an unacceptable adverse impact in terms of flood risk and should be approved.

Landscaping and Ecological Management Plan

68. Government policy (Section 15 of the [NPPF](#) - conserving and enhancing the natural environment) and local plan policies (East Staffordshire Local Plan Strategic Policy 1, Strategic Policy 24 and Detailed Policy 1) all seek to protect and / or enhance the landscape and visual amenity and ensure that development is informed by, or sympathetic to, the character and qualities of its surroundings, its location, scale and design.
69. The landscape and visual impact of the A50 Scheme was considered in paragraph 96 to 103 of the [Planning Committee report dated 6 November 2014](#).
70. In relation to the A50 Scheme, Uttoxeter Town Council and several the representations raised concerns with respect to visual impact. Their concerns were that existing vegetation barriers would be lost as a consequence of the development and they requested that trees and vegetation be reinstated to screen the proposed development. A landscaping plan was submitted with the 'A50 Scheme' which proposed the provision of screening for the new grade separated junction and provided landscape connectivity with existing retained features adjacent to the site. The landscaping included the creation of 1.7 hectares of species rich grassland, the creation of 2.7 hectares of woodland to replace 2.6 hectares that would be lost, and planting of some 3,000 linear metres of hedgerow to replace 2,478 metres lost.
71. It was also proposed to submit a detailed landscaping scheme, along with a Landscape and Environmental Management Plan ("LEMP") to manage the site for a period of 10 years and this was secured as a condition of the planning permission (Condition 10).
72. The Landscaping and Ecological Management Plan has now been submitted as part of this application.
73. Following the submission of a revisions to LEMP the, the Environmental Advice Team (Principal Landscape Officer and the County Ecologist) confirmed that the landscaping proposals are acceptable.
74. *Conclusion:* Having regard to the revised LEMP, the planning policy considerations, the comments received, the duration of the construction phase and the proposed landscape mitigation measures, it is reasonable to conclude that the proposals would not give rise to any unacceptable adverse landscape and visual impacts and should be approved.

Street Lighting

75. There is a requirement for the provision and maintenance of permanent lighting in accordance with the submitted 'Street Lighting Report' and 'Street Lighting Plan' (Dwg No CDX8609/P/05 Rev A) (Condition 13). This condition was considered necessary in

the interests of local amenity and highway safety.

76. The 'Street Lighting Report' and 'Street Lighting Plan' provided the location of the lighting, that the height of the lighting columns would be between 8 – 12 metres and confirmation that the impact of the street lighting has been minimised by ensuring the appropriate lighting levels.
77. The street lighting has been re-designed following the amendments to the slip roads and includes additional lighting columns adjacent to the Shell Petrol Station and the slip road access.
78. No objections have been received in relation to the additional lighting.
79. *Conclusion:* Having regard to the revised street lighting and subject to the condition recommended below it is reasonable to conclude that the revised street lighting proposals would not give rise to an unacceptable adverse impact on the local amenity or highway safety and should be approved.

The need to review and update the Memorandum of Understanding and planning conditions

Memorandum of Understanding

80. A [Memorandum of Understanding](#) (MoU) accompanies the planning permission. The MoU requires the traffic to be monitored. There is a clause in the MoU to take in account this type of planning application. Therefore, there is no need to amend the existing MoU.

Planning Conditions

81. The [NPPF](#) (paragraph 54) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. It is appropriate when varying a planning permission to review and where reasonable and necessary to update the planning conditions.
82. The extant planning permission was issued in November 2014 and has 14 conditions. Based on the above guidance, it is considered that this application also provides an opportunity to update the planning conditions to take account of previously approved details, for example, the Construction Environmental Management Plan (ref. [ES.14/11 D3](#), [ES.14/11 D4](#) and [ES.14/11 D5](#)) and the approved Preliminary Risk Assessment for ground contamination (ref. [ES.14/11 D1](#)).

Overall Conclusion

83. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to application, the supporting information, the consultation responses, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposals are acceptable and should be permitted, subject to the existing 'Memorandum of Understanding' and the updated planning conditions recommended below.

RECOMMENDATION

For the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, **PERMIT** the application to vary (not comply with) conditions 1, 5, 11 and 13 of planning permission [ES.14/11](#) to delete A50(T) eastbound and westbound third lane widening works, and for ancillary works to A50(T) junction with A522 at Uttoxeter near to JCB World Parts Centre subject to conditions to include those listed below.

The updated planning conditions to include the conditions of the extant planning permission ref [ES.14/11](#) (the updated conditions are highlighted in **bold**):

To define the permission

- 1) To define the permission in accordance with the approved documents, plans and details (**updated to take account of the documents and plans submitted with this application and to take account of the previously approved details**).
- 2) **To define the commencement of the development (22 February 2016 - [ES.14/11 D3](#) approved 2 September 2016)** and require notification when the development is first brought into use.

Management of the site preparation and construction operations

- 3) **To require the site preparation and construction operations to be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) (ref. [ES.14/11 D3](#) approved 2 September 2016 and [ES.14/11 D4](#) approved 2 September 2016).**

Surface Water Drainage and Flood Risk Management

- 5) **To require the construction operations to be carried out in accordance with the approved surface water drainage and flood risk scheme (ref. [ES.14/11 D1](#) approved 16/6/16) and the Surface Water Drainage Scheme submitted with this application.**

Contaminated Land

- 6) **To require the site preparation and construction operations to be carried out in accordance with approved Preliminary Risk Assessment for ground contamination (ref. [ES.14/11 D1](#) approved 16/6/16).**

Landscaping and Ecological Management Plan

- 11) **To require implementation of the Landscaping and Ecological Management Plan submitted with this application including aftercare and maintenance for a period of 10 years.**

Permanent Lighting

- 13) **To require permanent lighting to be implemented in accordance with the approved 'Street Lighting Report' and 'Street Lighting Plan' (Dwg No**

CDX8609/P/05 Rev A) and the lighting scheme submitted with this application.

Informatives to include the following:

1. Staffordshire County Council's Transport Development Control Team:

To advise the applicant that a further safety audit should be undertaken specifically on the amended access into the Shell Petrol Filling Station as the alignment whilst complying with current Design Manual for Roads and Bridges Standards (DMRB) removes some of the self-enforcing speed reduction by straightening the alignment into the forecourt area.

2. Severn Trent Water

To remind the applicant about previous comments made by Severn Trent Water regarding the public sewer within the Site which has statutory protection.

3. National Grid

To remind the applicant about previous comments made by National Grid regarding their gas and electricity apparatus within the Site.

4. Natural England:

To remind the applicant about previous comments made by Natural England relating to the precautionary measures and requirements for protected species that may be required in the event that protected species are found during the works.

5. Staffordshire County Council's Flood Risk Management Team:

To remind the applicant about previous comments made by the Flood Risk Management Team that any works that affect Ordinary Watercourses in the area would require a Land Drainage Consent.

6. East Staffordshire Borough Council - Environmental Health

To remind the applicant about previous comments made by East Staffordshire Borough Council - Environmental Health regarding any mobile crushing and screening activities to be carried out on the Site.

Case Officer: David Bray - Tel: (01785) 277272
email: david.bray@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).

The development plan policies and proposals, and the other material planning considerations, relevant to the previous decision and this decision

The development plan policies and proposals

[East Staffordshire Borough Council Local Plan](#) (2012-2031) (adopted 15 October 2015)

- Strategic Objective SO3: Accessibility and Transport Infrastructure
- Strategic Objective SO10: Flood Risk
- Principle 1 - Presumption in Favour of Sustainable Development;
- Strategic Policy SP1 - Approach to Sustainable Development;
- Strategic Policy SP4 - Distribution of Housing Growth (land west of Uttoxeter)
- Strategic Policy SP5 - Distribution of Employment Growth (land west of Uttoxeter)
- Strategic Policy SP7 - Sustainable Urban Extension
- Strategic Policy SP9 - Infrastructure Delivery and Implementation (including public services such as waste management and disposal);
- Strategic Policy SP13 - Burton and Uttoxeter Existing Employment Land Policy
- Strategic Policy SP24 - High Quality Design;
- Strategic Policy SP27 - Climate Change, Water Body Management and Flooding;
- Strategic Policy SP24 - High Quality Design
- Strategic Policy SP27 - Climate Change
- Strategic Policy SP29 - Biodiversity and Geodiversity
- Strategic Policy SP35 - Accessibility and Sustainable Transport
- Detailed Policy 1 - Design of New Development;
- Detailed Policy 5 - Protecting the Historic Environment: All Heritage Assets, Listed Buildings, and Conservation Areas and Archaeology;
- Detailed Policy 7 - Pollution and Contamination; and,
- Detailed Policy 8 - Tree Protection.

The other material planning considerations

- [National Planning Policy Framework – updated 24 July 2018](#) (NPPF):
 - Section 1: Introduction
 - Section 2: Achieving sustainable development
 - Section 4: Decision-making
 - Section 6: Building a strong, competitive economy
 - Section 9: Promoting sustainable transport
 - Section 11: Making effective use of land
 - Section 12 Achieving well-designed places
 - Section 14: Meeting the challenge of climate change, flooding and coastal change;
 - Section 15: Conserving and enhancing the natural environment;
- [Planning Practice Guidance](#)
 - [Design](#)
 - [Flood risk and coastal change](#)

- [Health and wellbeing](#)
 - [Light pollution](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Open space, sports and recreation facilities, public rights of way and local green space](#)
 - [Planning obligations](#)
 - [Transport evidence bases in plan making and decision taking](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
 - [Water supply, wastewater and water quality](#)
- [Uttoxeter Neighbourhood Plan](#) 'made' March 2017.
 - [East Staffordshire Infrastructure Delivery Plan](#) (2013)

[Back to paragraph 36 in the report](#)