



Appeal Decision

Hearing held on 6 November 2018

Site visit made on 7 November 2018

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st April 2019

Appeal Ref: APP/R3705/W/18/3196890

**Land to the south of Tamworth Road and to the west of the M42,
Tamworth B78 1HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against North Warwickshire Borough Council.
 - The application, Ref PAP/2017/0602, is dated 8 November 2017.
 - The development proposed is described as residential development of up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure, with full approval of the principal means of access and all other matters reserved.
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Decision

1. The appeal is dismissed and outline planning permission is refused for residential development of up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure, with full approval of the principal means of access and all other matters reserved at Land to the south of Tamworth Road and to the west of the M42, Tamworth B78 1HU.

Preliminary matters

2. The application that has given rise to this appeal was submitted in outline form, with only the principle and amount of development and the means of access to the site for full approval at this stage. The plan showing the layout of the access was revised while the application was still under consideration by the Council and I am satisfied that no party's interests would be prejudiced by taking account of the amended plan¹. Further revisions since the appeal was submitted are considered below. Other matters, including the layout and landscaping of the site and the scale and appearance of development were 'reserved' for later approval by the Council. However, the application was supported by a Parameters Plan and an Illustrative Masterplan that show how development might be laid out on the site. I have taken note of this illustrative material in considering the appeal.
3. The appeal was submitted in February 2018 against the Council's failure to issue a decision within the prescribed period. The Council has stated that the application was subsequently considered by its Planning and Development

¹ Plan ref 173236_A01 Rev C

Board, which resolved that it would have refused planning permission. The Council's two intended reasons for refusal are reflected in the framing of the main issues in the appeal as set out below.

4. These reasons also inform the matters in dispute identified in the Statement of Common Ground ('SCG') concluded before the Hearing by the appellant and the Council. Separate SCGs were agreed by the appellant with Warwickshire County Council ('WCC') on highways and education provision and later with Staffordshire County Council ('SCC') on highways matters.
5. The main SCG sets out the planning policy context. The Council has confirmed that its case would not rely on any saved policies of the North Warwickshire Local Plan 2006, but only on the adopted policies of the North Warwickshire Core Strategy 2014 ('CS'). Both of those development plan documents are intended to be replaced by a new North Warwickshire Local Plan ('NWLP'), the examination of which commenced since the appeal was submitted and remains in progress. Since the appeal Hearing, the Examining Inspector has issued a Progress Note following the initial round of examination sessions. Parties to the appeal were given the opportunity to comment on the implications of this latest stage in the progress of the emerging NWLP, and the responses received (from the Council and the appellant - the 'main parties') have been taken into account in this decision.
6. Since the appeal was first submitted, Government planning policy was updated by the publication of the July 2018 revision of the National Planning Policy Framework ('NPPF'). All parties to the appeal referred to the updated NPPF in their written and oral submissions. More recent minor amendments to the NPPF in February 2019, linked to the publication of the outcomes of the Housing Delivery Test, have not had a critical bearing on the appeal decision.
7. Before the Hearing, the appellant submitted drafts of two unilateral undertakings ('UUs') intended to provide planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). The UU to WCC was to cover the payment of financial contributions for education, biodiversity offsetting, rights of way and highways infrastructure. The UU to North Warwickshire District Council ('NWDC') was to deal with the provision and management of open space and affordable housing and with financial contributions towards healthcare provision and policing. Following discussion at the Hearing, amended forms of the two UUs, each executed as a deed, were later provided in accordance with an agreed timetable.

Main Issues

8. In the light of the Council's resolved objections to the proposal and those of interested parties, it was agreed at the Hearing that the main issues in the appeal are:
 - Whether the proposal would adversely affect the character and function of the planned gap between the settlements of Tamworth and Polesworth;
 - Whether the proposal would provide adequate mitigation for its effects on local infrastructure and service provision.

Reasons

9. The appeal site comprises some 6.4ha of agricultural land, located to the south of the B5000 road between the towns of Tamworth and Polesworth. The site takes access from a short spur road off the B5000, which also serves a large sports ground that partly adjoins the site to the west. The remainder of the western boundary is formed by a paved foot/cycle way known as Green Lane, beyond which, within Tamworth Borough, lies the extensive Stonydelph housing area. A public footpath runs along the southern and eastern boundaries of the site, with open agricultural fields to the south and the M42 motorway, which here runs in a wooded cutting, to the east. Land on the opposite side of the motorway is safeguarded for the route of the HS2 railway.

Gap between settlements

10. Polesworth is a small market town, which now directly abuts the smaller settlement of Dordon, immediately to the south. The settlement hierarchy defined by CS Policy NW2 places the combined settlement in the top category, suitable for significant growth. Being outside the designated settlement boundary, the appeal site is not subject to any development plan allocation and falls within Category 5 of the hierarchy, within which development is to be limited to that needed for agriculture or a rural location.
11. CS Policy NW19 identifies a broad location for growth to the south and east of Polesworth and Dordon. Any development to the west, which would include the appeal site, is to respect the separate identities of Polesworth and Dordon and Tamworth and to maintain a 'meaningful gap' between them.
12. The emerging NWLP restates the settlement hierarchy but proposes to introduce a new Category 2 identifying the potential development for housing or employment of land at the outer boundary of the borough adjoining the built-up area of existing settlements. But this would be subject to criteria including the location being outside an identified gap and the presence of clear separation from a North Warwickshire settlement that would allow the character of the settlement to be preserved. The appeal site is located immediately adjoining the urban edge of Tamworth but has not been identified for development, being shown as part of the 'meaningful gap' between Polesworth and Dordon and Tamworth defined by Policy LP5. This policy restates the CS Policy NW19 stipulations, but adds a further requirement that any development within the gap should be small in scale and not intrude visually into the gap or reduce the size of the gap.
13. Although the examination of the NWLP has progressed, it still has some way to go before it can be considered for adoption. In the light of evidence of unresolved objections, I consider that the relevant emerging policies can only receive relatively limited weight in this decision. Thus, while the emerging plan is a material consideration, the appeal proposal must primarily be assessed in respect of compliance with Policy NW19.
14. The maintenance of a physical gap between Polesworth with Dordon and Tamworth has been a longstanding policy objective of the Council, but the NWLP is to provide an opportunity to define the precise extent of the gap. The Council's case for inclusion of the appeal site is founded on the

recommendations of a study prepared by consultants in January 2018² that forms part of the NWLP evidence base. The study provides the type of reasoned evidence that the Inspector who examined the CS had found lacking at that time³.

15. Building upon an earlier assessment carried out in 2015, the study places the appeal site within Parcel 7 of a total of 10 land parcels evaluated for their potential contribution to a 'meaningful gap'. Parcel 7 comprises the appeal site and adjacent sports ground, together with agricultural land to the south, all forming a wedge defined by Green Lane to the west and the M42 to the east. The study concludes that the parcel is a crucial part of the 'meaningful gap', providing a buffer and sense of separation between the three separate but very closely spaced settlements.
16. There is no dispute that the settlements have very distinct identities. Polesworth has the character of a traditional small market town, defined by its historic core, while Dordon's growth has arisen from housing to serve former mining activity. Tamworth is a much larger place, whose planned employment and residential expansion has given it almost a 'new town' character.
17. Further development at the edge of Tamworth could be planned as an integral expansion of the town, without seriously affecting its established identity. Indeed, the NWLP proposes significant expansion beyond the existing borough boundary at Robey's Lane, to the north of the appeal site. The appeal development would be an isolated unplanned extension beyond the existing strong edge to the built-up area provided by Green Lane. It would surround the sports ground, which currently clearly sits outside the town, absorbing it into the urban area. But it would not be of such scale or effect that the identity of Tamworth would be significantly altered.
18. The NWLP Robey's Lane allocation would still allow substantial separation from Polesworth with Dordon. If expansion at the edge of Tamworth were to result in any coalescence with the smaller settlements, it would seriously compromise, if not extinguish, their separate identities. The market town character of Polesworth, in particular, relies on a rural hinterland as a key element of its identity. The policy objective of maintaining a largely undeveloped gap to the west of the town is well founded. The issue then becomes whether and to what extent erosion of the existing gap would also be significantly harmful.
19. The space between Tamworth and Polesworth at its nearest point, which is effectively the route of the B5000, is only some 800-850m. The Parcel 7 land to the west of the M42 makes up nearly half of that gap. A narrowing of the gap by the development of the site would be a significant change in purely quantitative terms. The appellant's 'quantitative assessment'⁴ notes the gap remaining after development would be some 500m. But at the scale of urban and landscape form, that would represent only a small distance, and not an 'extensive area' as claimed.

² Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations, LUC, January 2018

³ Report on the Examination of the North Warwickshire Local Plan: Core Strategy, 24 September 2014 paras 20-21

⁴ Landscape Statement of Evidence by Nicola Jacob CMLI, paras 4.28-4.31

20. However, as accepted in the decision on a previous appeal⁵ for development on a different parcel of land in the proposed 'meaningful gap', I agree that a 'scale rule' approach to evaluating separation between settlements should be avoided⁶, and that an assessment of the impact of any proposed development must look at the character of the places affected and not merely the physical dimensions.
21. It is accepted that the appeal site and the surrounding area is not of outstanding landscape quality. But despite urban influences such as the motorway corridor and nearby employment development, it does form part of a visually pleasant stretch of undulating rural land.
22. The appeal site comprises a single large irregularly-shaped field. It is well contained visually on its western side by the trees along Green Lane with housing beyond, and on its eastern side by the trees along the motorway cutting. To the north, the short row of houses backed by trees along the B5000 also provides quite strong enclosure, but the boundary with the sports ground is more open, despite a bank marking the modest rise in level to the playing fields. The land falls to the south, where only fragments of a hedge remain, so that the field is seen as part of a continuous swathe of agricultural land. There is a strong degree of coherence of the Parcel 7 land.
23. In views south from the site and from the public footpath along its boundary, the Parcel 7 land is also seen in combination with part of the wider open land to the east of the M42, that encompasses the small hamlet of Birchmoor. The motorway provides a strong linear feature when it emerges from its cutting, but is not perceived as an edge that isolates the Parcel 7 land.
24. Similarly, in views across the site from the west, such as from limited gaps on Green Lane, the tree line along the motorway does not provide a definitive termination, and there is a perception of openness continuing beyond, with clear glimpses of Polesworth School and buildings nearby.
25. The safeguarded route for the HS2 would be close to the motorway, crossing it to the south of the site, but I was informed that the line would be covered along this section, so it would appear unlikely to form a further strong barrier that might serve to isolate Parcel 7.
26. In reciprocal views from the south, such as near Birchmoor, on the motorway bridge and from both arms of Green Lane, the site is seen as a prominent termination of the rising land. These views also allow a good appreciation of the swathe of open land continuing beyond the motorway, so that Parcel 7 is seen as part of the wider gap.
27. The appellant's 'qualitative assessment' of the current perception of the gap between the settlements and of the likely effect of development⁷ seeks to analyse the role of the site in sequences of views along public routes. The assessment places considerable emphasis on the limited change to the identity of Tamworth rather than on the reduction of the gap. When analysing the gap it gives significant weight to inability to perceive the edges of both Polesworth/Dordon and Tamworth at the same time from particular viewpoints. I find that this does not pay enough regard to the experience of people moving

⁵ Appeal Ref APP/R3705/W/15/3136495

⁶ Reflecting guidance in *Planning on the Doorstep: The Big Issues - Green Belt* LGA/PAS February 2015

⁷ Landscape Statement of Evidence by Nicola Jacob CMLI, paras 4.32-4.100

between the settlements and across the gap, and their appreciation of having left one place and arrived at another. It would not be essential for both edges of the gap to be seen together to have a clear understanding of the extent of the space available.

28. The assessment acknowledges that even allowing for planting in accordance with the submitted indicative plans, the appeal proposal would be clearly seen from Green Lane and from houses within Stonydelph, from roads and houses in and around Birchmoor including from the motorway bridge, and also from Hermitage Lane to the east of the motorway. At closer range there would be radical change experienced by users of the footpath around the perimeter of the site and of the Tamworth road spur, as well as by the many users of the sports facility. All of these would be highly conscious of the further expansion of Tamworth and of the reduction in the gap.
29. The assessment of the gap by those passing along the B5000 stresses the general degree of enclosure of the route by tree planting on each side. I agree that open views from the road are limited, mainly to junctions with side roads and the crossing of the motorway bridge. But I find it important that the motorway is perceived as an incident along the route, rather than a boundary or demarcation between different character areas that would define separate settings for Tamworth and Polesworth.
30. At the Tamworth end, the suburban character of Stonydelph is identifiable. At the junction with Chiltern Road, the view of the sports field between a thin line of trees confirms a transition to open land. The study acknowledges that there would be sight of the proposed development across the sports ground. The sports pavilion is prominent from the junction with the spur road, but despite the falling landform I consider that the development would also be seen. Such views might well be at least partly screened, and relatively fleeting if from a motor vehicle. But they would allow a perception of the expansion of suburban development and its much greater closeness to Polesworth.
31. In terms of travel time by motor vehicle between the towns, the already short distance along the B5000 would become very brief indeed. Local people, to whom the retention of a meaningful gap is of greatest relevance, would be most aware of the reduced gap, but anyone moving between the settlements would be likely to remark upon the narrowness of the break.
32. There is strong evidence of longstanding local concern about the need to maintain a separate identity for Polesworth with Dordon as a small rural place. The second component of the CS Spatial Vision is 'that the rural character of North Warwickshire will be retained and reinforced to ensure that when entering the Borough it is distinctive from the surrounding urban areas'.
33. For the above reasons, I find that the appeal proposal would not significantly affect the identity of Tamworth, but would result in a major reduction in the space between settlements, to the extent that there would no longer be an adequate 'meaningful gap' and the separate rural identity of Polesworth with Dordon would be weakened. The proposal would therefore be contrary to CS Policy NW19. It would also conflict with emerging NWLP Policy LP5, to which reduced weight applies pending adoption of the plan.

Effects on Infrastructure

Highways

34. The application was supported by a full Transport Assessment ('TA'), to which an Addendum was made during consideration by the Council.
35. The Council's appeal statement had expressed concern that highways impacts had not been resolved with WCC or SCC as highways authorities for, respectively, the NWDC area and for Tamworth. Tamworth Borough Council ('TBC') also raised objection that SCC's concerns had not been addressed.
36. The Highways SCG with WCC was concluded shortly before the Hearing and records that all matters were now resolved to WCC's satisfaction, subject where necessary to planning obligations and conditions. The SCG includes an updated version of the TA and an amendment to the submitted access plan⁸, which shows enhanced and extended footway works near the access. The Highways SCG with SCC was submitted at the Hearing, where it was confirmed that the one matter outstanding, relating to impact on a junction on the B5000, had now been resolved following further analysis.
37. The executed UU to WCC commits to the required contributions to improve routes to schools by cycle and on foot, to improve bus stops near the site entrance, to allow early mitigation work for junction improvements in Polesworth and to enhance public rights of way in the area of the site. It was agreed at the Hearing that the formation of links to Green Lane, and hence to the Stonydelph footpath network, could be secured by condition.
38. On the above basis, I am satisfied that the appeal proposal would not have adverse impacts on the safe and convenient operation of the local highway network and would support access by sustainable modes of travel. The proposal would therefore comply with the access provisions of CS Policy NW10, and of national policy⁹.
39. I appreciate the concerns raised at the Hearing by the Council and by TBC that the late resolution of these issues had not allowed adequate opportunity for any further independent verification of the solutions. However, the case for both Councils had indicated that the need was to resolve issues with the respective highway authorities, which has now been achieved. There are insufficient grounds to suggest that any further interrogation would be productive or likely to result in a different conclusion.

Education

40. The Council's appeal statement had expressed concern that education impacts had not been mutually resolved by the appellant with WCC and SCC as the respective education authorities for the adjoining boroughs.
41. The Education SCG concluded with WCC confirms that there is sufficient primary school capacity in Polesworth to absorb any demand arising from the proposed development, but that additional capacity would be necessary at Polesworth Secondary School. The completed UU commits to the required financial contribution for this, as well as funding for Special Education Needs at both primary and secondary levels.

⁸ Plan ref 173236_A01 Rev E

⁹ NPPF paras 108-110

42. Representations on the appeal by SCC had pointed to joint working with WCC on planning for the NWLP allocations, particularly the land at Robey's Lane, to ensure adequate education provision across both NWDC and Tamworth areas. By the time of the Hearing SCC no longer sought financial contributions to meet the full anticipated demand from the development, but remained concerned that the agreed arrangements for the Robey's Lane allocation could be undermined by earlier completion of the appeal development.
43. It is common ground that SCC has no statutory role in meeting education needs for the appeal site. It is also accepted that parental choice allows children to attend schools on opposite sides of the county boundary, and that this currently occurs in both directions. It appears that the actual availability of places at any particular school is a moving target. I have limited detailed information on the joint working on the Robey's Lane site, but it seems likely that when and if planning permission is granted for its development, the situation would have to be assessed at that time and detailed provision secured accordingly. There is insufficient reason to conclude a lasting harmful effect on Tamworth provision by permitting the appeal proposal.
44. The appellant's obligation provides a justified response to the mitigation of education impacts. The proposal would comply with the infrastructure requirements of CS Policy NW22.

Other infrastructure

45. It is accepted that the proposed provision on the site of 40% affordable housing and open space and a play area, to be secured by the UU to NWDC, would comply with the Council's relevant policies and with the legal tests for planning obligations. I find no reason to disagree. The UU would allow for potential use of affordable units to meet Tamworth's need should that be justified at the time.
46. I also accept that the other obligations of that UU, involving financial contributions to mitigate impacts on hospital, healthcare and police services would be policy and legally compliant.
47. The Council accepts the appellant's case that the proposal would enhance local biodiversity. In the absence of evidence to the contrary, I find insufficient justification for the obligation contained in the UU to WCC to fund biodiversity offsetting. This obligation would not provide a reason to support the grant of planning permission.

Conclusion on infrastructure impacts

48. I conclude that with the exception of the proposed biodiversity offsetting obligation, the proposal would provide adequate justified mitigation for the effects of development on local infrastructure.

Other matters

49. The appellant's Landscape and Visual Impact Assessment ('LVIA') predicts a moderate adverse effect on immediate local landscape character, reducing to minor in the long term. I endorse the Council's consultants' response that this would underplay the long-term effect of the complete change of character of this part of the agricultural land. However, I accept the main parties' agreement that the landscape effects would be localised and limited in their

wider effect. The LVIA's assessment of visual effects would be reasonable, including major/moderate medium-term adverse effects on users of the public footpath around the site and on residents of Tamworth Road, reducing with mitigation to moderate adverse over the long term, or moderate reducing to minor in the case of Green Lane, with adverse effects on users of the sports ground expected to be moderate, reducing to minor-negligible.

50. The appellant suggests that the loss of best and most versatile land would have negligible economic consequences, and the Council does not object on this ground. The Council also accepts that a suitable layout and design could be secured at reserved matters stage and that, subject to necessary conditions, there would be no adverse effects in respect of increased risk of flooding, the significance of heritage assets and use of the sports ground. The Council concludes that the effect of motorway noise, which had been raised in representations, could be adequately addressed by details of ground form and acoustic boundary treatments, secured by conditions, and by further details of building elements at a later stage. Subject to those provisions, I agree that these matters would not provide reasons to reject the appeal proposal.

Balance of considerations

51. The Planning SCG records the main parties' agreement that the 'tilted balance' defined by NPPF paragraph 11(d) should apply in this case. This follows from an earlier appeal decision for employment development at Daw Mill Colliery, Arley,¹⁰ in which the Secretary of State had agreed with the Inspector that CS Policies NW2 and NW10 should be regarded as out-of-date insofar as the settlement hierarchy relies on development boundaries or defined areas on the Proposals Map. This conclusion was accepted by the Council and endorsed by the Inspector in a subsequent appeal for residential development at St. Lawrence Road, Ansley¹¹. I agree that any conflict with these policies, and the related distribution of housing set out by Policies NW4 and NW5, must also be afforded reduced weight in the current appeal.
52. Although the examination of the NWLP has progressed since those two decisions were made, as outlined earlier I consider that the emerging policies can only receive relatively limited weight in this decision. I do not accept submissions made at the Hearing, which had not been included in the Council's notional reasons for refusal or in its written case, that the proposal could be seen as premature in connection with the adoption of the NWLP. Neither the scale of the proposal nor the NWLP's current stage of progress would accord with the limited circumstances identified by the NPPF to justify refusal on grounds of prematurity¹².
53. For the above reasons I accept the agreed position on the application of the 'tilted balance' in this case, which means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Housing supply

54. A main benefit offered by the appeal proposal would be the addition of up to 150 dwellings to the supply of housing, which would accord with the

¹⁰ Appeal Ref APP/R3705/W/16/3149827

¹¹ Appeal Ref APP/R3705/W/17/3189584

¹² NPPF para 49

Government's objective of significantly boosting the supply of homes. In the St. Lawrence Road appeal, the Inspector decided that there was no point in examining the supply of housing in detail, as the tilted balance was already engaged. But in the present case, I accept the appellant's submission that the precise degree of weight to be attached to this social benefit is to a certain extent influenced by the current supply of housing in the area, which was debated at the Hearing.

55. The SCG records agreement by the main parties that the housing requirement should be based on a figure of 264 dwellings per annum ('dpa') over the five-year period 2018-2023. This figure, which is an increase over the CS figure, has been used for the submission NWLP requirement of 5808 dwellings to 2033. The Examining Inspector's Progress Note accepts the submission figure but advises that the overall requirement should be confirmed to include unmet need from the Birmingham area, which had been proposed as a separate aspiration. However, he recognises that the increased requirement might pose difficulties in delivery in the early years, which could be addressed by means such as a stepped delivery trajectory. In response to the Progress Note, both main parties have noted the need for an increased overall requirement, but have not sought to depart from the 264 dpa annual requirement for the period under review for the appeal. I accept that this is the most reasonable way to proceed until the delivery trajectory of the full NWLP requirement is finally resolved.
56. The examination will also provide the appropriate forum to interrogate the full detail of the Council's stated supply, rather than the more constrained setting of a S78 appeal. Until the outcome of this element of the examination process is known, conclusions on the ability to show a deliverable five-year supply will not be fully definitive. However, it is possible to reach broad conclusions on the evidence presented to the appeal Hearing.
57. Based on the requirement of 264 dpa, the Council's Housing Land Supply Report of March 2018 had shown a deliverable supply of 4.8 years', including a 20% buffer to reflect previous under-delivery. However, a subsequent update for the NWLP examination, using a 5% buffer, indicates 5.5 years' supply. The Progress Note confirms the Inspector's current view that the latter is the correct buffer to be applied. This is accepted by the appellant in their response to the Note. The published results of the Housing Delivery Test now also indicate use of a 5% buffer. Therefore, for the purpose of the appeal, I consider that the starting point in assessing the supply should be the Council's most recent statement.
58. In disputing the Council's published supply, the appellant challenges the forecast outputs from 7 sites, to which the Council responded at the Hearing. Six of the sites are proposed for allocation by the NWLP, but several have already received outline planning permission or are the subject of applications. Of these, the evidence of unresolved issues on affordable housing provision at Daisy House Farm Phase 2 (NWLP Site H18) suggests that the Council's forecast of progress at the site might be over-ambitious and that a year's slippage (24 units) should be deducted. The completion of S106 agreements at Orton Road (H26) and Barn End Road (H27) gives sufficient confidence of likely delivery. Despite the Council's view that once an outline application at Church Road/Nuneaton Road, Hartshill (H19) was approved, delivery would make up

the forecast output, I consider that the appellant's assessment is more realistic and that 80 units should be discounted from the supply.

59. Of the two sites that were not subject to planning applications at the time of the Hearing, there was very little evidence to give confidence of delivery at Shuttington Village Hall (H25), so that all 24 units should be discounted. The other site, Land to the East of Polesworth and Dordon (H7) was said to have co-ordinated action by landowners and active involvement by Homes England, but submission of an application was intended to follow adoption of the NWLP. Slippage appears very likely, so that there is insufficient evidence to include the predicted 150 units in the supply at present. The Council gave assurances that the final site, Land off Coleshill Road, had been built out, so that no reduction in supply would be warranted.
60. The omission of 278 units would reduce the predicted supply to 1912 homes, which would equate to some 4.75 years, based on a 5% buffer. The inability to demonstrate a five-year deliverable supply provides a further ground to confirm that the 'tilted balance' is engaged. However, the evidence shows that the situation could change quite rapidly, subject to progress on a very small number of key sites or to early adoption of the NWLP.
61. The provision of the proposed 150 units attracts significant weight in the planning balance. The current modest deficiency in supply does not add substantial extra weight to the benefit. Moreover, the appellant's worst-case prediction based on a 5% buffer would be a supply of 4.3 years. Even if the appellant's submissions on every site were to be accepted, the difference in supply would not be great, and would not further significantly increase the weight to be given to this benefit.

Other benefits

62. The provision of 40% affordable housing would meet the expectation of CS and supporting supplementary policy, but it would still represent an important social benefit in the face of an identified local shortfall, to which significant weight must be given. Other provisions of the UUs are primarily to mitigate the development's own impacts and cannot be taken as benefits. However, the provision of play facilities and open space that might draw some use from Stonydelph residents can be taken as a very modest social benefit. Similarly, improvements to bus stops, cycle routes and rights of way could have some wider use that would provide some social and environmental benefit.
63. There would be some short-term economic benefit from the investment in construction and also some moderate social and economic benefits from the increased support by future residents for local businesses and community groups. However, similar benefits could be secured by development in accordance with the adopted and emerging plan, which tempers the weight to be given to them. Economic benefits would not arise from increased Council Tax revenue, which would cover the service needs of the development's residents, and New Homes Bonus payments, of which there is no evidence that would be used to make the development acceptable in planning terms.

Balance

64. The Council has requested that a decision on this appeal should be deferred to await the conclusions of the NWLP examination in respect of the main strategic

issues. I acknowledge that the comprehensive review of all evidence for the examination could well lead to differing conclusions on the housing land supply and on the merit and extent of any gap between settlements. However, I am satisfied that the evidence before me allows an informed decision to be made on the basis of current and emerging policy and other material considerations, and that it is not necessary to await the further outcomes of the examination.

65. Set against the benefits outlined above would be the considerable conflict with a longstanding planning objective and key element of the CS spatial vision arising from the reduction of the gap between settlements and consequent weakening of the separate rural identity of Polesworth/Dordon. The resulting social and environmental harm is a matter of substantial weight. There would also be minor environmental and social harm arising from the acknowledged adverse local landscape and visual effects.
66. The benefits related to the provision of additional houses would be predicated on their early delivery at a time when existing strategic policies are seen as out-of-date and the housing supply is slightly below the required minimum. However, it is clear that the Council has worked to address those issues through the submission of the NWLP, which is at a relatively advanced stage and could soon be adopted. By contrast with the immediate benefits, the harmful effects of building the houses in the wrong location would be permanent.
67. In my judgement, the lasting harmful impacts would significantly and demonstrably outweigh the benefits. Thus there are no material considerations that would outweigh the proposal's conflict with the policy of the CS and of the emerging NWLP.

Conclusion

68. For the reasons set out above, I conclude that the appeal should be dismissed, and outline planning permission refused.

Brendan Lyons

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Morag Ellis	Queen's Counsel
Cameron Austin-Fell	RPS Planning & Development
Paul Hill	RPS Planning & Development
Nicola Jacob	Randall Thorp Landscape Architects
Pauline Randall	Randall Thorp Landscape Architects
Mike Axon	Vectos
Steve Clyne	EFM
Kate Barker	Eversheds Sutherland (International) LLP
Zoe Curnow	Taylor Wimpey UK Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Steve Maxey	Corporate Director -Environment
Dorothy Barratt	Forward Planning Manager
Jeff Brown	Head of Development Control
Philip Smith	Land Use Consultants
Rebecca Knight	Land Use Consultants

INTERESTED PERSONS:

Janet Neale	Warwickshire County Council
Joanne Archer	Warwickshire County Council
Simon Hill	Staffordshire County Council
Louise Andrews-Gee	Staffordshire County Council
Andrew Collinson	Tamworth Borough Council
John Smitten	Polesworth Parish Council
Leenamari Aantaa-Collier	Shakespeare Martineau Solicitors
Mike Smith	George Eliot Hospital NHS Trust

DOCUMENTS

Submitted at the Hearing:	
1	Council's letter on CIL compliance, dated 5 November 2018
2	Environment Bank quote for biodiversity offsetting, dated 9 April 2018
3	Appellant's Housing Land Supply Update 6 November 2018
4	LUC Memo: Key issues and points of difference between Appellant and Council, dated 23 October 2018
5	Highways Statement of Common Ground – Staffordshire County Council
6	Heat map: Nethersole Primary School
7	Meaningful Gap plan
8	Council report, October 2018: North Warwickshire's Five Year Housing Land Supply as at 31 March 2018
9	Appeal Decision Ref APP/C1950/W/17/3190821
10	Appeal site delivery trajectory
11	Schedule of potential pre-commencement conditions, signed on behalf of appellant

Submitted after the Hearing:	
12	E-mail from Eversheds Sutherland (International) LLP dated 16 November 2018 with certified copies of executed Unilateral Undertakings
13	Council's response to Examining Inspector's Progress Note, letter dated 17 January 2019
14	Appellant's response to Examining Inspector's Progress Note, letter dated 18 January 2019



Notes:
 - Development Site Boundary (75.97 acres / 32.36 ha)
 - Plot A1 - up to 117.8m AOD
 - Plot A2 - up to 113m AOD
 - Plot B1 - up to 111m AOD
 - Plot B2 - up to 102m AOD
 - Zone for green infrastructure to include open space, planting, landscaping, site restoration, connectivity enhancements & SUDS
 - Land required for access
 - Public footway (to be diverted where necessary)
 - Gas pipeline with 3m assessment zone on both sides



- Development Site Boundary (75.97 acres / 32.36 ha)
- Plot A1 - up to 117.8m AOD
- Plot A2 - up to 113m AOD
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- Plot B2 - up to 102m AOD
- Zone for green infrastructure to include open space, planting, landscaping, site restoration, connectivity enhancements & SUDS
- Land required for access
- Public footway (to be diverted where necessary)
- Gas pipeline with 3m assessment zone on both sides

PLANNING EA
 CHPTWOODS
 LAND NORTH EAST OF J10 M42, DORRIS
 HODGETTS ESTATES
 PARAMETERS PLAN
 1:500 A1 MB NH 30/10/2020
 4263 CA 00 00 00 A 00015 P18



Notes:
 - Development Site Boundary (75.97 acres / 32.36 ha)
 - Parameter Boundary
 - Public footway (to be diverted where necessary)



- Development Site Boundary (75.97 acres / 32.36 ha)
- Parameter Boundary
- Public footway (to be diverted where necessary)

PRELIMINARY
 CHPTWOODS
 LAND NORTH EAST OF J10 M42, DORRIS
 HODGETTS ESTATES
 INDICATIVE MASTERPLAN
 1:1500 A1 MD NH 15/12/21
 4263 CA 00 00 00 A 00096 P1

APPENDIX H



VIEWPOINT 1 LOOKING SOUTH WEST TOWARDS THE SITE FROM PROPOSED

EXISTING VIEW



GRID REFERENCE: 4 00000 N 00000
CONTAINER ELEVATION: 1.00 METRES (GROUND LEVEL)
ELEVATION: 000.00 M (PROPOSED)
ELEVATION: 000.00 M

PROJECTION: CHAMBERS
ENLARGEMENT FACTOR: 0.50 X 0.75
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL

DATE AND TIME OF PHOTOGRAPHY: 00/00/00 00:00
TYPE 3 PHOTOMONTAGE
SLR PROPOSED ESTATES
DRAWING NO. LA2456



VIEWPOINT 1 LOOKING SOUTH WEST TOWARDS THE SITE FROM PROPOSED

TYPE 3 PHOTOMONTAGE VIEW: PROPOSED VIEW AT YEAR 1 (MONTAGE OF BUILDINGS AND LANDFORM ONLY, NO VEGETATION INCLUDED)



GRID REFERENCE: 4 00000 N 00000
CONTAINER ELEVATION: 1.00 METRES (GROUND LEVEL)
ELEVATION: 000.00 M (PROPOSED)
ELEVATION: 000.00 M

NOTE: THIS IS A TYPE 3 PHOTOMONTAGE OF PROPOSED
BUILDINGS AND LANDFORM ONLY. THIS PHOTO MOUNTAGE
DOES NOT INCLUDE VEGETATION. THE VEGETATION IS
REPRESENTED BY A GRAY TINT TO THE BUILDINGS AND
LANDFORM. THIS IS TO REPRESENT THE VEGETATION
DURING CONSTRUCTION AND EARLY STAGES OF
OPERATION.

PROJECTION: CHAMBERS
ENLARGEMENT FACTOR: 0.50 X 0.75
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL

DATE AND TIME OF PHOTOGRAPHY: 00/00/00 00:00
TYPE 3 PHOTOMONTAGE
SLR PROPOSED ESTATES
DRAWING NO. LA2456



VIEWPOINT 1 LOOKING SOUTH WEST TOWARDS THE SITE FROM PROPOSED

TYPE 3 PHOTOMONTAGE VIEW: PROPOSED VIEW AT YEAR 15 (TREES INCLUDED)



GRID REFERENCE: 4 00000 N 00000
CONTAINER ELEVATION: 1.00 METRES (GROUND LEVEL)
ELEVATION: 000.00 M (PROPOSED)
ELEVATION: 000.00 M

PROJECTION: CHAMBERS
ENLARGEMENT FACTOR: 0.50 X 0.75
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL

DATE AND TIME OF PHOTOGRAPHY: 00/00/00 00:00
TYPE 3 PHOTOMONTAGE
SLR PROPOSED ESTATES
DRAWING NO. LA2456



VIEWPOINT 4 LOOKING WEST TOWARDS THE SITE FROM PROPOSED

EXISTING VIEW



GRID REFERENCE: 4 00000 N 00000
CONTAINER ELEVATION: 1.00 METRES (GROUND LEVEL)
ELEVATION: 000.00 M (PROPOSED)
ELEVATION: 000.00 M

PROJECTION: CHAMBERS
ENLARGEMENT FACTOR: 0.50 X 0.75
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL
VIEW AT: 00.00 METRES ABOVE EYE LEVEL

DATE AND TIME OF PHOTOGRAPHY: 00/00/00 00:00
TYPE 3 PHOTOMONTAGE
SLR PROPOSED ESTATES
DRAWING NO. LA2456



VIEWPOINT 8: LOOKING WEST TOWARDS THE SITE FROM THE EDGE OF SECTION

TYPE 3 PHOTOMONTAGE VIEW PROPOSED VIEW AT YEAR 10 (TREES GROWN AT 8M)



GRID REFERENCE: 4 45444 N 00004
 CONVERSION: 1:100 (AS SHOWN ON PLAN LEVEL)
 SECTORS: 100% (AS SHOWN ON PLAN LEVEL)
 ELEVATION: 100M AOD

PROJECTION: CHAMBERS
 DATE AND TIME OF PHOTOGRAPHY: 05/05/2024 AT 08:30
 CAMERA: CANON EOS R5
 LENS: 24MM
 FOCUS: 11M
 F/STOP: 11
 ISO: 100
 SHUTTER: 1/1000

TYPE 3 PHOTOMONTAGE
 SLR PROPERTIES
 VPI DRAWING NO. LA2454



VIEWPOINT 8: LOOKING NORTH WEST TOWARDS THE SITE FROM WHERE WINDING STREET MEETS FROTH AVE

EXISTING VIEW



GRID REFERENCE: 4 45444 N 00004
 CONVERSION: 1:100 (AS SHOWN ON PLAN LEVEL)
 SECTORS: 100% (AS SHOWN ON PLAN LEVEL)
 ELEVATION: 100M AOD

PROJECTION: CHAMBERS
 DATE AND TIME OF PHOTOGRAPHY: 05/05/2024 AT 08:30
 CAMERA: CANON EOS R5
 LENS: 24MM
 FOCUS: 11M
 F/STOP: 11
 ISO: 100
 SHUTTER: 1/1000

TYPE 3 PHOTOMONTAGE
 SLR PROPERTIES
 VPI DRAWING NO. LA2455



VIEWPOINT 8: LOOKING NORTH WEST TOWARDS THE SITE FROM WHERE WINDING STREET MEETS FROTH AVE

TYPE 3 PHOTOMONTAGE VIEW PROPOSED VIEW AT YEAR 1 (MOUNTAIN OF BUILDINGS AND LANDFORM ONLY NO VEGETATION INCLUDED)



GRID REFERENCE: 4 45444 N 00004
 CONVERSION: 1:100 (AS SHOWN ON PLAN LEVEL)
 SECTORS: 100% (AS SHOWN ON PLAN LEVEL)
 ELEVATION: 100M AOD

NOTE: YEAR 1 VIEW IS THE MOUNTAIN OF PROPOSED
 BUILDINGS ONLY. THIS VIEW IS NOT TO BE USED TO
 ASSESS THE VISUAL IMPACT OF THE PROPOSED
 DEVELOPMENT. IT IS INTENDED TO SHOW THE
 STRUCTURAL PLANT AND THE COLOURS AND HEAVY
 SHADOWS TO PROVIDE VISUAL CONTEXT.

PROJECTION: CHAMBERS
 DATE AND TIME OF PHOTOGRAPHY: 05/05/2024 AT 08:30
 CAMERA: CANON EOS R5
 LENS: 24MM
 FOCUS: 11M
 F/STOP: 11
 ISO: 100
 SHUTTER: 1/1000

TYPE 3 PHOTOMONTAGE
 SLR PROPERTIES
 VPI DRAWING NO. LA2456



VIEWPOINT 8: LOOKING NORTH WEST TOWARDS THE SITE FROM WHERE WINDING STREET MEETS FROTH AVE

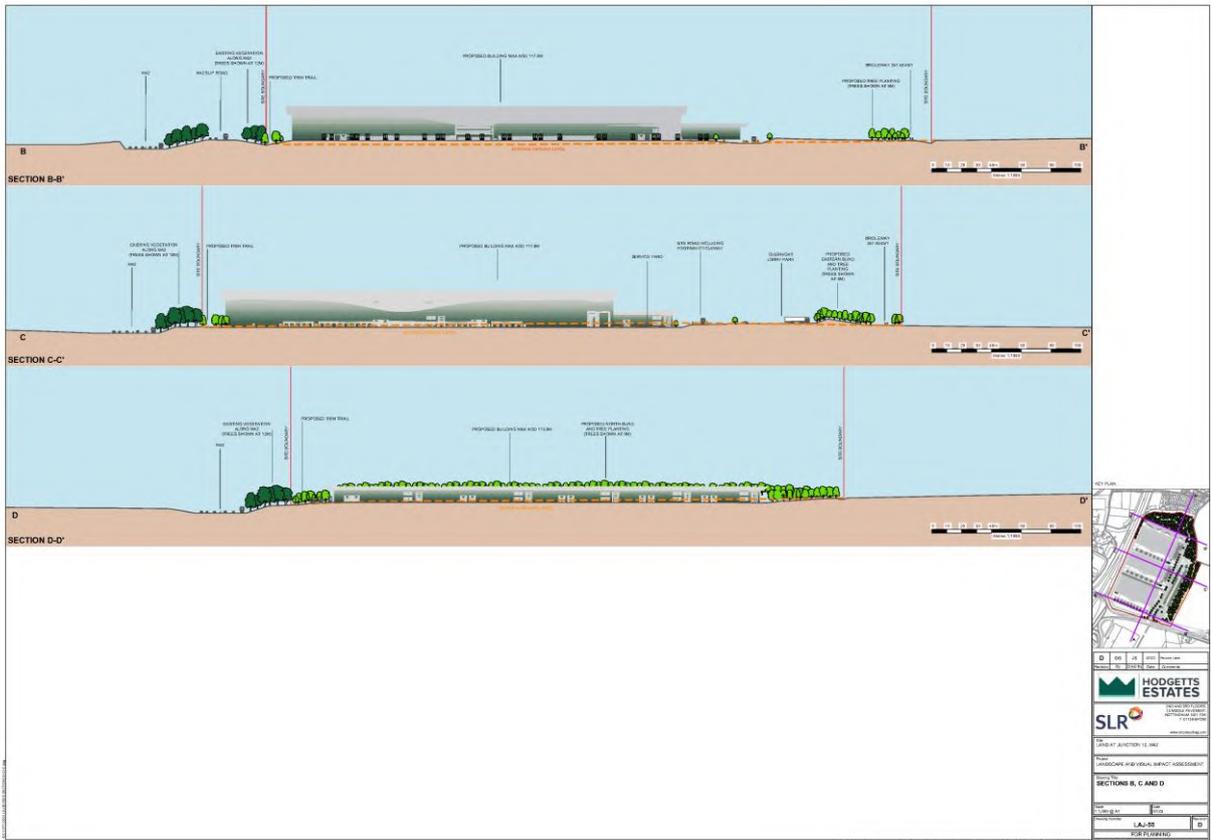
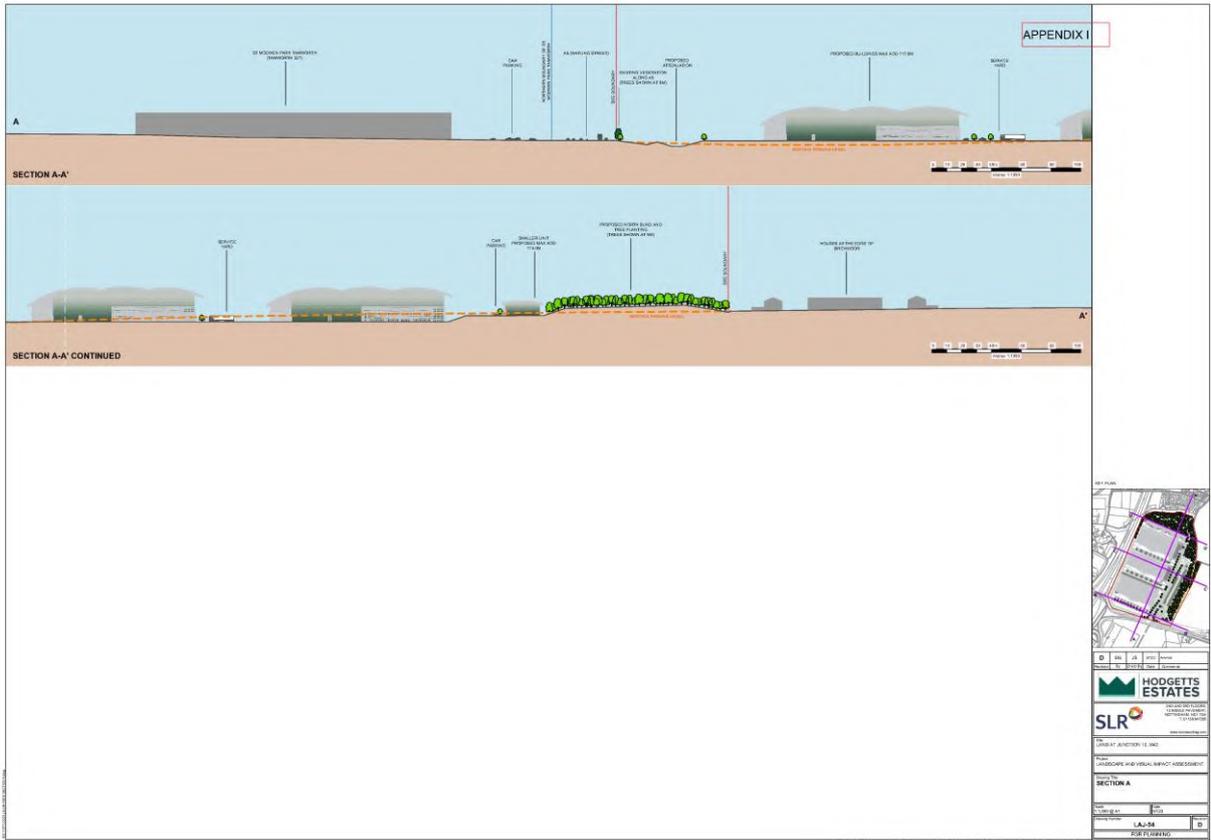
TYPE 3 PHOTOMONTAGE VIEW PROPOSED VIEW AT YEAR 10 (TREES GROWN AT 8M)

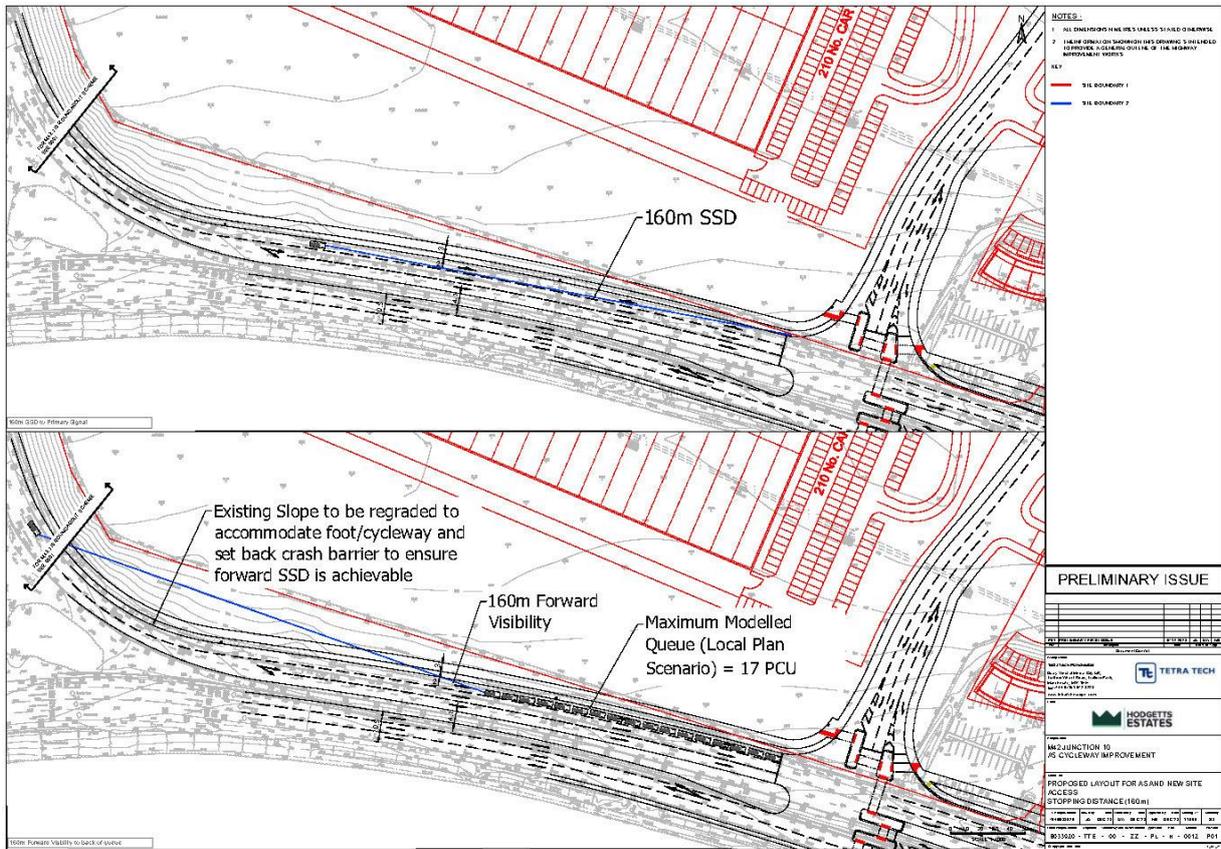
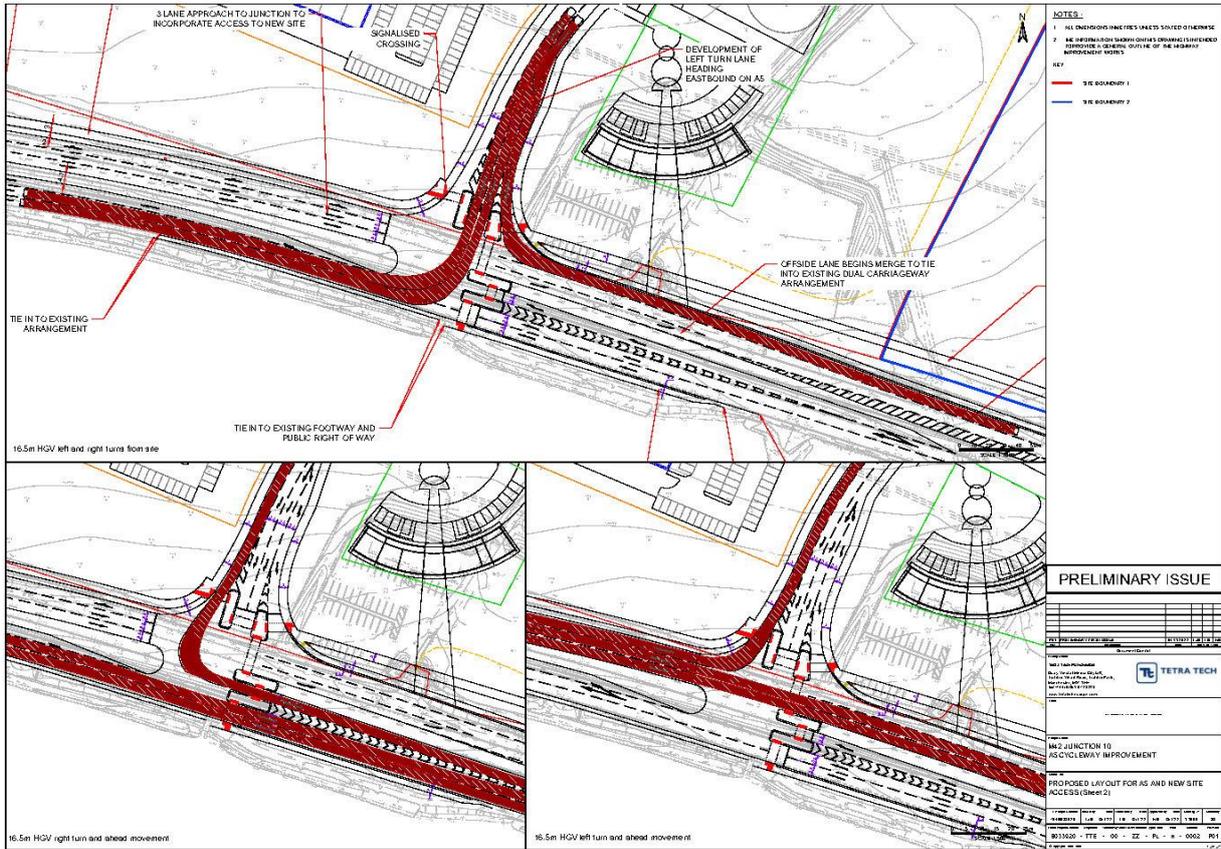


GRID REFERENCE: 4 45444 N 00004
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 SECTORS: 100% (AS SHOWN ON PLAN LEVEL)
 ELEVATION: 100M AOD

PROJECTION: CHAMBERS
 DATE AND TIME OF PHOTOGRAPHY: 05/05/2024 AT 08:30
 CAMERA: CANON EOS R5
 LENS: 24MM
 FOCUS: 11M
 F/STOP: 11
 ISO: 100
 SHUTTER: 1/1000

TYPE 3 PHOTOMONTAGE
 SLR PROPERTIES
 VPI DRAWING NO. LA2457







Hodgetts Estates

LAND NORTH-EAST OF JUNCTION 10 M42, NORTH WARWICKSHIRE

Environmental Statement Volume 1: Non-Technical Summary



RPT.ES.VOL1.NTS.1
DECEMBER 2021

PUBLIC



PUBLIC

PROJECT NO. 70075293

OUR REF. NO. RPT.ES.VOL1.NTS.1

DATE: DECEMBER 2021

WSP

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Manchester

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WSP.com

LAND NORTH-EAST OF JUNCTION 10 M42, NORTH WARWICKSHIRE
Project No.: 70075293 | Our Ref No.: rpt.ES.Vol1.NTS.1
Hodgetts Estates

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December 2021



QUALITY CONTROL

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Signature		
Checked by	DH	DH
Signature		
Authorised by	DH	DH
Signature		
Project number	70075293	70075293
Report number	Rpt.ES.Vol1.NTS	Rpt.ES.Vol1.NTS.1



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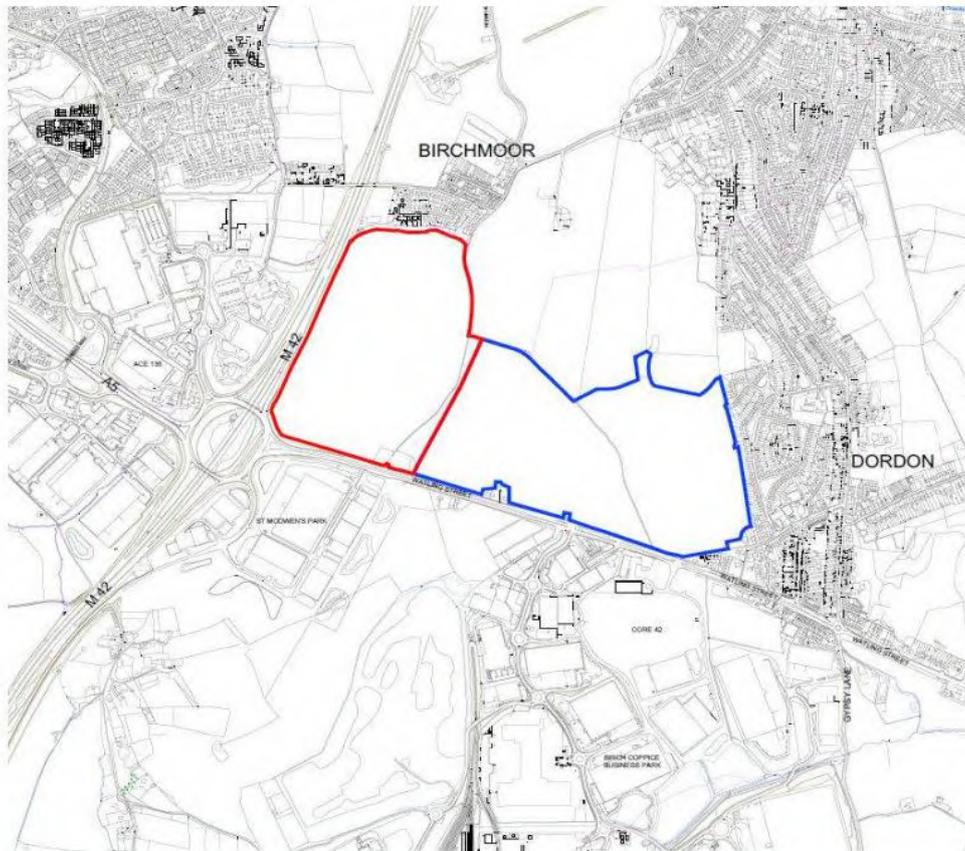
1	INTRODUCTION	1
2	THE EXISTING ENVIRONMENT AND SURROUNDING AREA	3
3	THE PROPOSED DEVELOPMENT	7
4	ENVIRONMENTAL IMPACTS, MITIGATION AND EFFECTS	12
5	FURTHER INFORMATION	38

1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1. Hodgetts Estates (herein referred to as 'HE' or 'the Applicant') is seeking to obtain outline planning permission (with access approved in full, all other matters reserved) for a major mixed employment development, an overnight lorry parking facility and ancillary infrastructure (herein referred to as the 'proposed development') on land at the north-eastern quadrant of Junction 10 of the M42 motorway, North Warwickshire ('the site'). The location is identified in **Image 1.1: Site Location Plan** and described further in **Chapter 2: The Existing Site**.
- 1.1.2. This document is a Non-Technical Summary (NTS) of the Environmental Statement (ES) submitted in support of the planning application for the proposed development set out below. The purpose of an NTS is to present a standalone summary of the findings of the Environmental Statement in non-technical language, as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Image 1-1 - Site Location Plan



LAND NORTH-EAST OF JUNCTION 10 M42, NORTH WARWICKSHIRE
Project No.: 70075293 | Our Ref No.: rpt.ES.Vol1.NTS.1
Hodgetts Estates

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- 1.1.3. This ES supports an outline planning application seeking permission for:
‘Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved.
- 1.1.4. The ‘Area of Interest’ comprises a total of circa 38.87ha of arable farmland at the north-eastern quadrant of Junction 10 of the M42 motorway (J10 M42) near Dordon, North Warwickshire.
- 1.1.5. A plan showing the extent of the Area of Interest for the purposes of this EIA is contained at **Figure 1.1 of Volume 4**. Two different ‘areas’ are indicated, as follows:
- The development site (circa 32.36ha); and
 - Off-site areas for potential landscape and visual mitigation, biodiversity enhancements and footpath/cycleway enhancements (circa 6.51ha).
- 1.1.6. Further details on the proposed development are presented in **Chapter 3: Description of the Proposed Development**.

1.2 THE EIA PROCESS

- 1.2.1. The EIA Regulations 2017 require that prior to planning consent being granted, for certain types of development, an EIA must be undertaken.
- 1.2.2. The EIA process comprises a number of stages, as follows:
- **Screening** – the applicant can request that the Local Planning Authority determine the need for an EIA through the evaluation of the sensitivity of the site and surrounding area and whether the proposed development has the potential to result in likely significant environmental effects by virtue of its characteristics, location and nature of the anticipated effects. This step is not mandatory and given the characteristics of the proposed development and the site context, the applicant decided to proceed directly with a request for an EIA Scoping Opinion.
 - **Scoping** – The applicant may voluntarily request a Scoping Opinion from the Local Planning Authority to agree the ‘scope’ and level of detail to be provided in the ES. The applicant submitted an EIA Scoping Report to NWBC on 20 November 2020 and received the formal Scoping Opinion from NWBC on 23 December 2020, followed by a supplementary response dated 12 February 2021 following a request for clarification on a number of points.
 - **Environmental Statement** - The ES is the written output of the EIA process and reports the likely significant effects associated with the proposed development. The ES forms part of the suite of supporting documents submitted to the determining planning authority, in this case North Warwickshire Borough Council, in support of the planning application.
- 1.2.3. The ES has been prepared in accordance with the EIA Regulations 2017 as well as Planning Practice Guidance. The ES is provided in four parts:
- Volume 1: Non-Technical Summary;
 - Volume 2: Main Text;
 - Volume 3: Technical Appendices;
 - Volume 4: Figures and Illustrations.



2 THE EXISTING ENVIRONMENT AND SURROUNDING AREA

2.1 THE SITE AND EXISTING CONDITIONS

- 2.1.1. The Area of Interest for the purposes of this ES comprises an area of approximately 38.87 hectares (ha) and is located at the north-eastern quadrant of junction 10 of the M42 motorway (J10 M42) near Dordon, North Warwickshire. The Area of Interest is shown at **Figure 1.1 of Volume 4**.
- 2.1.2. Two different 'areas' are indicated, as follows:
- The development site (circa 32.36ha); and
 - Off-site areas for potential landscape and visual mitigation, biodiversity enhancements and footpath/cycleway enhancements (circa 6.51ha).
- 2.1.3. Whilst two separate 'areas' make up the Area of Interest for the purposes the ES, the characteristics of both are predominantly the same given they are linked to one another and form part of a much larger parcel of land. As such, the land within the Area of Interest can be described collectively as being bound that by the M42 to the west (beyond which lies the border between North Warwickshire Borough Council and Tamworth Borough Council), the A5 trunk road to the south, the village of Dordon to the east and further arable farmland and the village of Birchmoor to the north.
- 2.1.4. The land is owned entirely by Hodgetts Estates and is farmed each year. As such, the monocrop nature of the of arable farming is not conducive to extensive faunal and/or floral diversity, the majority of which is to be found around the periphery of the site.
- 2.1.5. There is a mature tree belt to the west and south of the site along the route of the M42 and junction 10. To the south of the site is a mature hedgerow along the A5 boundary which contains intermittent semi-mature trees. There are also some thickets of self-set juvenile trees and shrubs surrounding an existing car park and hardstanding in the south of the site.
- 2.1.6. The Area of Interest is transected by a gas pipeline and oil pipeline. Development proposals will consider these pipelines, as well as their respective easements and consultations zones. Furthermore, two low voltage electricity lines also cross the site in an east-west / north-south axis respectively, with limited uncultivated vegetation around the base of each mast/pole.
- 2.1.7. A public bridleway (AE45) transects the site and a public footpath (AE46) borders the northern-eastern boundary of the site. These are essentially raised single lane farm tracks for the use of farm vehicles, which have grassed verges and banks down to the fields on each side.
- 2.1.8. Further details on current land use within the site and surrounding area are provided within the technical chapters (chapters 6-14) of Volume 2 of this ES.

2.2 THE SURROUNDING AREA

- 2.2.1. The site is situated between Tamworth, Dordon and Birchmoor, strategically located immediately north-east of Junction 10 of the M42.
- 2.2.2. The M42 provides direct links to the wider strategic motorway network including the M1, M6, M40 and M5 as well as a series of key A roads in the West Midlands area, including the A5 which bounds the site to the south.
- 2.2.3. Land to the south of the A5 includes the recently developed St Modwen Park Tamworth (south-east of Junction 10) and the established Birch Coppice Business Park and Core 42 Business Park.



- 2.2.4. Junction 10 comprises a cluster of logistics, warehousing and other development. In addition to St Modwen Park Tamworth, the north-west quadrant comprises Relay Park – home to a Sainsbury's Distribution Centre and other businesses – and Tamworth Motorway Service Area (MSA) which includes coach and HGV parking. The south-west quadrant comprises Centurion Park, which again hosts a range of businesses, particularly in the logistics, storage and distribution sector.
- 2.2.5. As such, the site is within an area characterised by similar uses to that proposed, owing to its highly strategic location adjacent to Junction 10.

2.3 ENVIRONMENTAL CHARACTERISTICS

- 2.3.1. Key environmental features are summarised below, with further detail available in technical chapters 6 to 14 of Volume 2.

DESIGNATIONS

- 2.3.2. The site is not within any national designations for valued landscapes, such as AONBs or National Parks. Other landscape-related designations in the locality are summarised below.
- 2.3.3. There are two areas of open space to the east of the site on the edge of Dordon. The first of these (Kitwood Avenue Recreation Ground) forms part of the Adopted Local Plan. The second (Site Allocation OS1), which adjoins the A5 is proposed as an Open Space Transfer Location in the North Warwickshire Local Plan, as a replacement for Birch Coppice Sports Club which is allocated for employment uses.
- 2.3.4. A public bridleway (AE45) extends along part of the eastern boundary and within the eastern edge of the site. A public footpath (AE46) extends from public bridleway AE45 to the east and turns south connecting with the A5. Public footpath AE48 is located to the east of the site. Public footpaths AE52 and AE55 extend in a southerly direction from the A5 to the south of the site.
- 2.3.5. A number of Grade II and II* Listed buildings are present to the north within the Polesworth Conservation area at a distance of approximately 1.2km from the edge of the Conservation Area to the site. Four Grade II Listed buildings are present within Freasley to the south at a distance of approximately 830m. The Grade II Listed Hall End Hall Farm is present to the south-east of the site at a distance of approximately 780m.
- 2.3.6. The site forms part of an area of Strategic Gap as defined within the adopted Local Plan (Policy LP4).
- 2.3.7. Further details of designations within the site and surrounding area are provided in the technical chapters.

NATURAL RESOURCES

Water

- 2.3.8. The site sits on greenfield land entirely within Flood Zone 1. This is land defined as having less than a 1 in 1000 annual probability of flooding from of river or sea water and is therefore defined as 'less vulnerable'.
- 2.3.9. An assessment of other means of flooding have led to the conclusion the site has a low probability from surface, groundwater, sewer and artificial sources.



Air quality

- 2.3.10. The 2020 NWBC LAQM Annual Status Report confirms that NWBC does not have any AQMAs in their jurisdiction.
- 2.3.11. Nearby monitoring has identified that annual mean concentrations of Nitrogen Dioxide have been below the annual mean objective in 2019 for 3 of the identified passive diffusion tube locations within 2 km of the site. However, an exceedance is identified at the '7' diffusion tube site along A5 Watling Street, near Dordon.

Noise

- 2.3.12. A desktop review of the site has identified the existing key noise sources around the site and the closest sensitive receptors.
- Existing noise sources include:
 - Road traffic noise from the M42 to the west;
 - Road traffic noise from the M42/A5 roundabout J10, to the south-west; and
 - Road traffic noise from the A5, Watling Street, to the south including from an existing commercial development opposite the proposed development.
- 2.3.13. No clearly identifiable vibration sources have been identified by our desktop review.

Ecology

- 2.3.14. No ecological designations have been identified within or adjacent to the site.
- 2.3.15. The vast majority of the site is dominated by intensively managed arable habitats, which do not represent an ecological constraint on the proposed development.
- 2.3.16. Internal boundary features are limited to a small number of grassland corridors/paths, which support common species typical of arable boundaries, without mature structural or woody vegetation. Accordingly, these habitats are likely easily replaceable, and they are unlikely to represent a constraint in regard to masterplanning of any proposed development in relation to habitat value.
- 2.3.17. Mature boundary hedgerows and planting are present at the site boundaries, including a small number of trees (the majority of which are set away from proposed development areas with significant offset buffers).
- 2.3.18. In terms of faunal considerations, these relate largely to potential for limited grassland corridors associated with the field margins to support common reptiles, along with minor opportunities for bird species.

Land and soil

- 2.3.19. The site has been the subject of a detailed Agricultural Land Classification survey and found to comprise a mixture of land quality grades. The majority of the site is Grade 2, with an area of Subgrade 3b in the south.

Landscape and visual

- 2.3.20. The site is not within any national designations for valued landscapes, such as AONBs or National Parks.



- 2.3.21. In terms of local designations, there are two areas of open space to the east of the site on the edge of Dordon – Kitwood Avenue Recreation Ground and land adjoining the A5, both of which are designated in the adopted Local Plan.
- 2.3.22. A public bridleway (AE45) extends along part of the eastern boundary and within the eastern edge of the site. A public footpath (AE46) extends from public bridleway AE45 to the east and turns south connecting with the A5. Public footpath AE48 is located to the east of the site. Public footpaths AE52 and AE55 extend in a southerly direction from the A5 to the south of the site.
- 2.3.23. The site is also located within an area of Strategic Gap as defined within the Local Plan (Policy LP4).

Cultural heritage and archaeology

- 2.3.24. The National Heritage List for England shows that there are no designated (protected) heritage assets within the site, such as scheduled monuments and listed buildings.
- 2.3.25. A number of Grade II and II* Listed buildings are present to the north within the Polesworth Conservation area at a distance of approximately 1.2km from the edge of the Conservation Area to the site. Four Grade II Listed buildings are present within Freasley to the south at a distance of approximately 830m. The Grade II Listed Hall End Hall Farm is present to the south-east of the site at a distance of approximately 780m.

OTHER RESOURCES

- 2.3.26. As stated, a high-pressure gas main runs along a north-south axis immediately to the east of the site. Development cannot take place within the 78m inner consultation zone to either side of the pipe itself (156m in total). This acts as a hard barrier, preventing development pressure from translating into further expansion of this site in the future.



3 THE PROPOSED DEVELOPMENT

3.1 RATIONALE FOR DEVELOPMENT

- 3.1.1. As identified in the Planning Statement and supporting application documents, the site is in a strategic and highly sustainable location for the land uses proposed, owing to its location at Junction 10 of the M42 motorway in the centre of the country.
- 3.1.2. Recent research published by industry experts identifies record levels of 'take up' of logistics and industrial buildings in the West Midlands over recent years (exacerbated by the effects of COVID-19 and Brexit) which has eroded the supply of available land/buildings across the region to an all-time low. Research undertaken on behalf of the Applicant indicates that the area with the most acute shortage of logistics and industrial land/buildings is along the M42 and A5 corridors.
- 3.1.3. The site is also identified in the West Midlands Strategic Employment Sites Study Phase II (May 2021) as the best-performing site for strategic-scale employment development when compared against a range of criteria and 50 other sites in the West Midlands.
- 3.1.4. In response to this identified need and supporting evidence base, the proposed development would deliver a highly sustainable business park that would seek to combine "Best in Class" logistics and industrial buildings and smaller SME buildings with significant amenities and social value benefits to local residents and communities.

3.2 DESCRIPTION OF DEVELOPMENT

- 3.2.1. Outline planning permission is sought, and a draft description of development is expected to be: *'Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved'*

3.3 MAXIMUM DEVELOPMENT PARAMETERS

- 3.3.1. The following maximum and minimum parameters for the development to be contained within the development site (as indicated on the Parameters Plan at **Figure 3.1 of Volume 4**) are as follows:
 - New vehicular and pedestrian access from the A5 Trunk Road;
 - Public Bridleway AE45 diverted within the development site, providing an enhanced route linking Birchmoor to the proposed green infrastructure, A5 Trunk Road and local services, such as bus stops located on the A5 Trunk Road and within St Modwen Park Tamworth;
 - A substantial area of green infrastructure (over 9ha) principally to the north, south and east of the plots, incorporating open space, planting, landscaping, public rights of way, sustainable drainage system (SuDS) and a variety of wildlife habitats, provides a minimum development offset of 35m extending to 134m from the built development edge to the site boundary;
 - Existing peripheral vegetation retained, enhanced and strengthened to provide a robust landscape buffer;



- Naturalistic earth mounds formed within the green infrastructure, utilising surplus cut material from the development site, to create a transitional zone between the developable area and development site perimeter and to provide visual mitigation where necessary;
- Up to 100,000 sqm (1,076,391sqft) of mixed Class B2, Class B8 and Class E(g)(iii) floorspace;
- Up to a maximum of 10% Class B2 / Class E(g)(iii);
- Maximum development height of +117.8m AOD at the less sensitive westernmost Plot A1 adjacent to the M42 motorway;
- Reduced maximum development height of +113m AOD at Plot A2, north of Plot A1 closer to Birchmoor;
- Reduced maximum development height of +111m AOD at the easternmost Plot B1, closer to Dordon;
- Reduced maximum development height of +102m AOD at Plot B2, at the entrance to site;
- Up to 150 space overnight lorry parking facility;
- Up to 400 sqm amenity building for overnight lorry parking facility (shop, restaurant/takeaway, laundry, gym, changing facilities, showers, toilets, etc);
- Creation of substantial landscaped buffer zones to the development site perimeter (in addition to the off-site areas for potential mitigation identified at Appendix A), as follows:
 - North - an extensive landscape buffer to the north of Plot A2 extending to 134m at its widest, reducing to 75m at the closest point to Birchmoor;
 - East - an extensive landscape buffer to the east of Plot A1 extending to 106m at its widest reducing to 49m to the north-east of Plot A2, and extending to 65m to the east of Plot B1 and Plot B2 and a minimum 35m to the north-east of Plot B1, where proposed building heights are lower;
 - South - a minimum 35m to the south of Plot A1 extending to 58m in the south-west corner of the plot close to J10 M42 and 35m-37m to the south of Plot B2;
 - West - a minimum 10m landscape buffer to the west of Plot A1 and Plot A2, where existing screening vegetation for the M42 motorway is extensive and mature.

OFF-SITE AREAS FOR POTENTIAL LANDSCAPE AND VISUAL MITIGATION

- 3.3.2. As indicated on the plan showing the Area of Interest at **Figure 1.1 of Volume 4**, a number of additional areas of land within the applicant's control are included within the Area of Interest for the purposes of ES scoping and EIA.
- 3.3.3. These areas are to provide potential landscape and visual impact mitigation, biodiversity enhancements and connectivity enhancements, through planting and new footpaths/cycleways, providing access to members of the public.
- 3.3.4. Given that no development will take place in these areas, they will only be assessed in terms of landscape and visual and ecology impact from an EIA perspective.
- 3.3.1. An indicative opening year for the development has been given as spring 2024. The site is anticipated to be built over a 2-year period.

3.4 AMOUNT

- 3.4.1. The total floorspace assessed for the purposes of this ES is up to 100,000 sqm (1,076,391sqft) of mixed Class B2, Class B8 and Class E(g)(iii) development. Given this aligns with the maximum



floorspace parameter set out at ES Scoping stage and assessed in this ES and technical chapters, the total floorspace proposed is clearly within the acceptable limits.

- 3.4.2. Of the proposed 100,000sqm maximum floorspace parameter, up to a maximum of 10% could be Class B2 / Class E(g)(iii) development.

3.5 LAYOUT

- 3.5.1. As this is an outline planning application, details of the proposed layout will be a reserved matter.
- 3.5.2. A Parameters Plan (Rev P11, contained at **Figure 3.1 of Volume 4**) provides the extent of the development plots which future reserved matters application have to adhere to.

3.6 SCALE OF DEVELOPMENT

- 3.6.1. Whilst exact details of the proposed scale will also be a reserved matter, as set out above, the proposed development and subsequent reserved matters applications will have to adhere to the following height parameters:

- Maximum development height of +117.8m AOD at the less sensitive westernmost Plot A1 adjacent to the M42 motorway;
- Reduced maximum development height of +113m AOD at Plot A2, north of Plot A1 closer to Birchmoor;
- Reduced maximum development height of +111m AOD at the easternmost Plot B1, closer to Dordon;
- Reduced maximum development height of +102m AOD at Plot B2, at the entrance to site;

3.7 APPEARANCE AND MATERIALS

- 3.7.1. Where the proposals are in outline only, no details of the proposed external materials are known at this stage. However, it is assumed, given the proposals comprise B2/B8 uses, that the materials will reflect the operational requirements associated with general industrial/logistics development, whilst striving to create high-quality design and finishes. This will ensure a high-quality environment and provide a visual mitigation between the proposed development and context of the wider setting.

3.8 ACCESS AND MOVEMENT

- 3.8.1. As set out in the Transport Assessment (**Appendix 6.1 of Volume 3**), the proposed development would be served by a new signal controlled all-movements access junction at the A5. The proposed access layout has been designed in accordance with published guidance from National Highways, acting as the Highway Authority responsible for the A5 carriageway.
- 3.8.2. The site is currently served by a reasonable level of infrastructure to accommodate predicted journeys by walking, cycling and public transport modes. However, HE is committed to delivering enhancements and, as such, the proposed development would deliver a range of substantial accessibility improvements, particularly for walking and cycling journeys, that would benefit all site users as well as nearby employment schemes and residents more broadly.
- 3.8.3. These improvements include upgrading the existing eastbound bus stop at the A5, provision of signal controlled crossing facilities within the access as an alternative to the current priority controlled crossing nearby, upgrading of existing footpaths within the site and adjacent land to provide much improved pedestrian and cyclist links that avoid the M42 Junction 10 and A5 corridor,

and finally the delivery of a continuous shared footway/cycleway link that extends throughout the scheme connecting the A5 to Birchmoor and a series of designated route options for pedestrians and cyclists. Access by public transport is also achievable through local bus routes, including the nearby bus stops at Birchmoor, and two rail stations at Polesworth and Wilnecote.

3.9 REASONABLE ALTERNATIVES

3.9.1. To accord with EIA Regulations 2017, a description of the reasonable alternatives to the development as proposed in this application must be stated. This ES has considered the following alternatives:

- The 'do nothing' scenario where the proposed development is not progressed;
- Alternative locations for the proposed development;
- Alternative uses for the site; and
- Alternative design and layout for the proposed development in the context of design evolution.

THE 'DO NOTHING' SCENARIO

3.9.2. The 'do nothing' scenario would effectively leave the site undeveloped and in its current agricultural use.

3.9.3. Without the proposed development, the significant benefits would not be realised, and the limited adverse impacts identified in the technical chapters 6 to 14 would also not arise.

ALTERNATIVE LOCATIONS AND USES

3.9.4. Hodgetts Estates is the landowner of the site and the objective of the project is to develop it.

3.9.5. As identified in the Planning Statement and supporting application documents, the site is in a strategic and highly sustainable location for the land uses proposed, owing to its location at Junction 10 of the M42 motorway in the centre of the country. It is the last remaining undeveloped quadrant at J10 M42, meaning there are no alternative locations at the junction.

3.9.6. Furthermore, the site identified is in the West Midlands Strategic Employment Sites Study Phase II (WMSESS II) (May 2021) as the joint best-performing site for strategic-scale employment development when compared against a range of criteria and a significant number of other sites (50 in total) throughout the West Midlands. The two other joint best performing sites assessed in the WMSESS II are located in the Green Belt, meaning they are sequentially less preferable.

3.9.7. Consequently, no other locations were considered for the proposed development.

ALTERNATIVE DESIGN

3.9.8. The development parameters have been informed by an extensive design process with indicative designs developed to test the required minimum and maximum development parameters whilst being mindful of site constraints and sensitive receptors.

3.9.9. As approval is sought in outline, the parameters-based approach to the development is intended to enable future flexibility in the layout, scale, appearance and landscaping proposals – matters that will be dealt with in detail at reserved matters stage, whilst working within a defined set of minimum and maximum development parameters and in accordance with the submitted Design Guide.

3.9.10. The quantum of floorspace sought is deemed necessary to respond to the spatial and need case requirements for strategic-scale warehousing and logistics development in this location. A reduced



level of floorspace and/or developable area was therefore ruled out as it would not meet these requirements.

- 3.9.11. The proposed minimum and maximum development parameters and Parameters Plan (Rev P11, contained at **Figure 3.1 of Volume 4**) have taken into account the site constraints as well as other environmental constraints, which have been integrated into the Design Guide which will provide an overarching design code for subsequent reserved matters applications. In doing so, a number of potentially significant effects will either be reduced in severity, removed altogether or create positive effects.



4 ENVIRONMENTAL IMPACTS, MITIGATION AND EFFECTS

4.1 OVERVIEW

- 4.1.1. An EIA Scoping Report was submitted to North Warwickshire Borough Council on 20 November 2020 (as presented in **Appendix 1.1 of Volume 3**, together with a formal request for an EIA Scoping Opinion, in accordance with Regulation 15(1) of the EIA Regulations 2017.
- 4.1.2. A formal Scoping Opinion was subsequently received from the Council on 23 December 2020, followed by supplementary correspondence (dated 12 February 2021) following a request for clarification on a number of points, both of which are included in **Appendix 1.2 of Volume 3**. The full set out consultation responses to the Scoping request are contained at **Appendix 1.3 of Volume 3**. Further details on the Scoping Opinion and how it has informed this ES are provided in **Chapter 5 of Volume 2: Approach to EIA**.
- 4.1.3. This chapter summarises each technical assessment that has been undertaken as part of this Environmental Impact Assessment. Each assessment considers 'construction phase' and 'operational phase' impacts and, in the interests of robustness, are based on a 'worst-case' scenario of the impacts.
- 4.1.4. For the avoidance of doubt, the following elements were scoped out of the ES at ES Scoping stage:
- Ground conditions
 - Material assets and waste
 - Population and human health
 - Climate
 - Light
 - Heat and radiation
 - Daylight, sunlight and overshadowing
 - Solar glare
 - Wind and microclimate
- 4.1.5. The following topics were therefore assessed as part of the ES (the corresponding technical chapter contained in **Volume 2 of the ES** is provided in brackets):
- Highways, traffic and transport (Chapter 6)
 - Noise (Chapter 7)
 - Air quality (Chapter 8)
 - Land and soils (Chapter 9)
 - Landscape and visual impact (Chapter 10)
 - Nature conservation and biodiversity (Chapter 11)
 - Flooding and drainage (Chapter 12)
 - Socio-economics (Chapter 13)
 - Cultural heritage and archaeology (Chapter 14)
- 4.1.6. The assessment of likely effects presented in technical chapters 6 to 14 of **Volume 2** have taken into account a number of criteria to determine whether or not the likely effects are significant. Wherever possible and appropriate, the effects have been assessed quantitatively.



- 4.1.7. Furthermore, the assessment of likely significant effects varies between ES topic areas, but all are informed by industry guidance and relevant legislation. Indeed, the adopted methodologies were confirmed through the EIA Scoping process and are clearly outlined for each ES topic area.
- 4.1.8. Each technical chapter in **Volume 2** follows a common structure relating to each of the ES topic areas, as follows:
- Introduction and approach (which will include methodology)
 - Baseline assessment
 - Impacts (construction and operational)
 - Assessment of cumulative effects (where relevant)
 - Mitigation (construction and operational)
 - Residual impacts (construction and operational)
 - Conclusions
- 4.1.9. Combining the assessment of baseline conditions with the proposed working method, an assessment of the effect of the proposed development, the potential impacts of the development and cumulative effects and mitigating measures to overcome or reduce any impact, has been made. Non-technical summaries of the ES findings are set out for each ES topic area below.

4.2 TRAFFIC, TRANSPORT AND ACCESS

INTRODUCTION AND APPROACH

- 4.2.1. **Chapter 6 of Volume 2**, supported by **Appendix 6.1 – 6.3 of Volume 3**, has assessed the potential significant environmental effects of the proposed development in terms of traffic, transport and access.
- 4.2.2. A comprehensive Transport Assessment (TA) has been prepared to inform this assessment (**Appendix 6.1 of Volume 3**) and examines in detail the existing transport conditions around the site and the anticipated impacts of the development. The TA also details all the transport modelling and assessment work that underpins this ES.
- 4.2.3. In addition, a Framework Travel Plan (FTP) (**Appendix 6.2 of Volume 3**) has been prepared to support the application.
- 4.2.4. The scope of the TA was discussed extensively in advance of its submission with officers of Warwickshire County Council (WCC), Staffordshire County Council (SCC) and National Highways (NH) (formerly Highways England) as the highway's authorities responsible for the adjoining road network. A Scoping Study was submitted to WCC, acting as the Local Highway Authority (LHA), and NH, as the Strategic Highway Authority (SHA), as part of formal pre-application consultation in October 2019.
- 4.2.5. The defined study area identified in the TA comprising Junction 10 of the M42 motorway, the proposed site access, and the existing Birch Coppice access. The study area for further detailed assessment comprises the following junctions:
- M42/A5 Junction 10 Signal Controlled Gyrotory
 - Proposed A5/Site Access Signal Controlled Junction
 - A5/Birch Coppice Access Signal Controlled Junction



- 4.2.6. Committed development has been taken into consideration through the WCC strategic traffic model that formed the basis of the Local Plan assessment, as agreed with WCC for the TA modelling exercise, which informed all capacity analyses.
- 4.2.7. As detailed in the TA, the majority of development traffic is expected to arrive and depart the site via the west, with a split of around 80% associated with the west and 20% with the east.

BASELINE ASSESSMENT

- 4.2.8. The TA provides details of all network traffic flows for the relevant locations that have been extracted from the Paramics modelling exercise (using the local area strategic traffic model) for each scenario.
- 4.2.9. The baseline conditions required for this ES are essentially the same as those presented within the TA, and can be considered to comprise the following scenarios:
 - 2021 Reference Case plus development
 - 2026 Reference Case plus development
 - 2031 Reference Case plus development
 - 2031 Local Plan plus development
- 4.2.10. The TA includes detailed descriptions of the various links and junctions already referenced within this ES, including infrastructure pertaining to all modes of travel (i.e., including footways, cycleways, bus stops, the actual carriageways, etc).

IMPACTS

Construction

- 4.2.11. During the construction phase, any highways, transport and access impacts will be temporary and likely limited to construction and delivery vehicles accessing and egressing the site. As discussed below, any adverse environmental impacts arising from the construction phase can be suitably mitigated through the implementation of a Construction Environmental Management Plan (CEMP).

Operational

- 4.2.12. The proposed development will have a broadly neutral impact on the environment of the local highway network, with almost no adverse impacts of greater than a minor adverse effect and transport improvement works proposed that would contribute to mitigating any moderate adverse effects.
- 4.2.13. **Table 4.1** below provides a summary of the highways and transport impacts.

Table 4.1 - Summary of Impacts - Highways and Transport

Impact	Geographical Importance	Sensitivity	Magnitude of Impact	Adverse / Beneficial	Significance of Effect
Severance	Local	Low	Negligible	Adverse	Negligible
Driver Delay	Local	Low	Minor	Adverse	Minor
Pedestrian Delay	Local	Low	Negligible	-	Negligible
Fear and Intimidation	Local	Low	-	-	-



Accidents and Safety	Local	Low	Negligible	Adverse	Negligible
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- 4.2.14. In addition to the impacts identified above, none of which are deemed to be higher than a minor adverse significance or effect, the FTP prepared for the proposed development site (**Appendix 6.2 of Volume 3**) should serve to reduce the volume of development traffic generated and therefore slightly decrease any detrimental highways and transport effects caused by traffic flows associated with the proposed development.

MITIGATION

- 4.2.15. During the active construction phases of the proposed development, a CEMP will be prepared and implemented in order to minimise the risk of potential environmental impacts and to mitigate against the potential impacts associated with construction vehicles.
- 4.2.16. This ES has not identified any adverse impacts rated as having more than a minor adverse significance of effect and, as such, no mitigation measures are required for the operational phase.

CONCLUSION

- 4.2.17. The ES and TA concludes that, from an EIA perspective, the proposed development **would not result in any impacts above a minor adverse significance or effect.**
- 4.2.18. The TA in fact details several improvements primarily on the basis of providing sustainable transport benefits and not environmental issues.
- 4.2.19. The proposed development would deliver the following improvements that should serve to benefit both the proposed development and existing users alike:
- Provision of signal-controlled crossings at the proposed access on the A5 as a safer alternative to the dropped kerb priority arrangement that exists to the east serving the bus stop.
 - Improvements to the existing bus stop facility with the segregation of cyclists and pedestrians to minimise potential conflict.
 - Enhanced links to the bus stops north of the site in Birchmoor.
 - Delivery of an internal shared footway/cycleway link that extends between the A5 and Birchmoor, ensuring that pedestrians and cyclists are able to bypass the Junction 10 of the M42 and gain access to the established network of employment facilities to the south, from Tamworth, Polesworth and Birchmoor.
 - Upgrading of existing public footpaths and bridleways as well as provision of new public footpaths / bridleways / cycleways extending to the east of the site, providing pedestrians, cyclists and all users with a higher quality route that avoids the A5 corridor.
 - Replacing the existing substandard parking laybys at the A5 with a designated lorry parking facility for up to 150 vehicles, with associated driver facilities.
 - Showers and changing facilities provided to all units.
 - Communal cycle parking, showers and changing facilities at the ancillary Hub Office, available for use by site occupiers and the general public (including staff of neighbouring business parks) to encourage walking and cycling to work.



- 4.2.20. Furthermore, adoption of the sustainable FTP principles and occupier-specific TP's in due course will further promote the use of sustainable travel patterns and in doing so reduce highways, transport and access impacts further below an already acceptable level.

4.3 NOISE

INTRODUCTION AND APPROACH

- 4.3.1. **Chapter 7 of Volume 2**, supported by **Appendices 7.1 – 7.7** and **Figures 7.1 – 7.3**, considers the potential effects of the proposed development on noise and vibration.
- 4.3.2. The methodology for assessing the effects of noise and vibration was agreed with NWBC's Pollution Control Officer. The assessment comprised an assessment of construction noise and vibration and development generated noise and road traffic noise during operation.
- 4.3.3. The development generated road traffic noise assessment considered the following scenarios, for which traffic data has been generated:
- 2026 do-minimum opening year;
 - 2026 do-something opening year;
 - 2041 do-minimum future year; and
 - 2041 do-something future year.
- 4.3.4. Operational noise break-out from the proposed development has been assessed for service yard/haulage operations and car park use.

BASELINE ASSESSMENT

- 4.3.5. A baseline noise level survey was undertaken at the site, starting on Friday 9 October 2020 and ending on Friday 16 October 2020, the survey ran continuously for seven days. Additional supplementary attended measurements were undertaken during the daytime on Friday 9 October and Friday 16 October; and during the night-time on Tuesday 13 October.
- 4.3.6. The survey was undertaken to establish the prevailing levels and noise environment at the following locations, which were selected as representative of the closest existing noise-sensitive receptors:
- Birchmoor Village ('Receptor R01');
 - Dwellings on A5 Watling Street ('Receptor R02'); and
 - Dwellings of Birchmoor Road ('Receptor R03').

IMPACTS

- 4.3.7. Having modelled anticipated noise impacts during construction and operational phases of the development against the recorded baseline noise levels, the impacts can be summarised as follows in **Table 4.2** and **Table 4.3**:



Table 4.2 – Summary of construction phase impacts

Receptor	Potential Effects	Additional Mitigation	Residual Effects
Receptor R01 Birchmoor Village	Noise as a result of on-site operations during the construction programme. Vibration as a result of on-site operations during the construction programme.	Compliance with BPM ensured through use of a CEMP.	Not significant
Receptor R02 Dwellings on A5	Noise as a result of on-site operations during the construction programme. Vibration as a result of on-site operations during the construction programme.	Compliance with BPM ensured through use of a CEMP.	Not significant
Receptor R03 Dwellings off Birchmoor Road	Noise as a result of on-site operations during the construction programme. Vibration as a result of on-site operations during the construction programme.	Compliance with BPM ensured through use of a CEMP. Revised groundborne vibration assessment once requirement for piling and excavation works is known. Provision of notice to receptor of when works will be undertaken.	Not significant

Table 4.3 – Summary of operational phase impacts

Receptor	Potential Effects	Additional Mitigation	Residual Effects
Receptor R01 Birchmoor Village	Industrial / commercial noise as a result of on-site operations.	Additional mitigation measures would be dependent upon the nature and intensity of future operations, as well as the finalised layout and design. Planning conditions specifying fixed/mechanical noise level limits.	Not significant
Receptor R02 Dwellings on A5	Industrial / commercial noise as a result of on-site operations.	No mitigation required to comply with background sound levels from noise emanating from HGV usage. Planning conditions specifying fixed/mechanical noise level limits.	Not significant
Receptor R03 Dwellings off Birchmoor Road	Industrial / commercial noise as a result of on-site operations.	Additional mitigation measures would be dependent upon the nature and intensity of future	Not significant



Receptor	Potential Effects	Additional Mitigation	Residual Effects
		operations, as well as the finalised layout and design. Planning conditions specifying fixed/mechanical noise level limits.	
Receptors adjacent to the wider road network	Increased noise from road traffic sources on the existing road network	None required	Not significant

MITIGATION

- 4.3.8. As no significant effects are currently identified, mitigation measures are not considered warranted for the reasons outlined above. Additionally, a robust design capacity of 25% has been assumed for both daytime and night-time periods; should a lower intensity of use be exercised at night-time then noise levels could be reduced from those presented in this assessment and the need for mitigation unwarranted.
- 4.3.9. Once a detailed masterplan(s) is put forward in subsequent reserved matters applications, then such matters may be investigated further.

CONCLUSION

- 4.3.10. This ES and in particular the Noise Assessment (**Appendix 7.1 – 7.7 of Volume 3**) has clearly and robustly assessed the potential significance of noise and vibration impacts arising from the proposed development. The clear conclusion reached is that the proposed development, during both construction and operational phases, would result in residual environmental effects that are considered **not significant** at the closest residential receptors.

4.4 AIR QUALITY

INTRODUCTION AND APPROACH

- 4.4.1. **Chapter 8 of Volume 2**, supported by **Appendices 8.1 - 8.5 of Volume 3** and **Figures 8.1 - 8.4 of Volume 4**, considers the potential effects of the proposed development on air quality.
- 4.4.2. The proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the application site during operation. As such, an Air Quality Assessment was undertaken in order to determine baseline conditions and assess potential effects as a result of the proposed development.
- 4.4.3. The methodology for assessing the effects of air quality was agreed with NWBC's Pollution Control Officer. The assessment comprised an assessment of construction fugitive dust and particulate matter emissions and, once operational, road vehicle exhaust emissions.

BASELINE ASSESSMENT

- 4.4.4. A baseline modelling exercise has been carried out for the proposed development, accounting for the identified sensitive receptor locations included in the operational phase assessment. The modelling



has been carried out for a base year of 2019, for which local authority data is available to facilitate model verification.

- 4.4.5. The baseline modelling exercise was informed by local authority monitoring data, including diffusion tubes along the A5, a review of local emissions sources, a review of DEFRA background pollutant concentrations and identification of nearby ecological conservation sites and designated habitats.

IMPACTS

Construction Phase

- 4.4.6. Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of earthworks, construction and trackout activities on vehicles visiting the site.
- 4.4.7. Based on the current local air quality in the area, the proximity of sensitive receptors to the roads likely to be used by construction vehicles and the likely numbers of construction vehicles and Non-Road Mobile Machinery (NRMM) that will be employed across the proposed development site, the impacts are considered to be *negligible* and thus **not significant**.

Operational Phase

- 4.4.8. Potential impacts during the operational phase of the development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site.
- 4.4.9. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the proposed development in place.
- 4.4.10. Review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the proposed development were not significant at any sensitive location (e.g., residential dwellings) in the vicinity of the application site.
- 4.4.11. The residual impacts of the proposed development on local air quality will be of *negligible* significance which is adjudged to be **not significant**.

MITIGATION

- 4.4.12. It is considered that the use of good practice control measures, secured by a Construction Environmental Management Plan (CEMP), would provide suitable mitigation for the proposed development to ensure that the potential construction phase impacts remain at an acceptable level. The CEMP can be secured by pre-commencement planning condition by NWBC.
- 4.4.13. The changes in pollutant concentrations attributable to traffic emissions associated with the operational phase of the proposed development (i.e., impacts on local air quality) are predicted to be of *negligible* significance and adjudged to be **not significant**. Future users of the proposed development will not be exposed to concentrations that exceed any of the relevant air quality objectives. However, the below measures (which form part of the proposals) will facilitate local air quality enhancement.
- A sustainable FTP aiming to encourage occupants to adopt travel behaviour in favour of sustainable travel modes such as public transport, which would be of benefit to local air quality.
 - The provision of electric vehicle charging stations, with optional extra future charging points available.



CONCLUSION

- 4.4.14. This ES and in particular the Air Quality Assessment (**Appendix 8.1 – 8.5 of Volume 3**) has clearly and robustly assessed the potential significance of air quality impacts arising from the proposed development. The clear conclusion reached is that the proposed development, during both construction and operational phases, would result in residual environmental effects that are considered **not significant** at all sensitive receptors.

4.5 LAND AND SOILS

INTRODUCTION AND APPROACH

- 4.5.1. The site is currently in agricultural use and given the scale of the proposals, assessment of the environmental impacts on agricultural land and soils was scoped into the ES.
- 4.5.2. The methodology for the assessment of agricultural land quality involved an initial desk-top study followed by a detailed Agricultural Land Classification (ALC) field survey. The assessment of the effect on farm businesses involved a telephone discussion and over-the-fence field survey.

BASELINE ASSESSMENT

- 4.5.3. **Table 4.4** summarises the results from the ALC survey to establish the baseline:

Table 4.4 - ALC Results

ALC Grade	Description	Area (ha)	Area (%)
2	Very good	29	91
3b	Moderate	2	6
Non-Ag	Non-agricultural	1	3
Total		32	100

IMPACTS

Construction phase

- 4.5.4. The proposed development involves the development of approximately 29 ha of Grade 2 "good quality" agricultural land. The soil resources will be stripped for reuse in landscaping wherever possible, but the loss to agricultural use, and consequently the loss of agricultural land, is a permanent and adverse effect.
- 4.5.5. The adverse effects on agricultural businesses also commences at the start of the construction phase. In this case the effect is limited. The land is farmed by the farming arm of the applicant, who is also the site promoter, and no machinery or farm buildings will be lost as part of the proposals. The business is therefore considered to be part-time and will continue unabated as a result of the proposals.



Operational phase

- 4.5.6. The effects on soil and land quality, and the direct and permanent effects on farm businesses, commenced at the construction phase. Being permanent effects, they continue throughout the operational phase.
- 4.5.7. The proposed development is for a mixed employment development and an overnight lorry parking facility, and associated development. As a consequence, there should be no reason why users of the facility might venture wider afield and cause trespass or other adverse effects on surrounding farmland and farm businesses.
- 4.5.8. Any adverse effects on agricultural land and occupying farm businesses are specific to, and limited to, the proposed site. Whilst other development may be proposed or underway in the wider area affecting agricultural land, those effects are not directly related to the agricultural effects of the proposed development. That includes other land owned and farmed by the same farmer, located in the Local Plan allocation ref: E2 (land to the west of Birch Coppice, Dordon), which, if it was also to be developed there would be a greater impact, but this would still be a negligible impact cumulatively.
- 4.5.9. Accordingly, there is no consequential cumulative impact arising from other development proposals that needs to be considered in the ES, and only a slight adverse effect if other land farmed by the same business was to be developed.

MITIGATION

- 4.5.10. The loss of agricultural land cannot be mitigated. Therefore, there is a significant adverse effect as a result of the loss of land that is defined as "best and most versatile" (BMV) agricultural quality. In this area BMV land is widespread, and the significance of the effect must be considered in that wider context.

CONCLUSION

- 4.5.11. The proposed development will result in the permanent loss of 29 ha of Grade 2 agricultural land. This is a moderate adverse significance effect. The area around the junction is all predicted to be mostly of BMV quality. In the local context, therefore, the land is typical of the wider area.
- 4.5.12. There is a small localised effect on the farm business and the contractors used to carry out the farming operations. The overall effect is a **negligible adverse effect**.

4.6 LANDSCAPE AND VISUAL IMPACT ASSESSMENT

INTRODUCTION AND APPROACH

- 4.6.1. A full Landscape and Visual Impact Assessment (LVIA), in accordance with the Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013, also known as GLVIA3, produced by the Landscape Institute and Institute of Environmental Management and Assessment) has been undertaken by experienced chartered landscape architects.
- 4.6.2. The LVIA provides an assessment of the existing landscape, drawing upon published landscape character assessments and site-specific assessments, in order to identify landscape character at a local and site-wide scale (landscape receptors). Fieldwork identified a range of potential views that represent groups of people (visual receptors) who may be affected by the proposed development.



These have included views obtained from a variety of distances and orientations within the landscape representing, for example, users of public rights of way; residents; and local roads.

- 4.6.3. The LVIA also provides an assessment of the potential effects of the proposed development on the Strategic Gap between the settlements of Tamworth, Polesworth with Dordon, and Birchmoor.
- 4.6.4. The methodology used in the LVIA, as well as the extent of the Study Area, Landscape Character Assessments and viewpoint locations have been agreed with NWBC through the scoping process.

BASELINE ASSESSMENT

- 4.6.5. The site is not within any national designations for valued landscapes, such as AONBs or National Parks.
- 4.6.6. At a national scale the site is included within Natural England's National Character Area 97: Arden. The north-eastern part of this area is described as an "*industrial area based around a former Warwickshire coalfield, with distinctive colliery settlements*". The assessment also notes that transport infrastructure is a key characteristic.
- 4.6.7. At a county scale the Warwickshire Landscape Guidelines (November 1993) classifies the site as part of the Arden Landscape Character Area (LCA) within Landscape Character Type (LCT) Wooded Estatelands.
- 4.6.8. At a district level the North Warwickshire Landscape Character Assessment (August 2010) identifies the site as part of LCA 5 Tamworth Fringe Uplands which is described as a "*fragmented landscape with a complex mix of agricultural, industrial and urban fringe land uses*", "*heavily influenced by adjacent settlement edges of Tamworth and Dordon and by large scale modern industry at Kingsbury, and in the vicinity of the M42 motorway junction*" with "*Generally large, open arable fields between urban land uses*".
- 4.6.9. At a local level the LVIA confirmed that the character of the landscape was strongly influenced by large-scale commercial buildings and the prominent, elevated, settlement edge and the noise, movement and lighting associated with it. The site itself is part single large-scale, irregular, arable field, with a gently rising landform and included mixed, native boundary hedgerows, with woodland copses within its periphery.

IMPACTS

- 4.6.10. The assessment concluded that there would be a moderate and negative level of effect on the overall arable field and its gently rising landform.
- 4.6.11. There would be a minor / moderate and negative short-term effect on the sense of stillness which would reduce to minor in the longer term.
- 4.6.12. There would be a minor / moderate, short-term negative effect on existing boundary vegetation which over time would become moderate and positive due to the reinstatement of historic field boundaries and proposed woodland copses and native woodland planting around the edges of the site which would create a net gain in structural vegetation.
- 4.6.13. The effect of proposed lighting would be limited as the site is already affected by high light levels emitted by surrounding employment uses and infrastructure.
- 4.6.14. The level of effect on the localised area of LCA 5 Tamworth Fringe Uplands would be less than significant (minor/moderate) but negative in the short-term since large-scale commercial



development is already a characteristic of the local area. The level of effect would reduce over time to minor as proposed planting became established and the proposed development became less intrusive within the character area. The proposed inclusion of off-site areas including the reinstatement of historic hedgerows and publicly accessible local park which would soften the existing prominent edge of Dordon and would help to mitigate potential effects on overall character.

- 4.6.15. The overall visibility of the proposed development was determined by the preparation of a Zone of Theoretical Visibility (ZTV) and refined by field survey.
- 4.6.16. The ZTV indicated that, as a result of the retention of existing trees and the provision of proposed naturalistic earth mounds with woodland planting, that theoretical visibility would be largely contained within the site. There would be some visibility on elevated ground to the north-east and towards the edge of Polesworth within the Polesworth school grounds filtered by a combination of the reinstatement of historic field boundary hedgerows and proposed planting within the proposed local park which extends along the eastern edge of the off-site area.
- 4.6.17. An assessment was made of the effect on the views of residents (on the edge of Birchmoor, Polesworth, Dordon and Freasley), of walkers on public rights of way (including AE45, AE46, AE48, AE52 and AE55), on vehicular users (along Birchmoor Road, the M42 and the A5) and users of areas of open space (including Kitwood Avenue Recreation Ground and the Junction 10 motorway services). The visual assessment concluded that visual effects would be localised, and significant negative effects would be limited to changes to the views available from PRoW AE45 and AE46.

MITIGATION

- 4.6.18. Measures to avoid or reduce potential landscape and visual effects would be inherent within the design. Aspects of the design which have been considered in relation to this include the following:
 - Location of buildings moved to the southern end of the site to minimise potential visual effects on residents on the edge of the settlement of Birchmoor and to maintain a sense of separation between the settlement and the proposed development;
 - Provision of parkland, at the northern end of the site adjacent to the settlement of Birchmoor, with localised earth mounds which would be planted with mixed native trees and shrubs to filter views from the settlement edge;
 - Historic field boundaries would be reinstated in the area to the east of the site with provision of mixed, native hedgerow and tree planting to reinforce the rural character of the landscape;
 - An area of publicly accessible landscape would be provided along the western edge of Dordon to screen existing housing, present along the ridgeline, and to create a soft green edge to the settlement. It is proposed that this area would include orchard planting and this would provide connection from the existing / proposed PRoW network to the proposed area of open space transfer identified within the Local Plan (site OS1) and allow the provision of circular walking routes;
 - Copses of mixed native trees would be provided where appropriate at the corners of existing fields to reinforce the local character and help to filter views from the settlement and PRoW towards the proposed development;
 - Earth mounds would be created along the eastern edge of the site which would be densely planted with mixed, native trees to help screen and filter views of the proposal and to reinforce the sense of openness within the remaining arable landscape to the east. Earth mounds would



be carefully modelled to fit with the existing landform and would take account of restrictions and easements such as the high pressure gas pipeline;

- Existing native tree and shrub planting along the western boundary of the site with the M42 would be reinforced with new mixed native planting where required to filter views from the M42;
- SuDS would be provided at southern end of the site which would be planted and this zone would mirror the approved frontage of St Modwen Park Tamworth, on the opposite side of the A5.

CONCLUSION

- 4.6.19. The development proposed would be viewed within a context of existing large-scale commercial development to the immediate south and west. This characteristic would intensify as proposed employment allocations are built out in the future. Visual effects would reduce over time as proposed native woodland planting on earth mounds matured, with the massing of built form becoming progressively filtered by proposed planting.
- 4.6.20. The assessment of the potential effect of the proposed development on the Strategic Gap concluded that the gap between settlements would remain effective and would be formed by open arable land which would become increasingly rural in character as a result of proposed extensive offsite planting, landscaping and reinstatement of historic field boundaries.

4.7 NATURE CONSERVATION AND BIODIVERSITY

INTRODUCTION AND APPROACH

- 4.7.1. **Chapter 11 of Volume 2**, supported by **Appendix 11.1 – 11.3 of Volume 3**, assesses the effects on biodiversity and wildlife as a result of the proposed development. In particular, it assesses the potential loss, disturbance, damage and enhancement to biodiversity.
- 4.7.2. Key legislative and policy requirements of relevance to ecology and nature conservation have been taken into account during the design of the proposals, particularly when considering mitigation and enhancement measures, with features and species of nature conservation interest protected and enhanced where possible in line with the aims of the policies.
- 4.7.3. The scope of the assessment is largely focussed on the site itself, although consideration has been given to ecological receptors within the surrounding areas where appropriate. Notably, the desktop study has included a search for statutory ecological designations within at least 5km of the site boundary, whilst the assessment is informed by survey work undertaken across the site and wider Area of Interest over a number of visits.

BASELINE ASSESSMENT

- 4.7.4. In addition to the desktop study of available ecological background information on the site and its surrounds, the site was surveyed in July 2020 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 4.7.5. The site itself is dominated almost exclusively by habitats of negligible ecological value, being mostly intensively managed arable land. Habitats of value are limited to field boundary habitats including hedgerows and a small number of trees. In addition, an offsite area of mature scrub provides some ecological value, with connectivity to the wider landscape, and accordingly is taken



into consideration. The proposals incorporate substantial buffers of vegetation to the site boundaries, minimising any potential long-term effects of the proposals on associated receptors.

- 4.7.6. In addition to the retention of boundary vegetation, the incorporation of considerable open space and landscape planting will provide compensation for any losses of vegetation and represent ecological habitat enhancements. Similarly, the site offers few existing opportunities for protected species, such that minimal mitigation measures are required, albeit new habitats will provide additional opportunities for faunal species and construction safeguards are proposed.

IMPACTS

Construction

- 4.7.7. All statutory ecological designations are well-removed and separated from the site, whilst the site is not located within any identified Impact Risk Zones associated with ecological designations that are of relevance to the proposed development. Accordingly, no significant adverse effects on any statutory ecological designations are anticipated as a result of construction activities.
- 4.7.8. The site itself is not subject to any non-statutory nature conservation designations, whilst, the nearest such designations are well-separated and removed from the site (with the M42 acting as a significant barrier). Accordingly, no significant adverse effects on any non-statutory ecological designations are anticipated as a result of construction activities.
- 4.7.9. Construction effects on hedgerows and trees prior to mitigation are considered to be **moderate, adverse and medium-term**, and could be **significant** at the local level.
- 4.7.10. In terms of wildlife (fauna):
- Construction effects on roosting bats are considered to be **slight, adverse and medium-term, and non-significant**.
 - Construction effects on foraging and commuting bats are considered to largely relate to temporary increases in lighting levels, and would be **slight, adverse and short-term and non-significant**.
 - Construction effects on badgers are considered to largely relate to construction site hazards and disturbances should individuals enter the site, and would be **slight, adverse and short-term, and non-significant**
 - Construction effects on birds are **slight, adverse and short-term, and non-significant**.

Operational

- 4.7.11. All statutory ecological designations are well-removed and separated from the site, which is not located within any identified Impact Risk Zone associated with offsite designations that are of relevance to the proposals. In addition, specific wintering bird surveys carried out at the site to date indicate that the site is not of any functional importance to bird species, including those associated with identified offsite ecological designations.
- 4.7.12. Accordingly, **no significant adverse effects** on any statutory ecological designations are anticipated as a result of operational activities.
- 4.7.13. The site itself is not subject to any non-statutory nature conservation designations, whilst the nearest such designations are well-separated and removed from the site. Accordingly, **no significant adverse effects** on any non-statutory ecological designations are anticipated as a result of operational activities.



4.7.14. Potential adverse effects on hedgerows in the absence of mitigation are considered to be **slight, adverse and long-term**, and **non-significant** at the **local level**.

4.7.15. In terms of wildlife (fauna):

- Operational effects on roosting bats (should they be present) are considered to be **slight, adverse and long-term** and **non-significant**
- Effects on foraging and commuting bats from the completed development prior to mitigation are considered to be **slight, adverse and long-term**, and **non-significant**
- Effects on badgers from the completed development prior to mitigation are considered to be **slight, adverse and long-term**, and **non-significant**
- Likely effects on bird species as a result of the operational phase of development would be **slight, adverse and long-term**, and **non-significant**.

MITIGATION

4.7.16. A number of mitigation measures are embedded into the proposed development parameters, which have therefore been considered as part of the assessment. Further 'mitigation by design' would be incorporated during the detailed design process, albeit does not form an integral part of the proposed parameters.

4.7.17. Particular ecological mitigation measures incorporated within the parameters design and therefore relate to the identified operational effects as a result of the proposals include:

- Retention of the majority of boundary hedgerows and associated boundary vegetation within landscape buffers along the margins and through the site;
- Creation of substantial areas of natural green space (measuring approximately 9ha), to include the provision of native grassland and shrub planting; and
- An additional 6.5 hectares of offsite green infrastructure incorporating native woodland and hedgerow planting and a community orchard, along the route of the existing and enhanced PRow network.

4.7.18. A range of specific ecological mitigation measures are recommended in **Chapter 11 of Volume 2**.

4.7.19. Landscaped areas and buffers will be provided around the site boundaries, in particular associated, including new wildlife habitat creation. Where new landscaped areas and buffers are included, these will be planted with native species including shrubs of wildlife value, along with wildflower grassland providing increased wildlife habitat provision, and managed in the long term to maximise habitat value.

4.7.20. Furthermore, a Biodiversity Impact Assessment (BIA) (**Appendix 11.2 of Volume 3**) has been undertaken based on indicative landscaping proposals to give an indication of the potential biodiversity net gain that could be delivered on site as a result of the proposals. The BIA demonstrates that, based on indicative details at this stage, a significant Biodiversity Net Gain of 19.26 units (an estimated 30.3% gain in relation to the existing value) can be delivered as part of the proposed development. Well in excess of current guidance and emerging legislation.

CONCLUSION

4.7.21. Following implementation of the mitigation and enhancement measures set out above, all adverse construction and operational effects of the proposed development on ecological receptors are considered to be reduced to **non-significant levels**, whilst a number of **positive effects** have been



identified in regard to individual ecological receptors and in particular the substantial potential Biodiversity Net Gain is considered to be a **significant benefit** of the scheme.

4.8 FLOODING AND DRAINAGE

INTRODUCTION AND APPROACH

- 4.8.1. **Chapter 12 of Volume 2**, supported by the Flood Risk Assessment and Drainage Strategy Report (**Appendix 12.1**), considers the potential effects of the proposed development on hydrology, drainage and flood risk.
- 4.8.2. An assessment of existing conditions has been made using numerous sources of information including Environment Agency (EA) data and mapping, proposed development plans, a Phase 1 & 2 Site Investigation, and the Magic Map application.

BASELINE ASSESSMENT

- 4.8.3. The site is not located within close proximity to any watercourse or surface water features. The nearest water body is Kettle Brook which is located approximately 325m south west of the site across the M42, which ultimately connects to the Coventry Canal west of Tamworth.
- 4.8.4. The site is underlain by topsoil and then varieties of the Halesowen Formation, ranging from weathered clayey gravelly sands to rock strength sandstone.
- 4.8.5. Overall, the geology/hydrogeology underlying the site indicates permeability and therefore a medium sensitivity to environmental change and pollution.
- 4.8.6. The EA maps confirm the site is situated within Flood Zone 1, defined as having less than a 0.1% (1 in 1000 annual probability of tidal/fluvial flooding). As such, the tidal and fluvial flood risk is considered to be low.
- 4.8.7. The EA maps also show that some parts of the site are currently susceptible to a high risk of surface water flooding, this is primarily due to the current topography of the site and will therefore be reduced due to the proposed levels and drainage design. As such the risk of surface water flooding to the development is considered to be low.
- 4.8.8. There is no risk to any flooding from artificial sources to the site.
- 4.8.9. There are no public sewers within the site, the nearest foul and surface water sewers are to the west and east of the site adjacent to the M42 and Dordon respectively.

IMPACTS

- 4.8.10. Due to the increased impermeable areas, the surface water runoff from the site will be managed and discharged at a restricted rate by the use of SuDS features in the form of a detention basin. Drainage networks and conveyance SuDS features will be designed to accommodate the 1 in 100 year rainfall event runoff with a 20% allowance for climate change and discharge this to SuDS features and then ultimately to the existing sewer network to the south of the site.
- 4.8.11. There will be a requirement to divert an existing land drain that runs across the development in a north east to south west direction as part of the works.



- 4.8.12. The foul flows will be conveyed to a private pumping station and discharged via a new rising main to the nearest Severn Trent Water foul infrastructure to the east of the site.

Construction Phase

- 4.8.13. Subject to the adoption of mitigation measures outlined in the FRA (**Appendix 12.1 of Volume 3**) and the Construction Environmental Management Plan (CEMP), the construction phase impacts are summarised as follows:

- Short term increase in flood risk due to construction activities - likely to be a **negligible significance** of this risk.
- Water quality due to accidental spillages and leaks - likely to be a **negligible significance** of this risk.
- Physical contamination such as sediment and silt following ground operations - likely to be a **negligible significance** of this risk.
- Short term alteration to groundwater due to construction activities - likely to be a **negligible significance** of this risk.

Operational Phase

Increase in Flood Risk

- 4.8.14. Due to the increase in impermeable surfaces associated with the development there is potential for an increase in the flood risk to the site and downstream catchment. The mitigation for this has been set out within the FRA and has been accommodated within the Drainage Strategy (**Appendix 12.1 of Volume 3**). This potential effect is therefore **insignificant** and is not assessed further.

Accidental Spillages and Leaks

- 4.8.15. During the operational phase untreated runoff from leaks and spillages could find its way into the surface water network and contaminate the downstream network. The mitigation for this has been set out within the FRA (**Appendix 12.1 of Volume 3**) and is in line with current NPPF guidelines. This risk is therefore considered **insignificant** and will not be assessed further.

Physical Contamination such as Sediment and Silt

- 4.8.16. During the operational phase there is potential for physical contamination of the surface water system from silts and sediment associated with the runoff from the hard standing areas. The mitigation for this has been set out within the FRA and Drainage Strategy Report (**Appendix 12.1 of Volume 3**) and is in line with current NPPF guidelines. This risk is therefore considered **insignificant** and will not be assessed further.

Water Supply

- 4.8.17. There is likely to be a long term, permanent effect of the proposed development due to the increased water supply, however, given the proposed usage this is likely to be of **negligible significance**.

Sewage Infrastructure

There is likely to be a long term, permanent effect of the proposed development due to the increased foul flows into the public sewer, however, given the proposed usage this is likely to be of **negligible significance**.



MITIGATION

- 4.8.18. Through the adoption of best practice construction methods there are several measures that can be considered as embedded mitigation which will reduce the risk and likelihood that some potential impacts on water resources or flood risk would occur. Best practice recommendations for the prevention of contamination will be outlined in more detail in the CEMP or equivalent in line with the Code of Construction Practice (CoCP) and agreed with statutory consultees prior to commencement of construction works.
- 4.8.19. To manage the flood risk associated with the operational phase of the proposed development, a surface water drainage strategy has been produced in line with the FRA (**Appendix 12.1 of Volume 3**). This strategy is to be delivered in accordance with the national and local policies to ensure that the flood risk is not increased as a result.
- 4.8.20. Petrol interceptors will be provided to treat the HGV yard areas prior to discharge into the attenuation pond.
- 4.8.21. All drainage features shall be maintained in line with the typical maintenance regime included within the FRA (**Appendix 12.1 of Volume 3**).

CONCLUSION

- 4.8.22. It is considered that due to the appropriate design considerations outlined in the FRA and Drainage Strategy Report (**Appendix 12.1**) there are no significant residual risks associated with:
- Flood risk;
 - Physical contamination due to sediment and silts; and
 - Spillages and leaks.
- 4.8.23. Furthermore, whilst there will be long term, permanent effects of the proposed development on the water supply and sewage infrastructure, given the proposed use these are likely to be of **negligible significance**.
- 4.8.24. Overall, following the adoption of the recommended mitigation measures, the impacts of the proposed development on the water environment during construction and operational phases are considered to be of **negligible significance**.

4.9 SOCIO-ECONOMICS

INTRODUCTION AND APPROACH

- 4.9.1. **Chapter 13 of Volume 2**, supported by **Appendix 13.1 of Volume 3**, considers the socio-economic effects of the proposed development.
- 4.9.2. In order to assess the socio-economic effects of the proposed development, WSP has identified and interpreted baseline information on a variety of socio-economic indicators. The indicators have been grouped into a number of subject areas. Taken together, these subject areas provide a robust indication of the socio-economic strengths and weaknesses of a local area.
- 4.9.3. The main thematic areas considered within the baseline assessment are as follows:
- Population;
 - Economic activity;



- Employment structure;
- Education and skills;
- Health conditions; and
- Deprivation.

4.9.4. The baseline assesses the economic and social conditions at a range of spatial scales (impact areas), and across different time periods, utilising the most up-to-date data at the time of the assessment.

BASELINE ASSESSMENT

4.9.5. The key findings from the baseline assessment (**Appendix 13.1 of Volume 3**) are as follows:

- **Population** – Dordon ward and Tamworth have a very similar age breakdown to England and Wales as a whole, whereas North Warwickshire has a higher proportion of older people (aged 65+) than the local and national comparisons.
- **Economic Activity** – In general, economic activity levels are lower at ward level than regional level, but higher than national level. The proportion of the working age resident population who were claiming out of work benefits in Dordon ward was higher than the rates for North Warwickshire and Great Britain as a whole, but lower than the rates in Tamworth.
- **Employment Structure** – The proportion of people employed in higher skilled occupations in Dordon ward was notably lower than the comparative figures for North Warwickshire, Tamworth and England and Wales as a whole.
- **Education** – At the ward level, the proportion of people with no qualifications was higher than the rates across North Warwickshire and Tamworth and across the country as a whole. Concurrently, the proportion of residents within Dordon ward with higher level qualifications was significantly lower than North Warwickshire, Tamworth and England and Wales averages.
- **Health** – Male and female life expectancy at birth (for the period 2017-2019) were lower in North Warwickshire and Tamworth than England.
- **Deprivation** – The neighbourhood impact area (North Warwickshire 002B) is ranked among the 50% most deprived areas in England. The LSOA is ranked in the 30% most deprived across the living environment and education, skills and training domains. Overall, the area has average levels of deprivation.

IMPACTS

Construction Phase – Temporary Socio-economic Effects

- 4.9.6. During demolition and construction, the proposed development is estimated to generate around 255 to 283 person years of temporary construction employment. This net additional construction employment would generate gross value added (GVA) to the regional economy of around £17.9 million to £19.9 million.
- 4.9.7. There will also be opportunities to provide training, apprenticeships and work experience in a range of construction trades. For example, there will be opportunities for local young people to gain NVQ Level 2 and Level 3 training and practical experience in a range of different construction and engineering trades. Initiatives of this sort are typically run by a training provider in partnership with the main contractor for the construction programme. The Applicant is committed to delivering these benefits which can be delivered through agreements where necessary.



Operational Phase – Permanent Socio-economic Effects

- 4.9.8. Once complete and operational the proposed development will create an estimated 776 to 1,295 full-time equivalent (FTE) net additional jobs at the local level, with an additional 471 to 786 FTE jobs at the regional level.
- 4.9.9. It is estimated that the jobs to be supported by both the proposed development and the supply chain linkages could contribute approximate GVA to the West Midlands economy of up to £62.5 million to £104.2 million annually in perpetuity.
- 4.9.10. All of the socio-economic effects identified in the assessment are anticipated to be beneficial and, as such, no mitigation measures are proposed.
- 4.9.11. The proposals also include a Hub Office which will act as a site office incorporating management suite, security and maintenance functions and a marketing space during construction of the buildings. The Hub Office will also act as a communal training facility for use by local training and education programmes associated with the site as well as site occupiers. These parties will be able to use the shared facilities including meeting room, presentation room, computer suite and office space. Furthermore, The Hub Office will incorporate communal bike parking and male and female changing rooms and showers that are open to use by the general public, to encourage local residents to cycle/walk to work, be they working at the site or the cluster of other business park sites nearby.

MITIGATION

- 4.9.12. All of the socio-economic effects identified in this ES are anticipated to be beneficial and, as such, no mitigation measures are proposed.

CONCLUSION

- 4.9.13. This ES has clearly and robustly assessed the potential significance of socio-economic impacts anticipated as a result of the proposed development. The clear conclusion reached is that the proposed development, during both construction and operational phases, would result in substantial socio-economic benefits at the local and regional levels that clearly constitute **significant beneficial effects**.

4.10 CULTURAL HERITAGE AND ARCHAEOLOGY

INTRODUCTION AND APPROACH

- 4.10.1. **Chapter 14 of Volume 2**, supported by **Appendix 14.1 – 14.3 of Volume 3** and **Figure 14.1 – 14.13 of Volume 4**, considers the potential effects of the proposed development on cultural heritage and archaeology.
- 4.10.2. It reports the outcome of the assessment of likely significant environmental effects arising from the proposed development upon historic environment. The focus of the assessment is on buried heritage assets (archaeological remains) and above ground heritage assets (buildings, structures, monuments and areas of heritage interest); the latter includes the historic character and setting of designated heritage assets.



- 4.10.3. **Appendix 14.1 of Volume 3** provides a desk-based study and includes a review of available information to determine the baseline conditions in the site and surrounding study area. This assessment consisted of an analysis of existing written, graphic, photographic, electronic information and a site walkover, in order to identify the likely heritage assets within the site and wider study area, and determine their significance. The desk-based study was supported by a site visit.

BASELINE ASSESSMENT

Designated heritage assets

- 4.10.4. The site does not contain any nationally designated (protected) heritage assets, such as scheduled monuments, listed buildings, conservation areas, registered battlefields or registered parks and gardens.
- 4.10.5. The closest listed building is the Grade II listed Hall End Hall Farm, constructed in the late 17th-early 18th century, located 750m south east of the site. A group of four Grade II listed buildings is located at Freasley between 830m and 930m south west of the site.
- 4.10.6. There are no scheduled monuments, registered battlefields, registered parks and gardens or conservation areas within the 1km outer study area.

Non-designated heritage assets

- 4.10.7. There are a number of known non-designated features of heritage interest within the site, as identified during the course of this study. These comprise two possible prehistoric or Romano-British enclosures recorded during a geophysical survey of the proposed development area in October 2020, as well as evidence for field boundaries, possible plough headlands, the site of a post medieval sheep wash and the site of a small post medieval farmstead known as Leisure Barn.
- 4.10.8. The site has potential to contain possible, previously unrecorded, archaeological remains.

IMPACTS

- 4.10.9. Archaeological survival is anticipated to be high as the majority of the site has not been previously developed. There is a moderate potential for prehistoric activity and a moderate potential for Romano-British activity, possibly of medium to high heritage significance depending upon the nature, survival and extent of any remains present. There is a high potential for medieval and post-medieval agricultural activity of low significance to be present.
- 4.10.10. **Table 4.5** summarises the construction phase effects prior to mitigation:

Table 4.5 – Construction phase effects (prior to mitigation)

Heritage asset (receptor)	Heritage significance	Magnitude of Change	Significance of Environmental Effect (prior to mitigation)
Possible prehistoric remains. (Moderate potential)	Medium or High (where geophysical survey features correlate with sustained activity)	High (Substantial Harm)	Moderate or Major Adverse Permanent, Long Term Effect (Significant)



Heritage asset (receptor)	Heritage significance	Magnitude of Change	Significance of Environmental Effect (prior to mitigation)
Possible Roman remains (Moderate potential)	Medium or High (where geophysical survey features correlate with sustained activity)	High (Substantial Harm)	Moderate or Major Adverse Permanent, Long Term Effect (Significant)
Possible later medieval and post-medieval remains. (Moderate to High potential)	Low	High (Substantial Harm)	Minor Adverse Permanent, Long Term Effect (Not Significant)

4.10.11. The operational stage effects are entirely confined to setting impacts on designated heritage assets within the study area. **Table 4.6** summarises the operational phase effects (prior to mitigation).

4.10.12. The impacts would arise principally from potential change to the setting of built heritage assets associated with the introduction of the proposed new buildings.

Table 4.6 – Operational phase effects (prior to mitigation)

Heritage asset (receptor)	Heritage significance	Magnitude of Change	Significance of Environmental Effect (prior to mitigation)
Hall End Hall Farm, Grade II listed building	Medium	None (No Harm under the terminology of the NPPF)	Negligible (Not Significant)

MITIGATION

4.10.13. In order to mitigate the potential effects on all buried heritage assets further investigative works were required in order to clarify the nature, survival, condition and extent of any archaeological assets that may be affected. A programme of archaeological trial trenching to be completed in advance of the determination of the planning application was agreed with WCC's archaeological advisor.

4.10.14. The physical trial trenching commenced in late September 2021 and was completed in November 2021. At the time of submission, the Archaeological Evaluation Report is still being prepared. The results of this evaluation will inform the mitigation strategy for all archaeological assets that could be affected.

4.10.15. Mitigation could take the form of a targeted excavation (preservation by record) well in advance of the commencement of ground works across all areas where disturbance is proposed. Alternately a programme of 'strip, map and record' could be employed alongside the preliminary construction works (site strip) to ensure all potential archaeological remains would not be not removed without record.



- 4.10.16. The potential adverse effect on the setting of the Grade II listed Hall End Hall Farm could be derived from changes to how the asset is understood and experienced due to the presence of the proposed development. **No significant adverse effects** have been identified pertaining to the Grade II Listed Building and, as a result, no mitigation is proposed.

CONCLUSION

- 4.10.17. Following the implementation of an archaeological mitigation strategy the residual effects of the proposed development would be **negligible**.
- 4.10.18. The heritage value of the Grade II listed Hall End Hall Farm is medium. The residual effect would be **negligible**.

4.11 CUMULATIVE EFFECTS

INTRODUCTION AND APPROACH

- 4.11.1. Schedule 4(5)(e) of the EIA Regulations 2017 states that the ES should include a description of the likely significant effects of the development on the environment resulting from:
- 'the cumulation of effect with other existing and / or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.'*
- 4.11.2. There is no widely accepted methodology or best practice for assessing cumulative effects, although various guidance documents exist. The following approach has been adopted for the assessment of cumulative effects, based on previous experience, the types of receptors being assessed, the nature of the proposed development, the other developments under consideration and the information available to inform the assessment.
- 4.11.3. Effect interactions, or intra-project effects, are the combined effects caused by the combination of effects of the proposed development on a particular receptor which may collectively cause a greater effect than individually. In-combination, or inter-project effects are the combined effects of the proposed development on a common receptor together with other developments.
- 4.11.4. Not all technical chapters have cumulatively assessed inter-project/in-combination effects with other developments as the assessment of cumulative effects is not applicable to all technical chapters.
- 4.11.5. Where inter-project/in-combination effects have been considered, these are set out in the relevant technical chapters 6-14, such as the Traffic, Transport and Highways, Noise and Air Quality chapters, which have taken into account committed development through use of the WCC strategic traffic model that formed the basis of the North Warwickshire Local Plan assessment, as agreed with WCC for the TA modelling exercise.
- 4.11.6. Likewise, assessment of intra-project cumulative effects, where relevant, are presented in technical chapters 6 to 14.



INTER-PROJECT EFFECTS

Traffic, noise and air quality

- 4.11.7. Committed development has been taken into consideration through using the WCC the strategic traffic model that formed the basis of the Local Plan assessment, as agreed with WCC for the TA modelling exercise.
- 4.11.8. The traffic flows from the cumulative schemes have been included within the baseline, therefore they have been intrinsically considered within the assessments. This applies to the traffic cumulative effects associated with both air quality and noise and vibration as well.

Land and soils

- 4.11.9. Any adverse effects on agricultural land and occupying farm businesses are specific to, and limited to, the site. Whilst other development may be proposed or underway in the wider area affecting agricultural land, those effects are not directly related to the agricultural effects of the proposed development.
- 4.11.10. It is noted that the farming owners occupy agricultural located in the Local Plan allocation ref: E2 (land to the west of Birch Coppice, Dordon) and that were both to be developed there would be a greater impact, but this would still be a negligible impact cumulatively.
- 4.11.11. Accordingly, there is no consequential cumulative impact arising from other development proposals that needs to be considered.

Landscape and visual

- 4.11.12. The following developments have been scoped into and assessed in the LVIA for consideration of potential cumulative landscape and visual effects with the proposed development:

Table 4.7 – Landscape and visual impact – cumulative development

Site	Planning / Appeal Reference	Development	Status
Core 42 (Land at Hall End Farm Watling Street Dordon)	PAP/2013/0272	Demolition of existing buildings, totalling 3,785 sqm of mixed use employment floorspace and engineering works to: construct an improved signal controlled vehicle access to the A5; a site access road; to form six development plateaux; associated site drainage & attenuation measures and peripheral landscaping.	Granted and constructed
Birch Coppice Industrial Estate	N/A	Existing business park to the south of	Constructed
E2	N/A	Employment allocation in Local Plan.	Allocation
E3	N/A	Employment allocation in Local Plan	Allocation

Land south east of the M42 Junction 10, Tamworth, Warwickshire, B78 2EY (St Modwen Park Tamworth)	APP/R3705/W/15/3136495	Development of land within Use Class B1(c) (light industry), Use Class B2 (general industry), and Use Class B8 (storage and distribution), demolition and removal of existing structures and associated works. Details of access submitted for approval all other matters reserved	Appeal allowed and constructed
Centurion Park	N/A	21 acre logistics and distribution park located adjacent to Junction 10 of the M42 Motorway. Centurion Park	Constructed
Warehouses off Relay Drive (Relay Park)	N/A	Large scale warehouses	Constructed

4.11.13. The cumulative sequential effect of the proposed development when taken with Core 42 Business Park, Birch Coppice Business Park, employment allocations E2 and E3, St Modwen Park Tamworth and Centurion Park would be **minor** for walkers and **minor / negligible** for vehicle users, reducing over time as woodland planting establishes.

4.11.14. When taken with the warehouses of Relay Park, the cumulative sequential effect of the proposed development would be **minor** for residents on the edge of Dordon, reducing over time as proposed woodland planting establishes.

Nature conservation and ecology

4.11.15. No other schemes or proposals have been identified within the immediate vicinity of the site that could provide potential for interactive or cumulative effects in terms of ecological receptors. The site is dominated by common and widespread habitats and supports limited interest in terms of faunal species, such that there is limited potential for cumulative losses of rare or notable habitat types or important faunal assemblages as a result of interactive or cumulative effects. Indeed, following mitigation and enhancements, the proposals are expected to result in benefits in terms of habitats and the majority of faunal species such that there is unlikely to be potential for significant cumulative adverse effects on ecological receptors resulting from the current proposals.

Flooding and drainage

4.11.16. The water environment is covered by the NPPF as well as stringent local and national policies. As such, every development site in proximity to the site will be subject to the same legislation. Therefore, there are no site specific impacts identified that can be considered as part of the cumulative assessment.

Socio-economics

4.11.17. In terms of socio-economics, as the proposed development has only identified positive impacts, any cumulative impacts arising in relation to the cumulative developments would be positive in nature.



4.11.18. The other technical areas have either stated no cumulative effects or only non-significant cumulative effects.

INTRA-PROJECT EFFECTS

4.11.19. There is the potential for both adverse and beneficial combined effects arising on individual receptors or receptor groups, but there is not considered to be the potential for those effects to interact with one another.

CONCLUSION

4.11.20. Overall, with the adoption of mitigation measures where recommended, there are **no significant adverse cumulative effects** predicted during the construction or operational phases of the development. **Beneficial cumulative effects** are anticipated to result from the development, which are set out in further detail in **Volume 2 of the ES**.



5 FURTHER INFORMATION

5.1 WHAT HAPPENS NEXT?

- 5.1.1. The ES has been submitted together with other planning application documents and plans to North Warwickshire Borough Council to assist planning officers and consultees in making a decision on the planning application.
- 5.1.2. The planning officer will take the information contained in the ES into account when considering whether to recommend approval of the planning application to elected Members that sit on the Planning Committee.

5.2 HOW CAN I ACCESS FURTHER INFORMATION?

- 5.2.1. Further information, along with the full suite of planning application documents, can be viewed on North Warwickshire Borough Council's online planning register:
<http://planning.northwarks.gov.uk/portal/servlets/ApplicationSearchServlet>



8 First Street
Manchester
M15 4RP

wsp.com

PUBLIC

EXECUTIVE SUMMARY

This Planning Statement supports an outline planning application submitted on behalf of Hodgetts Estates, as part of ambitious proposals to create “The Greenest Business Park in the West Midlands”.

Land north-east of Junction 10 of the M42 motorway, North Warwickshire represents a highly sustainable site that is deliverable in the short-term to accommodate ‘Best in Class’ sustainable industrial warehouse development, and the provision of an overnight lorry parking facility.

Accordingly, this planning application seeks:

‘Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved’

We set out a high-level summary of the planning case below, demonstrating why the application should be approved without delay.

RATIONALE FOR DEVELOPMENT

EVIDENCE BASE

The site is in a strategic and highly sustainable location for the land uses proposed owing to its location adjacent to the Strategic Road Network, situated at the north-east quadrant of Junction 10 of the M42 motorway and north of the A5 Trunk Road, and close proximity to Birmingham Intermodal Freight Terminal.

Indeed, there is a plethora of publications and evidence base information that have been drawn upon to demonstrate the compelling commercial and economic need for the proposed development and specialist commercial and economic need assessments have been prepared in support of the application and to provide comprehensive assessments on the matter of need. These include an Employment Land Statement (September 2021), prepared by JLL, and an Employment Land Needs Assessment (November 2021), prepared by Nicol Economics.

In summary, the evidence base clearly identifies record levels of ‘take up’ of logistics and industrial buildings in the West Midlands over recent years, exacerbated by shifts in national priorities relating to the sector, which underpins an acute need in the area.

NATIONAL DRIVERS OF CHANGE

Beyond government policies, such as the Industrial White Paper, the ‘Levelling Up Agenda’ and the Government’s drive for economic growth, Brexit and the Coronavirus pandemic have had a significant impact on the demand for and nature of the distribution and warehousing sector.

The pandemic has led to a significant shift to online shopping, accelerating a trend that was already occurring, as consumers’ movements were restricted. Post-Covid predictions estimate that £83bn of



additional online retail sales will create demand for 63.9m sqft of logistics space across the UK by 2025 to meet the demands of the online retail sector alone.

Furthermore, the Brexit and the Coronavirus pandemic have highlighted supply chain weaknesses globally and nationally, which have had a severe impact on the regions manufacturers. The sector's response has been to increase storage capacity to ensure supply chain robustness in the face of these disruptions. Studies indicate that for every £1bn of private manufacturing investment in the UK, this creates demand for an additional 175,000 sq ft of warehouse space, regardless of the underlying shift in strategy. It is essential, therefore, that new logistics floorspace is provided in the right locations to ensure the Midlands' manufacturing base continues to thrive.

In addition, there has also been a significant shift in the approach to co-locating employment and residential development which is considered by industry experts to be essential to the Covid response and the creation of the sustainable communities of the future.

Overall, the picture has changed significantly in the past few years. Take up of industrial warehouse floorspace has accelerated and there is now a pressing need for new strategic employment sites, to address national trends, as well as at the regional, sub-regional and local level.

A CRITICAL LACK OF SUPPLY

These national drivers of change have contributed to a severely eroded supply of available land/buildings at the regional level in the West Midlands, bringing it to an all-time low. The evidence base submitted with this application clearly demonstrates that the area with the most acute shortage of logistics and industrial land/buildings is along the M42/A5 corridors.

Indeed, the site is identified in the West Midlands Strategic Employment Sites Study Phase 2 (May 2021) as the best-performing site for strategic-scale employment development when compared against a range of criteria and 50 other sites throughout the region.

In response to this identified need and supporting evidence base, HE is now bringing forward proposals to deliver a highly sustainable business park that would seek to combine 'Best in Class' logistics and industrial buildings and smaller SME buildings with significant amenities and social value benefits to local residents and communities.

As noted above, HE's aspiration is to create "The Greenest Business Park in the West Midlands".

PROPOSALS

The strategy is to deliver highly sustainable buildings targeted at national and international 'Blue Chip' businesses for headquarters (HQ) and 'campus' style facilities, as well as a meaningful number (up to 10% of total floorspace) of smaller incubator units for SMEs. These facilities respond directly to the findings of the Coventry & Warwickshire Sub-Regional Employment Market Signals Study (July 2019), for new business park developments to incorporate a quantum of smaller mixed-use units targeted at SMEs and growing businesses.

The proposals include a dedicated, secure, 150 space overnight lorry park with welfare facilities, 24hr security and fenced parking, to help address identified need and tackle known anti-social behaviour issues associated with fly parking locally.

Finally, the proposals also include a dedicated on-site training facility at the Hub Office (incorporating classrooms, meeting/presentation rooms, computer suits and office space), available



for use by local training and education programmes associated with the site as well as site occupiers.

POLICY POSITION

NATIONAL PLANNING POLICY AND REGIONAL STRATEGIES

The proposed development is wholly aligned with the NPPF's drive to build a strong and competitive economy, providing a strategic-scale level of floorspace within a key growth corridor as identified in WMSESS 2021.

In addition to meeting the requirements of the NPPF, the proposed development has clear alignment with economic strategies at regional and national levels, in particular the post-Covid economic response and WMCA's Spatial Investment Delivery Plan Revised Draft (February 2019) which identifies the A5 Corridor as a key growth corridor and target for significant future investment, as well as noting the strategic employment opportunities that exist at Junction 10 M42 motorway.

NORTH WARWICKSHIRE LOCAL PLAN

Local Plan Policy LP6 (Additional Employment Sites)

Turning to the North Warwickshire Local Plan, Policy LP6 states that significant weight should be afforded to proposals for employment development at sites within Area A of the West Midlands Strategic Employment Sites Study 2015 (or successor study, in this case WMSESS 2021) where such development would meet an identified need. WMSESS 2021 refers to Area A from the 2015 study as Area 2, which is broadly speaking the M42 Corridor.

The compelling evidence submitted with this application clearly demonstrates that there is an immediate need for additional large sites of the type proposed. Furthermore, there is a clear shortage of sites to meet strategic employment needs in this area. The application site is the joint top-performing site in WMSESS 2021 and, crucially, the only motorway junction site in the M42 Corridor that lies outside of the Green Belt.

Compliance with Policy LP6 is also reliant on meeting three criteria, which the proposed development accords with:

- The site located at the north-east quadrant of the Junction 10 of the M42 Motorway and will be accessed off the A5 Trunk Road, both of which are key components of the Strategic Highways Network.
- The site is highly accessible by a choice of modes of transport, many of which are sustainable alternatives to the car, and the infrastructure improvements are proposed as part of the application which will further enhance the accessibility of the site.
- The development parameters have been carefully devised to ensure the proposed development, as demonstrated comprehensively in the ES, does not result in any adverse impacts on residential amenity for nearby residents and businesses.

Policy LP6 is therefore engaged, and weighs significantly in favour of the proposed development.

Policy LP4 (Strategic Gap)

Policy LP4 designates the site as part of a Strategic Gap. Policy LP4 states that development within the Strategic Gap is acceptable where it does not significantly adversely affect the distinctive,



separate characters of the settlements of Tamworth and Polesworth with Dordon. The proposal allows the settlements of Tamworth (to which it aligns in land use) and Polesworth/Dordon to maintain their separate characters. It will not see the settlements coalesce, as there will remain a substantial gap between them of open agricultural land. As such the development, despite being large in scale, will not have a significant adverse impact on the separate identities or characters of the settlements. The visual and physical separation, whilst reduced to some extent, is still significant and so does not adversely affect the separate identities of the settlements.

Therefore, when applying Policy LP4 in looking at all relevant considerations, the proposals accord with policy, and when this is considered alongside Policy LP6 and the demonstrated strategic need for development on the site, when applied together the significant weight afforded to Policy LP6 in decision making firmly tips the planning balance in favour of development.

LORRY PARKING PROVISION

The proposed 150 space overnight lorry park and associated welfare facilities and infrastructure forms a key component and added benefit of the scheme. As set out in Chapter 9, there is a significant deficit of HGV parking capacity in the West Midlands region and in particular there is an urgent need for additional overnight lorry parking provision in the Junction 10 area.

Existing sites in the region are operating at capacity and thus around 34% of HGV's have to park in alternative, inappropriate locations. An overall need for additional HGV parking capacity in the West Midlands region has therefore been clearly identified.

Quantitative and qualitative assessments have been carried out to support and endorse the need case further, demonstrably justifying the proposed overnight HGV parking facility being located at the application site and also the capacity for up to 150 spaces and associated welfare facilities.

There are no alternative sites within the vicinity of Junction 10 that could accommodate this need, particularly associated with existing 'offsite' parking issues in Tamworth and along the A5 corridor. The NPPF demonstrates clear policy support for the development of additional HGV parking capacity as integral components of new warehousing and distribution schemes. The proposed development includes provision of such a facility, and in this regard it is the appropriate policy response.

Furthermore, noting the Borough's strategic location and demand for lorry parking, Policy LP34 gives weight to proposals that comprise lorry parking provision and facilities. The proposed development and provision of a new 150 space overnight lorry parking facility clearly accords with Policy LP34 also.

In addition to according with local and national planning policy, the proposed development also accords with the national drive for increasing overnight lorry parking provision in order to attract and retain new HGV drivers, including female drivers to the industry. This critical aspect of the application scheme is a significant benefit in the overall planning balance and should be afforded substantial weight in the determination of this application.

TECHNICAL CONSIDERATIONS

Chapter 11 summarises the technical planning matters, policies and material considerations relevant to the determination of the application.



The Environmental Statement (ES) has comprehensively considered the potential impacts of the development proposals in line with all necessary legislation, policy and guidance.

As demonstrated in the ES, with the adoption of mitigation measures where appropriate, the proposed development would not result in any significant adverse environmental effects, including in terms of traffic/highways and landscape/visual impacts.

Any environmental impacts identified can be suitably mitigated to acceptable levels.

Furthermore, the design of future development will be underpinned by the overarching High Quality Design Principles (HQDPs) and Design Parameters contained in the Design Guide to ensure that a high-level of sustainability and design quality is achieved.

In summary, there is no significant harm arising after mitigation. There are no technical planning reasons why the proposed development should not be approved.

Against this position, we must then look at the benefits of the scheme.

MATERIAL CONSIDERATIONS FURTHER SUPPORT THE PROPOSALS

PLANNING BENEFITS

Chapter 10 sets out the multitude of planning benefits that will be brought about by the application. These are not generic benefits that could arise out of any form of economic development. Rather, these benefits are directly tied to the location and nature of this particular application scheme and will give significant benefits directly to the Borough and its inhabitants.

Investment and construction are the positive and proactive response that is needed in order to encourage much needed sustainable economic growth in the post-pandemic world.

The creation of 776 to 1,295 FTE jobs locally and 471 to 786 FTE jobs throughout the region is a significant long-term benefit. Furthermore, the co-location and timing of these jobs in proximity to residential development would align with the delivery of major new housing sites at Polesworth with Dordon (site allocation H4) and Tamworth (site allocation H5), in the recently adopted Local Plan.

In addition to job creation, the proposed development would deliver a range of other benefits to society, including the benefits of increased connectivity, access to nature, biodiversity net gains, cultural awareness and the promotion of active and healthy lifestyles.

Furthermore, the applicant's aspirations to create "*The Greenest Business Park in the West Midlands*", underpinned by the overarching HQDPs, Design Parameters and sustainability measures set out in the Design Guide will ensure that future development at the site would become an exemplar in sustainable and resilient development and addressing climate change to deliver a range of environmental benefits.

These substantial and far-reaching scheme benefits should be afforded very significant weight in the overall planning balance.

PLANNING BALANCE

The proposed development therefore accords with the Development Plan as a whole and there are no material considerations which weigh against the proposals. There are significant benefits which weigh heavily in favour of the proposals.



In accordance with NPPF paragraph 11, therefore, planning permission should be granted without delay.



**National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission**

From: Andrew Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
PlanningM@nationalhighways.co.uk

To: **North Warwickshire Borough Council - FAO Andrew Collinson**

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: PAP/2021/0663

Location: Land on The West Side Of, Dordon Road, Polesworth

Proposal: Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved

National Highways Ref: 93439

Referring to the consultation on a planning application dated 10 December 2021 referenced above, in the vicinity of the M42 and A5 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

National Highways Planning Response (NHPR 21-09) September 2021

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@df.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 22 September 2023
Name: Patrick Thomas	Position: Spatial Planner
National Highways The Cube 199 Wharfside Street Birmingham B1 1RN	

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommended Non-Approval

It is recommended that the application should not be approved until the 22 March 2024. The justification for this decision is provided below. National Highways (we) have undertaken a full and robust assessment of the planning application which has been submitted by the applicant, Hodgetts Estates. This appraisal has included the supporting information which has included a Transport Assessment and Travel Plan Framework, prepared on the applicant's behalf by Bancroft Consulting Limited (Bancroft).

Update September 2023:

National Highways continues to discuss the planning application and development proposals with the applicants based on our previous responses. The applicant has undertaken fresh traffic surveys during July to address discrepancies within the existing model. Further discussions with the applicant have continued to focus on the modelling requirements, whilst a number of other matters remain outstanding. Most recently, National Highways has undertaken a review of a Baseline Transyt Validation report and a Consolidated Modelling Strategy note which has been supplied by the applicant's transport consultants, Tetra Tech. This has been reviewed on our behalf by AECOM, and there are a number of areas where amendments or further clarification are required and we are discussing these with the applicant's consultant team. A further meeting took place on 6th September 2023 between the applicant, National Highways, North Warwickshire Borough Council, Warwickshire County Council and Staffordshire County Council. Modelling was discussed and agreed that consideration now had to be based on the requirements of the new Department for Transport Circular 01/2022. In addition, we have previously provided comments on the Walking, Cycling, Horse-Riding Assessment and Review (WCHAR), Stage 1 RSA Brief these comments have been provided back to the applicant for consideration, as well as comments regarding a proposed cycle link on the northern side of the A5 between the M42 Junction 10 and the proposed site access on the A5.

We are also in receipt of a Vision Based Travel Plan document from the applicant, which is currently under review by AECOM on our behalf.

National Highways Planning Response (NHPR 21-09) September 2021

Once the modelling has been approved and the access arrangements and cycle link acceptability have been established, we will work with the applicants to agree the Road Safety Audit Stage 1 through the process as set out in GG119 Road Safety Audits which forms part of Design Manual for Roads and Bridges. Therefore, we continue to work collaboratively with the applicant, their consultant teams, and the relevant Local Highway Authorities. We therefore await the provision of the additional information requested in our previous response to enable us to complete our assessment of the development proposals and consider whether they are acceptable in accordance with Circular 01/2022 and the National Planning Policy Framework. In light of the above, National Highways recommends that planning permission not be granted for a period of six months from the date of this notice.

In light of the above, National Highways recommends that the application not be granted for a period of three months from the date of this notice, recommending the submission of additional information mentioned above.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

APPENDIX O

Dordon Parish Council consultation responses to planning application PAP/2021/0663.

Dordon Parish Council fundamentally object to this application.

1. **LP4 Strategic Gap** – The application is in direct contravention of NWBC Local Development Plan planning policy LP4, and the Draft Dordon Neighbourhood Plan which prioritises the protection of the Strategic Gap. (Pg 26)
2. **Adverse change from rural agricultural** - The application site is a fundamentally important asset that sets the character of our community. Any development of this site will permanently change the character of Dordon, Birchmoor, and Polesworth from predominantly rural North Warwickshire Communities that are separated from Tamworth by open agricultural fields that are part of our local agricultural economy. While the application site is not within the Green Belt, this development site serves a critically important purpose in its current open rural landscape of preventing urban sprawl and the joining of Polesworth, Birchmoor and Dordon residential communities with Tamworth. In addition, the Draft Dordon Neighbourhood Plan seeks to ensure that:
 - a. Developments reflect the distinctive and rural character of Dordon Parish (Para 17. pg9)
 - b. That local wildlife sites within the Strategic Gap are protected (Pg 16)
3. **Adverse visual impact of the development** – While Dordon Parish Council recognise this is an outline planning application, we do not believe that there will be any visual mitigation that can be built that will

prevent the adverse visual amenity impact of this development site to the residents of Dordon, Birchmoor, and Polesworth. Dordon Parish Council do not accept that the creation of tree planted earth bunds will mitigate this adverse impact; rather they will only serve to restrict the visual 'openness' of the site and further negatively impact on visual amenity. In addition, Community Objective 7 set out in the Draft Dordon Neighbourhood Plan to ensure that development on the west of the parish is limited to that which keeps the sense of openness. (Pg 14)

4. **Road Access and Traffic Generation** - Dordon Parish Council have significant concerns about the capacity of the A5 and of Junction 10 M42 roundabout, to cope with the additional volumes of vehicular traffic that this development will generate. Our resident community already find it a significant challenge to negotiate junction 10 because of the speed of vehicles on the roundabout and particularly the rapid lane changing that HGVs do when positioning themselves on the roundabout. These HGV dwarf resident car and motorcycles. We are concerned that there is no additional capacity along the single carriageway section of the A5 from Dordon to Grendon which the parish council now consider dangerous. Dordon Parish is also concerned that there is no safe provision for green commuting choices within the existing Birch Coppice and St Modwen development site. We consider that Junction 10 and the A5 are already too dangerous for cyclists to use and consider that the proposed development site further exasperates this problem. Dordon Parish council is aware that the A5 records more fatal and serious injury road accidents than any other roadway in North Warwickshire.
5. **Archaeology** - The development site encompasses the remains of Hall End Hall, a significant 16th Century structure which had an Elizabethan Garden. Dordon Parish Council is aware that a recent topsoil survey identified two rectilinear features within the site. Should planning permission be granted we request that a planning condition requiring a full archeologic survey be discussed with Dordon Parish Council.
6. **Dordon Neighbourhood Plan Policy 1 Sustainable Development** – The application is in contravention of Dordon Neighbourhood Plan Policy 1 (Pg 16) This outline proposal is not located so that it can make a positive contribution towards the achievement of sustainable development. This application does not address the following policy matters:
 - a. Being of a scale, density, layout and design so that it integrates and is compatible with the character, appearance and amenity of that part of the Parish in which it is located as identified in Policy NPP4; and
 - b. Respecting the Strategic gap, identified Local Wildlife Sites and any other area designated for their nature conservation or priority habitat.
 - c. Conserving or enhancing biodiversity.
 - d. Incorporating into the scheme any natural or built features on the site that have heritage or nature conservation value where practicable.
 - e. Not increase the risk of flooding and reduces the risk where practicable.
7. **Dordon Neighbourhood Plan Policy 4 Landscape Character** – The application is in contravention of Dordon Neighbourhood Plan Policy 4 (Pg 28) This outline proposal does not make a positive contribution towards the

landscape character. This application does not address the following matters;

- a. As appropriate to their scale, nature and location, development proposals should be designed and arranged to take account of the landscape and topographical setting of the neighbourhood area and its urban environment and take into account the Key Views and Strategic gap which contribute to the distinctive character of the Parish. Development proposals should respect these important designations. Development proposals which would have an unacceptable impact on the designations will not be supported. In particular, they should be sympathetic to the dominance of Dordon village and the way in which the village is built on rising ground to the east of the Strategic gap and to the west of the Anker Valley.
- b. Proposed development within the Strategic gap should take account of the way in which the designation contributes to the wider character of the neighbourhood area the separation between Dordon village and the M42. The layout, scale and boundary treatment of the proposed development within the Strategic gap should retain a sense of openness and allow a soft transition from the open countryside area as appropriate.
- c. Where appropriate, development proposals should demonstrate the way in which they have taken account of the actions of the landscape and built features recommended for the Landscape Character Area in the NWBC landscape Character Assessment (Area 3 the Anker Valley – Land east of Dordon village and Area 5 Tamworth Fringe Uplands - Land west of Dordon village).
- d. Quality and accessibility of the natural environment in Dordon Parish is highly valued by local residents. As appropriate to the scale, nature and location, development proposals across the neighbourhood area should demonstrate they are sympathetic to the landscape setting as defined in the Dordon Parish Design Guide.

8. **Dordon Neighbourhood Plan Policy 6 Protecting and Enhancing Heritage Assets** – The application is in contravention of Dordon Neighbourhood Plan Policy 6 (Pg 38) This outline proposal does not make a positive contribution towards the protection or enhancement of heritage assets.

END

APPENDIX P

From: nlpg@northwarks.gov.uk
Sent: 31 December 2021 19:04
To: [planappconsult](#)
Subject: Comment Received from Public Access

Application Reference No. : PAP/2021/0663

Site Address: Land On The North East of J10 M42 Dordon/A5 Polesworth

Comments by: Polesworth Parish Council

From:

Tithe Barn
Hall Court, Bridge Street
Polesworth
Nr. Tamworth

B78 1DT

Phone:

Email: clerk@polesworth-pc.gov.uk

Submission: Objection

Comments: The Parish Council is submitting a number of points of objection to the planning application for this development, many of which were raised at a public meeting hosted by the Parish council in Birchmoor.

The Local Plan - Under the recently adopted Local Plan the 'Strategic Gap' giving separation between the communities of Tamworth and Polesworth, Birchmoor and Dordon was seen as being of significant and, indeed, 'strategic' importance. This development breaches that gap and would be a significant factor in breaking down the distinctive nature of these communities. In approving the Local Plan the Inspector gave special emphasis in stating the need for this.

To abandon this principle would seem to significantly undermine the integrity of the Local Plan as well as being to the significant detriment to the communities of Polesworth, Birchmoor and Dordon.

Noise Pollution - the impact of this proposed development would be particularly acute to the village of Birchmoor. A lorry park is going to operate 24 hours a day with persistent noise from refrigerated trailers as well as the significant noise associated with vehicle movements and, although the proposed lorry park is positioned on the A5 side of the warehouse, the noise is still going to carry into Birchmoor. There would also be additional noise generated by the warehouse operations themselves with the projected buffer landscaping and tree planting zones being too close to the settlement to avoid significant intrusion.

A5 Highway - The projected additional access to the A5 is seen as being problematic. This is a stretch of road which is inundated with traffic lights serving the numerous industrial estates. Air pollution on this stretch is already being recorded at levels above European permitted standards and additional logistics premises, together with the proposed lorry park will only exacerbate this problem.

We note the proposals with regard to electrical charging points but see this as essentially tokenism. Recent research into battery powered heavy and medium haulage transport indicates that the current capability is nowhere near the standard required.

Research in Germany indicates that battery powered, fully laden, heavy haulage vehicles are reduced to speeds of around 5 miles per hour on hills and often require recharging at the top. This is not a viable option in the present or foreseeable future and should not be portrayed as a viable prospect.

A further problem with loading additional HGV traffic on to the A5, is that when the A5 becomes congested traffic, including HGV's, seeks to find a way around the congestion via the B5000, this then routes this traffic through the centre of Polesworth. This frequently happens as a result of road works or accidents on the A5 but if congestion were to substantially increase on the A5 the pressure on the B5000, and the community of Polesworth, will simply become gridlocked and intolerable, and the flow of traffic north to south through

the village would become impossible.

Employment - The proposed development is heralded as a provider of employment opportunities. This is an area of high employment with the vast majority of opportunities being in low skilled and relatively low wage opportunities, which are characteristic of the logistics sector.

The proposed development will do little, if anything, to promote diversity in an area already inundated with logistic provision. We would also point out that employment in the logistics sector is increasingly becoming vulnerable to automation which does not see to 'future proof' employment prospects from this proposed development. It has also been pointed out that 7 existing warehouse/units are currently empty on the A5 on this stretch of industrial provision.

Other concerns - Concern has been expressed about the two footpaths which run through the proposed site which, if diverted, will effectively mean the loss of this facility to this area and its community.

Deep concern has been expressed by residents of Birchmoor at a recent public meeting with regard to the impact of this proposed development on the distinctive nature of their community; the possibility of an increase in criminal activity in the area as lorry parks do have a tendency to result in an increase in criminality associated with the location of lorry parks. Statistics show that there are between 10 and 20 break-ins per month for 40 lorries.

The lorries often contain valuable loads which attract criminal activity which can spill over into the surrounding area. Additional light pollution in addition to increased noise pollution is also seen as a problem.

The Council deplores the loss of more agricultural land and questions whether the use of brownfield sites adjacent to the recent industrial developments on the south side of the A5 have been fully explored.

In conclusion we would state that this proposed development represents a significant threat to the communities which come under the auspices of Polesworth Parish Council. It is in breach of the 'strategic gap' which is given prominence in our recently adopted Local Plan and as such undermines the integrity of the Local Plan were permission to be granted. The proposed development will have significant impact on the distinctive nature of the communities of Birchmoor and Polesworth, while in return offering employment opportunities which are currently available in abundance, and which may not be sustainable in the event of perceived future developments. The additional loading on the local road network does not appear to be sustainable or in the interests of the local community in terms of making transport links more difficult. Individual rights are likely to be curtailed in terms of the degradation of rights of way, increased noise, air and light pollution and the possibility of increased criminal activity in the locality. As such we feel that we have no alternative but to register a very strong objection to this proposed development.

Agenda Item No 7

Planning and Development Board

4 March 2024

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report updates Members on recent appeal decisions.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Appeal Decisions

a) Willow Close, Hartshill

2.1 This case involved the use of land in North Warwickshire to enable a residential development of 29 houses on adjoining land within Nuneaton, by providing the access through to the local highway network. This would involve the use of a small cul-de-sac that currently serves a Borough Council elderly person's development of bungalows in Willow Close in Chapel End, Hartshill. Nuneaton has resolved to grant planning permission for the 29 houses subject to a Section 106 Agreement. The Borough Council refused planning permission for the use of the "enabling land" because of the impact on the residential amenity of the occupiers of Willow Close.

2.2 Whilst the Inspector agreed that there would be an impact, it was not concluded that it would not be so harmful or material to warrant a refusal.

2.3 This is a very dis-appointing decision given the Government's objectives of promoting safe places and communities through planning decisions.

... 2.4 The decision letter is at Appendix A.

b) Heath House, Whitacre Heath

2.5 This case involved the change of use of a large, detached house in Whitacre Heath to a 9 person House in Multiple Occupation ("HMO"). It was refused on residential amenity grounds given the experience of local residents arising from a former smaller such use at the property, which did not require a planning application.

2.6 The Inspector did not agree as there was a significant “fall-back” position given that the property could be used as a six person “HMO” under permitted development rights and there was little hard evidence to show that the increase from six to nine would cause material harm.

2.7 A costs claim was dismissed as the Council was able to show that it had properly balanced the issues involved.

... 2.8 The decision letters are at Appendix B

c) **Baxterley Pool**

2.9 This case involved the proposed change of use of a building to a residential dwelling close to a fishing pool off Main Road in Baxterley. The Inspector acknowledged that the present building was used as incidental accommodation with the pool but concluded that full residential would not accord within any of the sustainable locations identified by the Council’s settlement hierarchy. This decision replicates earlier appeal decisions for the same building

... 2.10 The appeal letter is at Appendix C.

3 Report Implications

3.1 Environment, Sustainability and Health Implications

3.1.1 The Baxterley decision is clearly one that followed the Council’s adopted policy on the location of new housing development.

The Contact Officer for this report is Jeff Brown (719310).



Appeal Decision

Site visit made on 19 December 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/R3705/W/23/3321483

Willow Close, Nuneaton CV10 0XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rosconn Strategic Land against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0395, dated 23 June 2021, was refused by notice dated 7 March 2023.
 - The development proposed is the construction of up to 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure; to include details of access off Willow Close with all other matters reserved.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of up to 29 dwellings with associated landscaping, open space, sustainable drainage system and service infrastructure; to include details of access off Willow Close with all other matters reserved at Willow Close, Nuneaton CV10 0XA in accordance with the terms of the application, Ref PAP/2021/0395, dated 23 June 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. The application was made in outline with only access sought for approval. The appeal site forms a small part of a cross-boundary planning application made to both North Warwickshire Borough Council (NWBC) and Nuneaton and Bedworth Borough Council (NBBC). The larger proportion of the site, which includes the land on which it is proposed to erect the dwellings, falls within the administrative boundary of NBBC, who recently resolved to grant planning permission for the development subject to a Section 106 legal agreement. Access to the site, which is the subject of this appeal, is on land within the administrative boundary of NWBC.
4. The appeal is made against the decision of NWBC to refuse planning permission for the development on the part of the appeal site that falls within its jurisdiction, namely the access to the site. As such, in relation to this appeal, my decision is limited only to the portion of land within the boundary of NWBC.

Main Issue

5. The main issue is therefore the effect of the proposed access to the development on the character of Willow Close and the living conditions of its occupiers', having specific regard to additional vehicular and pedestrian activity.

Reasons

6. Willow Close (the Close) is a no through road comprising single storey semi-detached and terraced bungalows of a similar size and appearance. The properties along the main part of the road in the Close front the highway, they are set back from the road with intervening front gardens of varying lengths, and in some cases off street parking spaces. There is a pavement on both sides of the carriageway along the full extent of the Close. The bungalows at 9-23 Willow Close (Nos 9-23) form an adjunct to the main part of the Close, extending between the existing road towards Coleshill Road. These properties benefit solely from pedestrian access and have allocated off-street parking spaces in an area adjacent to the main carriageway. As well as dedicated on-street disabled spaces within the Close, there is a layby which provides off road parking provision.
7. At the time of my site visit, which I appreciate is only a snapshot in time, whilst there were a few traffic and pedestrian movements, the Close was generally tranquil in nature, in part due to it being a no through road.
8. The appeal proposal would see the formation of the access to serve the proposed development of up to 29 houses by a continuation of the road at the turning head of the cul-de-sac. It would introduce additional vehicles and pedestrian movements through the Close, which would inevitably lead to a greater degree of disturbance from the noise of passing people and vehicles, headlights, and general comings and goings above the current levels, which would change the character of the Close.
9. The bungalows in the Close are wholly occupied by elderly residents, some of whom have particular health and/or mobility needs. As the proposal would have particular impacts on persons who share a protected characteristic, which includes age, I have had due regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010.
10. The appeal submissions indicate that, due to the lack of through traffic and the layout and design of the properties, with lounge windows facing one another, the occupiers of the bungalows enjoy a sense of tranquillity and an environment that feels safe with a strong sense of community. Many had an expectation that this would continue during their later years. Given that elderly residents are increasingly likely to spend more time at home, than those who do not share that protected characteristic, the occupiers of the Close may be more perceptible to the effects of changes to their environment, including additional activity close to their property.
11. In terms of traffic generation from the proposed development, the appellants Transport Statement indicates that the proposed development would generate 131 vehicle movements between 7:00am and 7:00pm, with 14 and 15 movements respectively in the morning and evening peak hours. The overall volume of traffic associated with the proposal would be modest. Furthermore,

with vehicle movements equating to 1 every 4 minutes on average even during the busiest period, the traffic flow would not be particularly busy. As such, at these levels, there is no reason to believe that the area would become congested. There would also likely be substantial periods during the day with no vehicle movements.

12. While the development would mean that the Close would be discernibly busier, the increase in noise and disturbance arising as a result of the additional vehicle and pedestrian activity would nevertheless be limited given the overall volume and dispersal throughout the day. Furthermore, the existing arrangement would still prevail in terms of the layout of the Close, in particular the direct facing lounge windows, which would maintain the relationship between the properties and sense of community of the residents. Moreover, despite additional vehicles and pedestrians passing through the Close, it would remain a distinct group of properties separate from the wider development.
13. I appreciate that the speed of vehicles in the Close is currently slow, due in part to it being a no through road. However, there is no substantive evidence that vehicles travelling through the Close to access the new dwellings would do so at excessive speeds or that there would be unusually high levels of activity, either vehicular, cycle, or pedestrian, at unsociable times of the day.
14. With regards to construction traffic, any associated noise and disturbance in that regard would be for a temporary period only. Moreover, there is nothing before me to indicate that the proposal would adversely affect the safety and security of residents or their pets, nor that it would harm health through increased pollution from dust or fumes.
15. I have had due regard to the demographic profile of the residents of the Close and, in particular the need to foster equality of opportunity and avoid discrimination between those who share a protected characteristic and those who do not. Nevertheless, for the foregoing reasons, while the proposal would inevitably lead to an increase in vehicular and pedestrian movements in the Close, the additional activity generated, over and above existing levels, would not give rise to a level of activity which would be harmful to the character of the area or the living conditions of the occupiers of the bungalows, whoever they were, through noise and disturbance.
16. Accordingly, the appeal proposal would comply with Policy LP29(9) of the North Warwickshire Local Plan adopted September 2021 which sets out that new development should avoid and address unacceptable impacts upon neighbouring amenities through, among other things, noise, light, air quality or other pollution. It would also accord with Policy H4 of the Hartshill Neighbourhood Development Plan adopted 2017 in so far as it requires that development should have no significant adverse impact on residential amenity arising from noise, light or air contamination.

Other Matters

17. I note concerns regarding parking congestion within the Close, particularly during busy periods, and the effects of increased traffic generation on highway safety, including access for emergency vehicles. However, the Highway Authority has raised no objection to the proposal on highway safety grounds, subject to conditions and a financial contribution to highway improvements to be secured as part of the wider development.

18. The proposal includes changes to the current parking layout within the Close to enable the free flow of traffic to and from the proposed residential development beyond. Whilst this may mean that residents would need to walk greater distances between their parked vehicles and properties, given the parking spaces that would be affected are not allocated spaces they are not guaranteed to be available for use by specific residents. Consequently, no particular persons would be any more disadvantaged by the proposal than they are by the current arrangements, and I give limited weight to the effects arising from their relocation.
19. Several concerns have been raised by interested parties regarding the effects of the development including the loss of green space, capacity of the highway network, risk of flooding and lack of infrastructure, which relate to the wider site beyond the appeal site boundary. Therefore, these matters would be more appropriately assessed through the application of the proposal within the neighbouring authority's jurisdiction.

Conditions

20. I have considered the conditions put forward by the appellant, to which the Council indicate they are agreeable, and the Highway Authority, in light of the requirements of the Planning Practice Guidance and the Framework.
21. I have attached standard conditions relating to the commencement of development and the submission of reserved matters. A condition is necessary to secure details of a construction management plan in the interests of highway safety. I have not imposed conditions relating to the effects of the development that might arise from the part of the development that lies outside of the appeal site and on land that is not within the jurisdiction of NWBC, or conditions that require work to be carried out before the first occupation of the proposed dwellings for the same reason.

Conclusion

22. For the reasons set out above the appeal is allowed, subject to the conditions in the attached schedule.

E Worley

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drg No. 178_01 and Proposed Access General Arrangement Extension to Willow Close - Dwg No. 21507-01-2 Rev C.
- 4) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be strictly adhered to during the construction of the development and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan.

*******end of conditions*******



Appeal Decision

Site visit made on 10 January 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/R3705/W/23/3323164

Heath House, 27 Birmingham Road, Whitacre Heath, Warwickshire B46 2ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Watts, of Space M Studio, against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2022/0353, dated 5 July 2022, was refused by notice dated 6 December 2022.
 - The development proposed is Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) at Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET, in accordance with the terms of the application, Ref PAP/2022/0353, dated 5 July 2022, subject to the conditions set out in the attached schedule to this decision.

Applications for Costs

2. An application for costs was made by Mr Ian Watts, of Space M Studio, against North Warwickshire Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with regard to noise and disturbance.

Reasons

5. Heath House is a large, detached three-storey building set within a ribbon of development along Birmingham Road in the settlement of Whitacre Heath. The property has an attractive appearance, set within a spacious plot. The proposed

- development would change the use of the premises from a residential dwelling to a nine-bedroom house in multiple occupation (HMO).
6. The property shares its vehicle access with 29 Birmingham Road (No 29), which is also in the appellant's ownership. The two properties have car parking areas on the site frontage for a number of vehicles. A proposed car parking plan has been submitted, which shows seven spaces at the front and two spaces at the rear.
 7. The Council considers that, due to the limited number of services and facilities within the village, along with the infrequent bus service, future occupants would be reliant on private transport. On this basis it is suggested that the proposal would lead to increased vehicular activity at the property which would result in associated disturbance and inconvenience to neighbouring occupiers.
 8. My attention has been drawn to previous incidents at the property and its occupation as an HMO for eight occupants. In particular, a number of representations, including those by Nether Whitacre Parish Council (Parish Council), have highlighted noise and disturbance from various sources during its occupation, including car doors opening and closing and noise from motorbikes and car engines. There is also concern that nine bedrooms could result in 18 occupants, which would further increase noise and disturbance.
 9. The main parties accept that the existing dwelling could be converted and occupied as a small HMO under Use Class C4 of the Town and Country Planning (Use Classes Order) 1987 (as amended), which are defined as small, shared houses occupied by between three and six unrelated individuals sharing basic amenities. This represents a fallback position for which there is a greater than theoretical possibility on the basis that the appellant has indicated that the building has been used for similar purposes previously and works are being carried out to improve the efficiency of the building and provide additional facilities. I afford this fallback position significant weight.
 10. The appeal property is detached and there is a good degree of separation between neighbouring properties, including No 29, due to the linear built form of properties along the road, which are all set within spacious plots. Furthermore, the generous size of Heath House, which includes a number of large rooms, occupied as a family home or as a C4 HMO accommodating six unrelated individuals, would also result in a large degree of daily activity throughout the day and at night. Additionally, the road is relatively busy and a reasonable amount of activity during both the day and night can be expected.
 11. Therefore, in the context of the site and its surroundings, the increased comings and goings of three additional occupants, particularly from the use of motor vehicles at the property, would not be readily discernible. Nevertheless, a condition which restricts the occupation of the building to no more than nine people is reasonable and necessary in the context of the location of the appeal site and the generous size of the building.
 12. Taking all the above into consideration, there is no substantive evidence before me to show that the proposed use of the property as a nine-bedroom HMO would significantly increase the level of activity, noise, or disturbance to the detriment of the living conditions of neighbouring occupiers.

13. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of nearby properties, with regard to noise and disturbance. As such, the proposed development accords with Policy LP29(9) of the North Warwickshire Local Plan 2021, which seeks the protection of quality of life and development that avoids unacceptable impacts upon neighbouring amenities through noise pollution.

Other Matters

14. The Parish Council and a number of interested parties have objected to the proposal, which in addition to the main issue, includes concerns relating to the adequacy or not of the proposed parking arrangements within the site for the proposal and the adjacent property, No 29. There are also concerns about the suitability of the proposal in terms of its location near to services, amenities, and public transport opportunities, due to its rural location. Other highway and pedestrian safety matters have also been cited as concerns.
15. A series of other objections have been raised concerning the use of the property and anti-social behaviour, the effect of the car parking on protected trees, unsuitable waste storage bin arrangements, water, drainage and flooding, and whether adequate bathroom and kitchen facilities are proposed, and other matters.
16. These factors are not in dispute between the main parties and were addressed in the Council's Planning Committee Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.

Conditions

17. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
18. To ensure that suitable surfacing for the parking spaces is provided, I have included a condition that secures these details prior to the occupation of the building to ensure suitable parking arrangements are provided. Likewise, a condition which ensures that suitable pedestrian visibility splays are provided and retained free from obstruction is necessary in the interests of highway safety. In the interests of sustainable travel, I have also included a condition which secures on-site cycle storage provision.

Conclusion

19. The proposed development would accord with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered; 1745/01; 1745/02 and 22130/03.
- 3) The development hereby permitted shall not be brought into use, until details of the surface treatment for the car parking spaces have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 4) The development hereby permitted shall not be brought into use until pedestrian visibility splays measuring 2.4 by 2.4 metres have been provided on either side of the vehicular access to the site. These splays shall be left unobstructed at all times.
- 5) The development hereby permitted shall not be occupied until a secure, covered bicycle storage area has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage area shall be retained and made available for the lifetime of the development.
- 6) The development hereby permitted shall not be occupied by more than nine persons at any one time.



Appeal Decision

Site visit made on 10 January 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/R3705/W/23/3323438

Fishing Pool, Main Road, Baxterley CV9 2LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Vernon against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2022/0180, dated 25 March 2022, was refused by notice dated 4 January 2023.
- The development proposed is described as "*Change of use of building to form residential dwelling (C3) and associated private garden area land adjacent the fishing pool Main Road, Baxterley, CV9 2LW and single storey extension (December 2021).*"

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The main issue is whether or not the site is suitable for the development, having regard to local and national policy for the supply of housing.

Reasons

4. The appeal site is occupied by a small, disused timber building that overlooks a fishing lake, located in the open countryside. The building is accessed from Main Road by a long, narrow unmade track. The wider surrounding area, with open fields, agricultural and equine buildings, is remote and rural in character. Dwellings of varying design are also apparent within the wider landscape, but they are generally sporadic, and many relate to farms. Given such, and with due regard to the cited judgment¹, the site is within an isolated countryside location.
5. The proposed development seeks the conversion and extension of the building to provide a dwelling. The area around the fishing lake would provide outdoor space for future occupiers. Policy LP2 of the North Warwickshire Local Plan

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

2021 (Local Plan) directs development, including new housing, to specified main towns and settlements, categorised from 1 to 4, and category 5 being "All other locations". The site falls within the latter. Consistent, with the Framework, Policy LP2 also sets out that the re-use of redundant buildings, which enhance the immediate setting, may be a justification for a new isolated home in the countryside.

6. The appearance of the building is similar to other timber stable buildings in the locality and its re-use, along with a small extension, would have a neutral visual effect on the landscape. Nonetheless, the proposed development would not lead to an enhancement to its immediate setting, even if future permitted development rights were removed by a suitably worded planning condition. The scheme would therefore conflict with Policy LP2.
7. For proposals to reuse existing rural buildings, Policy LE13 of the Local Plan further imposes a number of criteria which must be satisfied. The parties are in agreement that the existing building is of a sound and permanent construction and the conversion and extension of the building would not amount to major or complete re-building, alteration or extension.
8. The nearest village to the appeal site is Hurley, a category 4 settlement. However, the village is approximately 2 miles away. The nearest bus stop is approximately 1.3 kilometres away and I have limited evidence before me of the frequency of a bus service and to what extent it could support the day to day needs of the future occupiers.
9. Additionally, the surrounding roads have a rural character with no pavements or street lighting. The occupiers would also need to travel down the long, narrow, unmade track to access the roads. For these reasons, future occupiers would be discouraged from walking and cycling to access services and public transport opportunities, particularly during hours of darkness. For similar reasons and variable ground conditions, public footpaths are not reliable routes either.
10. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, I consider the site to be highly inaccessible and physically remote from the nearest settlements. In the terms of Policy LE13, it follows that the building is not readily accessible to the nearest settlements via a range of modes of transport.
11. For the above reasons and on the evidence before me, the site is not suitable for the development, having regard to local and national policy for the supply of housing. It would thereby conflict with Policies LP1, LP2 and LE13 of the Local Plan which together, amongst other things, seek to restrict development outside development boundaries and limit the re-use of existing rural buildings to locations which have access to a range of services and facilities via a range of modes of transport. There would also be conflict with the Framework insofar as it states that planning decisions should avoid isolated homes in the countryside.

Planning Balance and Conclusion

12. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate

- otherwise. In this case, the conflict with local policy for the supply of housing draws the scheme into conflict with the development plan read as a whole.
13. The re-use of the site and its permanent occupation may deter crime, anti-social behaviour and prevent any further deterioration of the building and site generally but I only attach limited weight to these matters. The building is an established feature within the landscape and the proposed conversion works would not harm the appearance of the landscape. I attach limited weight to these matters.
 14. I acknowledge that the current use of the site, as a recreational fishing pool already generates vehicle movements and would continue to do so. However, a residential dwelling is likely to generate daily vehicle trips to access services and amenities. EV charging points could be installed to encourage the use of low emission vehicles. Overall, and in the absence of detailed evidence, I find that vehicle use associated with the appeal proposal would in this instance be relatively balanced compared to the existing leisure use.
 15. The proposal would contribute to boosting the supply of new housing on previously developed land, as referenced in the Framework, and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding one additional dwelling to the housing supply in the area.
 16. Moreover, whilst the appellant considers the single level building to appeal to certain demographics, such as the elderly or people with disabilities, I do not share the view that people within these demographics would necessarily wish to gravitate to a dwelling in such a remote location, devoid of adequate access to day-to-day services. The dwelling may be occupied by a local resident, or it may not, and there is also no mechanism before me to ensure that the dwelling would meet a local housing need.
 17. In conclusion, the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR