

EXPLANATORY NOTE – LANDSCAPE & DESIGN

DATE:	25 April 2024	CONFIDENTIALITY:	Public
SUBJECT:	Appeal Ref: APP/R3705/W/24/3336295 - Explanatory Note – Landscape & Design		
REFERENCE:	Note.JW.PINS.001	AUTHOR:	JW
CHECKED:	DH	APPROVED:	DH

1.1. This Note has been prepared on behalf of the Appellant, Hodgetts Estates, to provide explanatory statements for NWBC ('the Council') in respect of landscape and design matters and specifically in response to paragraphs 28 and 29 of the Inspector's Case Management Conference (CMC) Summary Note dated 28 March 2024. The Note is also intended to assist with preparation of the Landscape Statement of Common Ground (LSoCG), addressing Landscape, Visual and Strategic Gap matters, a draft of which was issued to the Council on 27 March 2024.

1.2. Paragraphs 28 and 29 of the CMC Summary Note read as follows (***my emphasis***):

*28. A draft SoCG between the appellant and the Council on Landscape, Visual and Strategic Gap matters has also been submitted. To assist with the preparation of a finalised SoCG and Landscape proofs of evidence Mr Young asked that the appellant provides drawings showing buildings with flat roofs to reflect the actual appeal proposal; drawings which clarify the levels of the platforms that would be created; and clarity regarding the species of trees proposed for the landscaping. **Mr Tucker indicated that clarity on these matters would be provided, and both the Council and appellant agreed that meaningful and early discussions on these and other relevant matters should take place between their respective Landscape witnesses.***

*29. In addition, Mr Young asked that the appellant provide clarity on 3 further matters, namely (i) the extent of the "blue land" which would be provided in perpetuity for the benefit of either the Council or the local Parish Council; (ii) the extent of the areas of "blue land" to be given over to off-site landscaping, and their status; and (iii) the proposals for the rest of the "blue land". **Mr Tucker indicated that the appellant would respond in writing to these points by no later than 26 April 2024, and the parties undertook to produce a final, signed version of the Landscape, Visual and Strategic Gap SoCG by close of play on 7 May 2024.***

1.3. I provide responses to the requests set out in each paragraph, in turn.

Paragraph 28

Drawings showing buildings with flat roofs

1.4. We firmly stand by the plans, elevations, sections, photomontages/visualisations, wirelines and high-resolution Design & Access Statement (DAS) and Design Guide submitted on 25 July 2023 (CD refs: **CD-B28 – B32, CD-B34** and **CD-B35**).

1.5. With specific regard to the photomontages/visualisations, they are a realistic depiction of how the scheme could legitimately be brought forward based on the Appellant's understanding of the market and underpinned by advice from commercial property agents JLL, as well as evidence of recent past take-up trends in close proximity to the site; namely Core 1/Tamworth 345 at Core 42 and T321 at Tamworth Logistics Park.

1.6. Indeed, based on this evidence the buildings depicted within the photomontages/visualisations, at 21m tall / maximum height sought of 117.8m AOD, are taller than those potentially required by the

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market. Core 1 and T321 are both of a similar floorplate and yet only 18m tall, even though in the case of Core 1 the plot had permission for buildings up to 21m tall (up to 121.7m AOD). The planning permission for Tamworth Logistics Park also allows for buildings up to 118m AOD.

- 1.7. The LUC document titled ‘*Appendix B Review of Additional Information*’ dated August 2023 (but issued in December 2023), in which we note the positive comments regarding the illustrative scheme design, particularly in relation to use of colour banding, toned down/ natural looking RAL colours and curved roof form, was prepared by LUC at the request of the Council and provided in response to the aforementioned package of documents submitted in July 2023.
- 1.8. Separately, the high-resolution wirelines provided within the DAS (viewpoints 1, 4 and 5) and standalone wirelines (viewpoints 8 and 9), all also provided in July 2023, are based upon maximum building parameters from the Parameter Plan (CD refs: **CD-B37**) depicting ‘proposed building extents’ across the whole of plot A1 at a maximum 117.8m AOD. As such, they comprise an ‘extreme worst case scenario’ and not what would actually be built in practice given the need for elements such as service yard, car park, access, gatehouse and formal landscaping to be provided, which would reduce building floorplate within the plot. Essentially, therefore, the wirelines provide a robust depiction albeit illustrating an ‘extreme worst case scenario’ for how the built form could be brought forward – details which have been with NWBC since July 2023.
- 1.9. Furthermore, the submitted DAS and Design Guide also incorporate numerous depictions, including plans, elevations and computer generated images (CGIs) of another illustrative scheme, the ‘Indicative Masterplan – Multi Unit Option’, showing buildings with flat roofs.
- 1.10. This information, in its totality, has been with the Council since July 2023, who subsequently instructed LUC to review and provide comments on the documents. It is regrettable that the comments were prepared in August and only issued in December but in the event, we note the positive commentary in relation to specific design elements of that particular illustrative scheme (see paragraphs 1.7 above). It is, however, frustrating that it is not until the CMC in March 2024 that a request for further information has been made.
- 1.11. Whilst we maintain that the information provided to date provides a realistic depiction of how the scheme could legitimately be brought forward and therefore do not consider that the additional information is warranted, we would be happy to consider a discussion to establish a maximum ridge/parapet and eaves height as a pragmatic way forward.
- 1.12. Indeed, it is within NWBC’s gift to suggest a condition(s), for example, restricting the maximum building height to ridge and eaves or requiring colour banding/RAL colours in broad accordance with the photomontages/visualisations.
- 1.13. We would therefore welcome proposed wording for a condition(s) from NWBC that would be acceptable to them and suggest using AOD as a reference for the heights specified in the proposed wording.

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Clarification on the levels of the platforms that would be created

- 1.14. Draft condition 13, as agreed prior to CMC though the Statement of Common Ground (SoCG), reserves details of finished floor levels of the proposed building(s) (above ordnance datum) for consideration at condition discharge stage.
- 1.15. Approval of on-site landscaping including 'hard' landscaping (earth works, platform levels, etc) is a reserved matter for consideration in due course. This approach aligns with draft condition 13.
- 1.16. We note comments at CMC that full length site sections have not been provided. The sections submitted on 25 July 2023 (CD refs: **CD-B30**) span the full length and width of the site and take in much of its periphery, including buildings at Birchmoor and Tamworth Logistics Park, the A5 and M42 corridors and surrounding agricultural land. For clarification, other illustrative sections were provided on 27 May 2022 (CD ref: **CD-B15**) showing specific elements of the proposals (i.e. the eastern landscape zone, site road and northern edge of site), which might be the source of the confusion.
- 1.17. All of the submitted site sections, and indeed the submitted wirelines and photomontages, are based upon a worst case scenario for platform formation, i.e. a single flat plateau across the whole of plot A1. If multiple buildings of different height or buildings below the maximum AOD were ultimately brought forward, stepped platforms could be utilised which tend to be less intrusive and require less earth works for platform creation.

Clarity regarding the species of trees proposed for the landscaping

- 1.18. Approval of the on-site 'soft' landscaping is a reserved matter and therefore the tree species proposed would be dealt with at reserved matters stage in accordance with draft conditions 1. This approach was agreed with NWBC prior to CMC through the draft conditions set out in the SoCG.
- 1.19. The Appellant is proposing to adopt this same approach for off-site soft landscaping and is in dialogue with the Council regarding the drafting of a S106 Agreement incorporating an obligation on the developer to submit a plan showing detailed planting scheme(s) for NWBC approval. Additional obligations would require the approved planting scheme to be implemented and maintained thereafter (refer to paragraphs 1.28 – 1.29 of this Note for further details).
- 1.20. We note the comments at CMC, that tree species is important given the time it could take for landscape mitigation screening to establish and become effective. Whilst we agree the matter merits further consideration, we would require clarification of NWBC's reasoning behind the difference of approach sought to on-site and off-site planting, especially when the larger proportion of land given over to landscape mitigation is on-site.
- 1.21. Nevertheless, through Design Parameters in the submitted Design Guide (which would be secured by draft condition 8 as set out in the SoCG), we have already confirmed the use of advance

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structure planting and all native species throughout the site and in the areas proposed for off-site landscaping. The specific Design Parameter relating to advance structure planting states:

Plant a mix of juvenile and adolescent trees (i.e., advance structure planting), in both on and offsite locations, to enhance the immediate effects of visual screening.

1.22. In this regard, as subsequent submissions will demonstrate, two lengths of native hedgerow with interspersed trees (both standard and heavy standard) have been planted within the site and blue land. This advanced structure planting will, therefore, have an immediate screening effect and these beneficial effects will be established well before any future construction of buildings on-site takes place.

1.23. Other Design Parameters in the Design Guide relating to tree species state:

In total, approximately 10,000 trees (all native woodland species) would be planted in on and offsite locations as part of landscape mitigation measures.

Planting of trees, shrubs, and herbaceous plants and sowing of wildflower mixes will comprise native species typical of the region and locally distinctive to the environs of Dordon.

Community orchard to incorporate planting of local heritage fruit tree varieties.

Reinstatement of historic field boundaries and hedgerows within Strategic Gap. Existing peripheral vegetation to be protected and reinforced with native species planting.

1.24. NWBC/LUC can suggest a condition(s) to address any residual concerns regarding planting type and species mix if they deem necessary.

Paragraph 29

(i) Clarity on the extent of the “blue land” which would be provided in perpetuity for the benefit of either the Council or the local Parish Council

1.25. The plan appended to this Note (plan ref: 4263-CA-00-00-DR-A-00092 Rev PL2) identifies the areas of ‘publicly accessible off-site landscaping’ as hatched green (i.e. the community orchard) to the eastern extremity of the blue line area. It is proposed that this will be open to the public 24/7/365 and maintained via a service charge from the development.

1.26. In addition to the area of publicly accessible off-site landscaping, public access will be afforded to all existing and proposed new public rights of way throughout the blue land (subject to agreement by the highways authority).

1.27. Additionally, it is also proposed that an area of dedicated public open space would be created on-site to the north of the proposed commercial units, which would screen views from Birchmoor village and provide opportunities for recreation. The area would incorporate naturalistic earth mounds and be planted with a mix of trees, understorey and species rich amenity grasslands (all native species).

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(ii) Clarity on the extent of the areas of the “blue land” to be given over to off-site landscaping, and their status

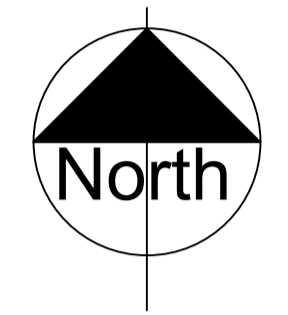
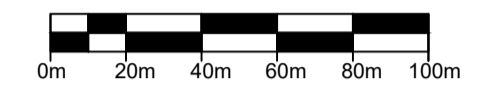
- 1.28. The Appellant has been clear on the extent of proposed blue land for potential off-site landscaping since the outset of the planning application. For the avoidance of doubt, the plan appended to this Note (plan ref: 00092 Rev PL2) also identifies the areas for potential off-site landscape and visual mitigation as shaded pink.
- 1.29. The Appellant is in dialogue with NWBC regarding the drafting of a S106 Agreement. At this stage, it is proposed that the S106 Agreement will include obligations on the developer to:
- a) Submit a plan(s) showing a detailed planting scheme for the off-site landscape mitigation proposals (i.e. within the pink shaded areas of plan ref: 00092 Rev PL2), for approval by NWBC;
 - b) Following approval, implement the planting scheme in accordance with the approved detailed planting scheme;
 - c) Submit a Management Scheme for the off-site landscape mitigation proposals, for approval by the Council. The Management Scheme will set out clear objectives to maintain the landscaping at this level throughout the operational period of the development. The Management Scheme will also include provisions for a service charge from the development including maintenance costs of both on and off-site green infrastructure (which includes landscape mitigation) – this is in line with the agreed wording for draft landscape management conditions for the red line area (conditions 17 and 35);
 - d) The Management Scheme would be implemented henceforth through the service charge (and S106 Agreement), thereby securing the off-site landscaping mitigation in perpetuity. This aligns with the Design Parameter at page 41 of the submitted Design Guide (which itself would be secured by draft condition 8, as agreed in the SoCG): “*Onsite landscape mitigation ensured through planning condition, including an appropriate Management Plan so that dead or dying trees and shrubs are replaced. Offsite landscape mitigation measures secured in perpetuity through a legal agreement with the Council.*” [underlining my emphasis]

(iii) Clarity on the proposals for the rest of the “blue land”

- 1.30. The remainder of the blue land (i.e. the blue line area not shaded pink / hatched green on plan ref: 00092 Rev PL2) would remain in its existing agricultural use, albeit noting that a public footpath also crosses the land. This being the AE46, which is proposed to be diverted and upgraded (subject to agreement by the highways authority) in accordance with Design Parameters in the submitted Design Guide.

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 Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Use figured dimensions only.
 Building areas are liable to adjustment over the course of the design process due to the ongoing construction detailing developments.
 Please note the information contained within this drawing is solely for the benefit of the employer and should not be relied upon by third parties.
 The CDM hazard management procedures for the Chetwoods aspects of the design of this project are to be found on the "Chetwoods - Hazard Analysis and Design Risk Assessment" and/or drawings. The full project design team comprehensive set of hazard management procedures are available from the Principle Designer appointed for the project.

NOTES:
 Please note Title Plans have been scaled using Ordnance Survey features which may have altered over time. Complete accuracy cannot be guaranteed without further on-site survey.
 Any dimensions given are to be confirmed with site measure.
 Subject to Surveys, constraints & planning.
 In addition to the area of 'publicly accessible offsite landscape and visual mitigation' shown (i.e., the proposed community orchard), the areas of 'potential offsite landscape and visual mitigation' shown also incorporate existing and proposed new public rights of way (subject to the agreement of the highways authority) which will also be accessible to the public.



- **RED LINE BOUNDARY**
79.97 acres / 32.36 Ha
- **OTHER LAND UNDER THE CONTROL OF THE APPLICANT**
102.94 acres / 41.66 Ha
- AREAS FOR POTENTIAL OFFSITE LANDSCAPE AND VISUAL MITIGATION**
6.51 Ha / 16.09 acres
- AREA OF PUBLICLY ACCESSIBLE OFFSITE LANDSCAPE AND VISUAL MITIGATION (I.E., COMMUNITY ORCHARD)**
3.41 Ha / 8.42 acres

PL2 Hectareage and acreage to the key added. 19.04.24 MB/NH
 PL1 First Issue. 16.04.24 MB/NH

Rev	Revision Description	Date	Author/Reviewer
PL2	Hectareage and acreage to the key added.	19.04.24	MB/NH
PL1	First Issue.	16.04.24	MB/NH

PLANNING EIA

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Project
LAND NORTH EAST OF J10 M42, DORDON

Client
HODGETTS ESTATES

Drawing Title
OFFSITE LANDSCAPING - PUBLIC ACCESSIBILITY PLAN

Scale	Size	Drawn	Checked	Date
1:2000	A1	MB	NH	16/04/2024

Project	Originator	Zone	Level	Type	Role	Number	Rev
4263	CA	00	00	DR	A	00092	PL2

