

**(4) Application No: PAP/2017/0561**

**Charity Farm, Main Road, Baxterley, CV9 2LN**

**Retrospective application for change of use for extra caravan storage and erection of CCTV camera, for**

**Mrs Ann Broomfield**

**Introduction**

This matter was referred to the Board's January meeting but determination was deferred to enable the Applicant to enter into a legal agreement for a land exchange.

Members will recall that the application sought to regularise a small strip of land that has been used for the siting/storage of caravans, expanding beyond the existing lawful extent for the use.

A copy of the previous report is attached at Appendix A.

**Observations**

At the meeting, the Applicant asked Members of the Board to consider the possibility of a land exchange, swapping part of a parcel of land approved previously under Appeal reference APP/R3705/C/02/1096610 situated to the east of the site in question for caravan storage for the land now used for this purpose. This would be achieved through a legal agreement to be discussed following the meeting.

Following several discussions with the Applicant's son and correspondence regarding the information required to assist a legal agreement, the matter has not been resolved and a legal agreement has not been forthcoming.

As such the recommendation of refusal to the scheme for the reasons outlined in the previous Board report should remain. No further information has been provided by the Applicant at this time to engage with a formal land exchange to obviate the reason for refusal and sufficient time has elapsed for this to occur.

**Recommendation**

- a) That planning permission be **REFUSED** for the reason set out in Appendix A
- b) That, for the reasons given in this report, the Corporate Director (Environment) and Solicitor to the Council, be authorised to serve an Enforcement Notice requiring the removal of the caravans stored outside of the restricted area as given express consent under appeal reference APP/R3705/C/02/1096610 subject to a compliance period of 6 months.

**(9) Application No: PAP/2017/0561**

**Charity Farm, Main Road, Baxterley, CV9 2LN**

**Retrospective application for change of use for extra caravan storage and erection of CCTV camera, for**

**Mrs Ann Broomfield**

**Introduction**

This site has been the subject of a planning history which has involved the Board on several occasions. This application follows an enforcement complaint and for this reason the matter is reported to the Board for determination.

**The Site**

Charity Farm is an agricultural smallholding of approximately 16 hectares in area, situated approx. 2km west of Baxterley. It is accessed off Main Road which links with the village of Wood End. The site lies outside of a development boundary with the nearest large settlement being Atherstone, some 4km to the east. The area is set within open countryside outside of a defined development boundary, but not within Green Belt. The main complex of Charity Farm is central within the holding and connected via an unmade track to the lane that provides access to Main Road. A public footpath (reference AE80) abuts the northern boundary of the field which this application is subject to.



**Site Location**

The site comprises of pasture land and many field boundaries characterised by tall hedgerows. Within the centre of the site lies the original Grade II Listed Farmhouse and associated outbuildings, now disused with a replacement modern farmhouse situated to the south. There a number of cabins, barns and collectables within this central area. To the east of the main central area lies a field, bounded by Leylandi along the west boundary and hedgerows to others. Part of this field is used for the storage of containers and caravans. Two hangars lie to the west of the site. A strip of grassed area lies to the south of the site that was used as an airstrip. To the rear of the two hangars

at the west of the site lies a field used for storage of caravans. The caravan storage use within this field was established under the appeal of an enforcement notice allowed in March 2003 under reference APP/R3705/C/02/1096610 following the refusal of planning application reference PAP/2001/7074 and subsequent enforcement action to regularise the site.

Site visit photos of the site can be seen in Appendix A.

### The Proposals

The application seeks the retention of the retrospective change of use of land for extra caravan storage, construction of a self-draining roadway and the erection of a CCTV camera mast to a height of 6m. This application is submitted following an enforcement complaint.



*Proposed Block Plan*

### Background

#### *Relevant Planning Site History*

CASE REFERENCE	DEVELOPMENT DESCRIPTION	DECISION
PAP/2017/0348 & PAP/2017/0347	Erection of a temporary plant room to house the incoming electric isolators/meters	LBC Granted 24.08.2017 FAP Granted 24.08.2017
PAP/2015/0398	Installation of a 50kw ground mounted photovoltaic array	Granted 17.08.2015
PAP/2012/0555	Retention of additional hangar building for the storage and maintenance of aircraft using the adjacent aerodrome, and change of use of land to provide a connection between the aerodrome and the building	Granted 27.02.2013
PAP/2010/0245	The erection of a building for the storage of recreational light aircraft	
PAP/2008/0622	Variation of conditions No:2 & no: 4 of PAP/2005/5077. Condition no: 2 to allow more than 6 aircraft to be based at Charity Farm at any one time & condition no: 4 to allow one autogyro to use the airfield	Granted 3.02.2010
PAP/2008/0225	Demolition of existing buildings and erection of garage, stable & open store	Granted 26.06.2008

PAP/2005/5077	Change of use of pasture land to airfield	Granted 11.01.2006
PAP/2004/9405	New lobby formed by enclosure of small courtyard	Granted 7.01.2005
PAP/2001/7074	Continued use of land for caravan and container storage.	Refused 19.12.2001 Subsequent enforcement complaint – appealed and allowed.
HIS/1900/8469	Change of use from redundant farm buildings to design and development of technical plastic components.	10.10.1986

The appeal decision and associated report is located at Appendix B

### **Representations**

Baxterley Parish Council – No comments received.

No third part comments have been received

### **Consultations**

Warwickshire County Council as Highway Authority – No objection subject to conditions.  
The full comments are at Appendix C.

### **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV14 (Access Design); and TPT3 (Access and Sustainable Travel Transport)

### **Other Relevant Material Considerations**

The National Planning Policy Framework – (NPPF)

National Planning Practice Guidance

North Warwickshire Landscape Character Appraisal 2010

### **Observations**

Taking into account planning policy and other material planning considerations, the key consideration in the determination of this application would be the principle of the development and the impact upon the character of the area.

#### **a) Principle of development**

Planning permission was allowed through appeal made against an enforcement notice (reference APP/R3705/C/02/1096610 see Appendix B) in 2003 for a mixed use comprising agriculture with the storage of caravans and containers restricted to two

5/113

specific areas of land. The existing storage use is not part of a formal business or farm diversification scheme at the application site. The principle has been ascertained through a breach of planning control and evidence obtained through the appeal that the use was lawful and immune from enforcement action.



*Aerial proposed plan for additional caravan storage*

*Areas approved under Appeal March 2003*

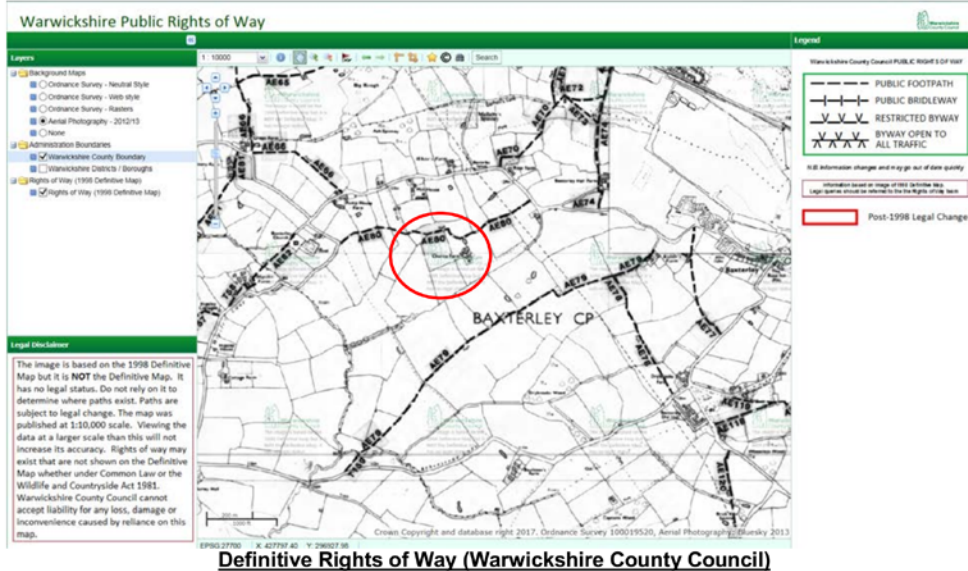
These two specific areas of the application site are shown above (right). The appeal was allowed based on evidence that the storage of vehicles and caravans from since the 1990s could be evidenced during the appeal for a continuous period of ten years and therefore was deemed lawful and immune from enforcement action. It is noted within the report that the storage use was low-key and fluctuated from recollections. The Inspector did not conclude a maximum number at the site that could be stored in the two areas. Officers are satisfied that the existing use at the site is for storage only and that there is not a residential caravan use at the site, which would be subject to density and spacing restrictions.

A further enforcement complaint has been made for the site. This application is in response to this complaint with the use of land outside of the restricted area in question to the rear of the hangar on the west side of the application site.

This application is assessed in light of the current development plan. The principle of the proposal would be assessed under Policies NW2 and NW10 of the Core Strategy, 2014. The site lies within an open countryside location outside a development boundary or a Category 5 settlement for the purpose of Policy NW2 of the Core Strategy 2014. Policy NW2 states that development in settlements without a development boundary will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. The retention of the retrospective change of use of the agricultural land for the storage of caravans and the proposed self-draining roadway to serve the existing storage areas would not accord with Policy NW2 of the Core Strategy, 2014.

Paragraph 28 of the NPPF supports sustainable expansion of all types of businesses in rural areas. However Policy NW10 of the Core Strategy, 2014 states that development should meet the needs of residents and businesses without compromising the ability of

future generations to enjoy. Point 1 recommends that development should be targeted using brownfield land in appropriate locations reflecting the settlement hierarchy. The expansion of the restricted area for storage is not an appropriate location for the development given the open rural context and contrary to the spatial strategy of the current development plan. Whilst the land in question is not situated within Green Belt, no circumstances have been submitted with the planning application to outweigh the visual harm in the enjoyment of the open countryside of users of the public footpath to the north that abuts the north boundary of the field in question (reference AE80).



**Definitive Rights of Way (Warwickshire County Council)**

### b) Impact on visual amenity and rural character

The additional land sought for the change of use for storage purpose and installation of a roadway would not accord with Policy NW12 (Quality of Development). The expansion of the storage area is not considered to improve the character and appearance of the open countryside rural setting and therefore would be contrary to Policy NW12. Furthermore the cumulative impact of the increased storage of caravans within the open countryside would give rise to an unacceptable impact on visual amenity from users of the public footpath to the north reference AE80.

### c) Highways Implications

The development would not result in a change to the existing access which currently uses the main access to the farm from Main Road. Warwickshire County Council has considered the development as proposed and is of the opinion that an objection cannot be sustained. It notes that the existing storage use has been in place for circa 14 years in which during that period there have been no recorded collisions between Baxterley Village and Tamworth Road as a result of a caravan being towed. The comments state that there is visible damage along Main Road, however given that the road is used by farm traffic and given that in some places the road is not wide enough for two-way traffic flows, it would be difficult to ascertain whether the damage is caused by Charity Farm. The comments are appended at Appendix C for further information. Given the lack of a technical objection to the development, it is considered that the development is

acceptable in highway safety terms and would therefore comply with Policy TPT3 of the Local Plan, 2006.

**d) Other Matters**

There is no objection to the proposed erection of the CCTV mast as it is considered to be compliant with Policy NW10 of the Core Strategy, 2014. The erection of the CCTV mast is considered acceptable as it would help to deter rural crime and support the existing use of the area in question.

The application seeks additional space for thirty caravans at the site. Officers consider that given the seasonal use of the storage and that the application has been submitted during winter months, the full use of the land for caravan storage should have reached its potential. No business justification for the requirement of the restricted area to be expanded at this time has been submitted by the applicant

**e) Conclusion**

In light of these observations, having considered the relevant planning policies and all other material considerations, it is considered that the proposed development is inappropriate on its planning merits and that the adverse impact on the environment would far outweigh the benefit of supporting the scheme. The proposal is contrary to Policies NW1, NW2, NW10 and NW12 of the Core Strategy, 2014. This application is a retrospective one and therefore if Members are minded to support this application, the expediency of the issue of an Enforcement Notice becomes necessary.

**f) Enforcement**

Given the recommendation, the Board, if it agrees to this, will also have to consider whether it is expedient or not to authorise enforcement action. This would require the removal of the caravans stored outside of the approved area. This would not involve significant or unusual resources. The main issue would be the cessation of the site by several caravan owners and the subsequent need for them to remove vans. A compliance period of six months should be sufficient for this.

There will be no cost to the applicant here to remove the storage of the caravans from the area indicated. In addition it is noted that there is an ample area to accommodate this storage across the two field locations that currently benefit from permission for the lawful storage of caravans and containers. It is considered there would be no cost attributed to moving the caravans and neither would it have any other adverse consequences. As indicated earlier there is no evidence submitted that indicates that an existing business or use would be significantly or financially disadvantaged.

The owner has the right of appeal against both a refusal and the issue of any Notice.

## **Recommendations**

**A)** That planning permission be **REFUSED** for the following reason:

By reason of siting, it is considered that the proposed development would harm the visual character of the area and would fail to protect and enhance the open rural character of the area contrary to Policies NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment) of the North Warwickshire Core Strategy 2014

**B)** That, for the reasons given in this report, the Assistant Chief Executive and Solicitor to the Council be authorised to issue an Enforcement Notice requiring the removal of the caravans stored outside of the restricted area as given express consent under appeal reference APP/R3705/C/02/1096610 subject to a compliance period of six months.

## **Notes**

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner. However the planning issues at this site cannot be satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.



## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0561

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Form	13/10/2017
2	The Agent	Photograph showing caravans and CCTV	13/10/2017
3	Warwickshire County Highways Authority	Consultation Response	8/11/2017
4	Planning Officer	Correspondence to agent to obtain site location plan and block plan	13/11/2017
5	The Agent	Ordnance Survey Received	16/11/2017
6	Planning Officer and Agent	Correspondence and clarification of red line area	21/11/2017
7	The Agent	Block Plan	27/11/2017

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

**Appendix A – Site Photos**



*Existing caravan storage at the site looking north*



*Existing caravan storage central strip looking north*



*Unauthorised storage (Right) and hangar in distance looking south.*



*Unauthorised storage strip with tall hedgerows to rear*



*Eastern extent of field with central strip to right*



*Rear of unauthorised storage strip with tall hedgerows to rear*



5/120

4/61



## Appeal Decision

Inquiry held on 4<sup>th</sup> and 5<sup>th</sup> March 2003

Site visit made on 5<sup>th</sup> March 2003

by **B C Wilkinson** DipTP BEng MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
409 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PH  
☎ 0117 372 6372  
e-mail: enquires@planning-  
inspectorate.gsi.gov.uk

Date 21 MAR 2003

Appeal Ref: APP/R3705/C/02/1096610

Charity Farm, Main Road, Baxterley

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr K Broomfield against an enforcement notice issued by North Warwickshire Borough Council.
- The Council's reference is ENF52/2001 and 1224/2001.
- The notice was issued on 5<sup>th</sup> July 2002.
- The breach of planning control as alleged in the notice is the unauthorised change of use of land from agricultural use to use for the storage of containers and caravans.
- The requirements of the notice are to cease the use of the land for the storage of containers and caravans and to remove them from the site.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (d) and (f) of the 1990 Act.

**Summary of Decision : The appeal is allowed following correction of the notice in the terms specified in the Formal Decision below.**

### Procedural Matters

1. In addition to the grounds of appeal cited above it has also been argued that the enforcement notice is invalid. I deal with this before the grounds of appeal.

### The Appeal Site

2. The appeal site is an irregularly shaped area of land in open countryside to the south of Atherstone. Much of the land, almost 16 Ha in extent, is down to pasture and many of the field boundaries are tall hedges. Towards the centre is the original farmhouse, now disused and replaced by a modern dwelling close by. Also in this central area are a number of buildings and cabins, some used in connection with the appellant's business and others put to a variety of purposes. A hangar holding several light aircraft stands in a field in the western half of the site, and along the site's southern boundary is a grassed area which has in the past been used as an airstrip. Except for the presence of a windsock I saw no signs, during my site visit, that this airstrip was in current use. In various parts of the site were numerous examples of caravans, containers, vehicle parts, military vehicles, cars and items of what appeared to be scrap metal and machinery.

### The Validity of the Notice

3. The appellant suggests that the notice's requirements do not make it clear whether what is needed is to remove the caravans and containers from the site as a whole, that is the area edged red on the plan attached to the notice, or simply from the areas edged blue. The problem arises because the phrase used in Section 5 is "from the site" whereas the area

edged red is defined within the notice as "the land". At the inquiry the Council confirmed that their intention was that the structures should be removed from the whole of the land edged red, but I consider that it is impossible to tell from the notice itself which interpretation is correct. In this respect the notice is unsatisfactory.

4. The notice alleges a change of use of "the areas of land edged blue", but at the inquiry the Council indicated that they felt that this should be read as referring to the whole of the land as defined in the section of the notice headed "The Land Affected". However, if that interpretation is accepted the notice incorrectly defines the use of the site. It is not in dispute that the site as a whole includes lawful elements of not only agriculture, as the notice indicates, but also residential and industrial uses. If the alleged change of use is interpreted as referring solely to the blue-edged areas then the notice means, in my view, that the structures should be moved only from those areas and not from the site as a whole. This would result merely in the removal of the structures from one part of the appellant's land to another which would be contrary to what the Council intended and would, frankly, make little sense in planning terms.
5. On the basis of these matters I am satisfied that the notice is certainly unsatisfactory and may be invalid. I do not intend to decide which, because I take the view that in either case I can, without injustice, alter the notice to limit its effects to the areas edged blue on the plan. This would not alter the nature of the arguments at the inquiry or the relevance of most of the evidence submitted.
6. There is one final matter which it is convenient to mention here, even though it anticipates, to some extent, my determination of the appeal on Ground (d). For reasons given below I consider that the boundaries of the blue areas do not accurately reflect the areas upon which the storage of caravans and containers has taken place. However, both parties at the inquiry agreed that I could, without injustice, correct the plan to reflect this matter.
7. I shall therefore alter the notice in the following respects :
  - i) By changing the definition of "the land" in Section 2;
  - ii) By altering the boundaries of the blue areas in the plan attached to the notice;
  - iii) By making minor changes to the wording of Section 3.

I shall determine this appeal on the basis of the notice as altered.

**The Appeal on Ground (d)**

8. The appellant purchased and took occupation of the site in 1987 and from the outset he moved onto it caravans and containers, initially to accommodate household effects and the various vehicles and items of machinery he collects as a hobby. When he moved his business to the site in about 1989/90 some containers were also used in connection with this. However he has also related how, from before 1990, he allowed other people to store touring caravans on the site for a small charge, and rented out containers to other people and organisations to use as storage facilities. He maintains that these last two uses of the site have continued since that time without significant break.
9. His evidence was generally supported by evidence given, on oath, by 8 people at the the inquiry. I was told, and I do not doubt, that these were selected to give a cross-section of

the site's use over the period of the appellant's occupation. Whilst different people gave evidence on different aspects of the site's use, almost all of them had clear recollection of caravans and containers being stored on the site for many years. A range of locations for such storage was referred to but there was a degree of consensus that certain parts of the site were regularly used, an area slightly larger than but including the areas edged blue on the enforcement notice plan.

10. Some of these witnesses gave evidence of making regular payments to the appellant for a number of years in respect of the storage of their own touring caravan on the site. Others described their use, on a similar basis, of containers to store equipment. I noted in particular one witness who ran a mediaeval re-enactors' society and had stored his equipment for many years in a container on the appellant's land. Others shared the appellant's interest in flying and had visited and attended several rallies at the site over the years. The evidence given by all of these witnesses remained substantially unshaken by cross-examination and, whilst recollections as to numbers and locations varied, the picture they drew was generally consistent.
11. Letters from several people who did not attend the inquiry gave evidence generally consistent with those who did attend. I noted one from a former employee of the appellant who gave evidence of regular and long term storage of both containers and caravans. The appellant also submitted two documents demonstrating the purchase of containers in 1987 and 1996, and an account for the renting of such a container in 1997.
12. A portfolio of photographs was submitted on behalf of the appellant and gave substantial support to his case. These were taken at a range of dates from 1986 to very recently and a number were aerial photographs taken from light aircraft using the site. Almost all showed caravans and containers on the site, sometimes in considerable numbers. Whilst it was conceded that some of these photographs were taken at the time of rallies, when a number of caravans would be there on a temporary basis, others gave clear evidence of both caravans and containers stored in the same position over a lengthy period.
13. No-one other than the Council spoke against the appellant at the inquiry, but I have seen several written representations opposing the development. Some of these related to planning merits but about three indicated that the site had only been used for the purposes alleged for a few years, certainly less than 10. However, the reliability of recollection of at least two of these representations is undermined by their insistence that no containers were on the site before the mid-nineties, when it is plain from reliably dated photographs that at least some were there before 1990.
14. The Council did not adduce much first-hand evidence as to the site's use, and submitted no significant documentary evidence. Their main evidence was negative, namely that in more than one visit to the site in the early nineties, and possibly before, council officers had never recorded the presence of either caravans or containers. Their arguments against granting an appeal on Ground (d) were based upon two main premises. The first was that the appellant had failed to provide enough firm evidence to demonstrate 10 years use, the second that the witnesses for the appellant gave evidence which was not only contradictory but insufficient to demonstrate the continued use.
15. The appeal site is put to a variety of uses and contains very many vehicles, caravans, containers, items of machinery and a miscellany of other items. Some of these are connected with the appellant's numerous hobbies, some his business, some the former farm,

and the provenance of others is hard to determine. There seems to be little system in the manner in which they are positioned within the site. The appellant indicates that containers tend to be brought to the site only infrequently, but once there remain in the same place for long periods. This is consistent with photographic and other evidence and I see no reason to doubt what he says. On the other hand the number of caravans tends to fluctuate considerably, partly with the seasons but also due to the holding of various kinds of rally on the site. The latter sometimes involve many people staying in caravans on the site for periods not much longer than a weekend.

16. Given this pattern of use it is quite conceivable that different people recalling a period of 10 years or more would tell of different aspects of the site's use, and make differing estimates as to the number of containers and caravans present. It could also explain why an infrequently visiting council officer might not detect or record a systematic change of use of part of the site within the plethora of temporary uses, lawful uses, and vehicles and machinery scattered about the area. Finally it leads to my rejection of the suggestion that there has been a change of use of the site due to intensification. Whilst the numbers of caravans has fluctuated, there is no evidence of an overall increase in the year on year intensity of this use sufficient to be material in planning terms.
17. I recognise that no witness gave evidence to cover all of the necessary factors, and the whole period involved in this appeal. I accept, too, that some of the evidence given may have been coloured by people's liking and respect for the appellant and the numerous charity functions he supports and provides facilities for. Nevertheless I found the evidence in his favour to be generally substantial and persuasive, in contrast to the evidence against which had very little substance. I make no criticism of the Council in this regard because, as I have explained, the circumstances of this site must have made the assessment of its planning status extraordinarily difficult. Nevertheless I conclude, on balance and as a matter of fact and degree, that the site was used for the purposes alleged in the corrected notice for more than 10 years before that notice was served. I am also satisfied, on the basis of photographs and submissions, that the area of this use is slightly more than that indicated on the plan accompanying the enforcement notice.
18. I conclude on the evidence that the appeal on Ground (d) should succeed in respect of those matters which, following the correction of the notice, are stated in it as constituting the breach of planning control. In view of the success on legal grounds, the appeal on the remaining grounds and the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

#### **Formal Decision**

19. In exercise of the powers transferred to me, I direct that the enforcement notice be corrected:
  - (i) By the substitution of the plan annexed to this decision for the plan attached to the enforcement notice;
  - (ii) By substituting, in Section 2, the word "blue" for the word "red";
  - (iii) By the deletion, in Section 3, of the words "use for the storage of caravans and containers" and the substitution therefor of the words "a mixed use comprising agriculture and the storage of caravans and containers";

20. Subject to these corrections I allow the appeal and direct that the enforcement notice be quashed.

**Information**

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

  
B. C. Williams



**APPEARANCES**

**FOR THE APPELLANT :**

Mr J Steedman FRTPI                      Planning Consultant

He called

Mr K Broomfield	Appellant
Mr T N Jinks	95 Main Rd, Baxterley
Mr R J Mason	35 Haunchwood Rd, Stockingford
Mr A S Wem	21 Dukes Rd Dordon, Tamworth
Mr T Crowe	34 Moor Lane, Bolehall, Tamworth
Mr C Amery	21 Thornhill Court, Sutton Coldfield
Mr E Taylor	32 Knoll Drive, Woodloes Park, Warwick
Mr J Huckfield	2 Trafford Close, Atherstone
Mr C Parker	20, Barnbridge, Kettlebrook

**FOR THE LOCAL PLANNING AUTHORITY :**

Mr S Maxey                                      Principal Solicitor, North Warwicks B C

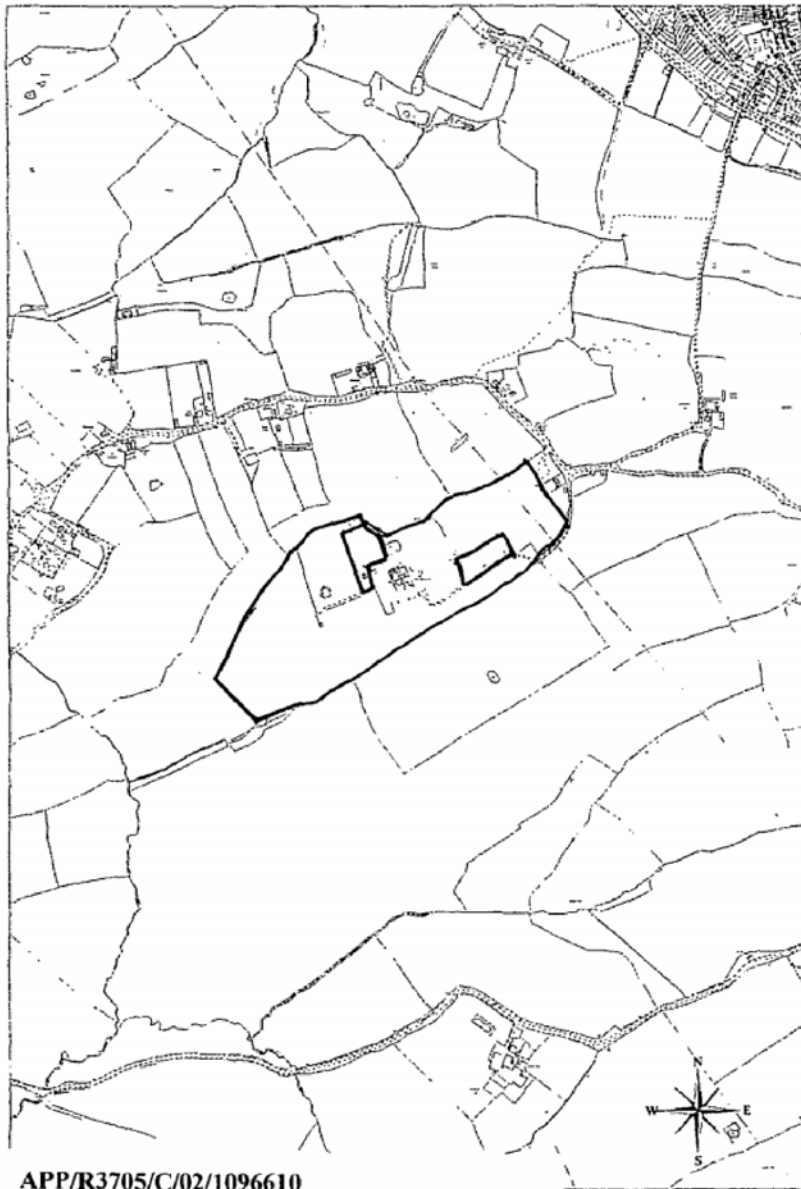
He called

Mr J G Brown BA DipTP    Planning Control Officer, North Warwicks B C  
MRTPI

**DOCUMENTS**

Document 1	List of persons present at the inquiry
Document 2	Notification Documents
Document 3	Statements of Case
Document 4	Representations Received
Document 5	Documents Relating to Planning Applications
Document 6	Photographs of the Site and its Surroundings
Document 7	Extracts from the Local Development Plan
Document 8	Correspondence between the Agents and the Council
Document 9	Invoices and Bills
Document 10	Plan of the Public Footpath
Document 11	Copy of the Enforcement Notice

# Charity Farm, Main Road, Baxterley



**APP/R3705/C/02/1096610**  
**This is the Plan Referred to in**  
**the Decision**

21 MAR 2003

the Ordnance Survey Mapping with the

5/127

4/68

Appendix C – WCC Highways Response Received 8<sup>th</sup> November 2017

Your ref: PAP/2017/0561  
My ref: 170561  
Your letter received: 24 October 2017



Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE

FAO: Gemma Smith

**Transport and Economy**

PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

Tel: (01926) 412342  
Fax: (01926) 412641  
tonyburrows@warwickshire.gov.uk  
[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

08 November 2017

Dear Mr Brown

**LOCATION:** Charity Farm, Main Road, Baxterley  
**PROPOSAL:** Retrospective application for change of use for extra caravan storage and erection of CCTV camera  
**APPLICANT:** Mrs Ann Broomfield

The Highway Authority has the following comments to make in regard to your consultation dated 19 October 2017:

According to the details submitted the extra caravan storage has been in place 14 years. During that period there have been no recorded collisions between Baxterley Village and Tamworth Road involving a caravan being towed.

Damage to the verges along Main Road is evident, but as Main Road is used by farm traffic and commercial traffic, and in some places is not wide enough for two way traffic flows, it could be difficult to say the damage was caused solely by the Charity Farm traffic.

In addition, this office does not appear to have received any information providing evidence demonstrating that the caravan traffic has damaged the fabric of the highway.

However, no details of how the site is operated appear to have been submitted. In the interests of highway safety and highway maintenance a management plan should be in place regulating when caravans can be collected and when they can be dropped off. This could prevent drivers with caravans meeting along Main Road where two way traffic flows are restricted.

*Working for  
Warwickshire*

5/128

Therefore, the Highway Authority's response to your consultation is one of no objection subject to the following condition:

1. Notwithstanding the details submitted, within 6 months of the date on the Decision Notice full details of a management plan controlling the movements of the caravans shall be submitted to and approved in writing by the planning authority, and the site thereafter shall operate in accordance with the management plan.

Yours sincerely

Tony Burrows  
Highway Control Engineer

Copy to: Councillor Mr A Jenns, - Kingsbury, for information only.

**(5) Application No: PAP/2017/0602**

**Land 160m South Of North Warwicks Sports Ground, Tamworth Road, Polesworth,**

**Outline - residential development up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure. Detailed approval for principle means of access, with all matters reserved, for**

**Taylor Wimpey UK Ltd**

**Introduction**

The receipt of this application was reported to the January Board meeting earlier this year. Since that time the applicant has been seeking agreement with various Agencies on a number of matters. This has taken some time and thus he lodged an appeal against the non-determination of the application, anticipating resolution of outstanding matters by the time that the appeal was to be heard. That appeal is likely to be heard on the 6 November and will be dealt with by an Inspector at a Public Hearing.

Because of the outstanding matters, it has not been possible to prepare a final determination report for the Board. However the appeal is now imminent and the Council needs to take a "position" at that Hearing. This report therefore brings matters up to date as far as it is able. The recommendation below is therefore set out in readiness for the Hearing as the Council will not be the determining Authority here.

The previous report is attached at Appendix A.

It is not proposed to repeat the site description or to outline the substance of the proposal.

The section on the Development Plan remains unchanged, but the content of the other material planning considerations affecting any determination does need updating. This will be done first before this report continues in its usual format.

**Other Material Planning Considerations**

The new North Warwickshire Local Plan was submitted to the Secretary of State in March 2018, after the Board meeting which first heard about this application. The relevant policies are – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Meaningful Gap), LP14 (Landscape), LP31 (Development Considerations) and LP39 with LP39a (Housing Allocations and Reserve Housing Sites)

The National Planning Policy Framework has been reviewed and a replacement document was published in July 2018. It took immediate effect.

**Consultant's Report**

One of the central issues with this proposal is its likely impact on the spatial planning policy identifying a Meaningful Gap between Tamworth and the settlements on Polesworth and Dordon. Members will be aware that the geographic definition of the Gap appears in the Submitted Plan referred to above. This was the subject of review and agreement by consultants commissioned by the Council in order to provide an

independent professional opinion prior to Submission. The application site is in that Gap.

In light of the receipt of this application, officers commissioned the same consultants to undertake a study to explore the impact of the proposal on the integrity of the Gap.

That report concluded that the parcel of land in which the site is located performs a “crucial” role in providing a buffer and sense of separation and thus that the proposal would erode the Gap if allowed to be developed.

The full report is attached at Appendix B.

## **Representations**

Thirty letters of objection have been received – twenty from addresses in North Warwickshire and ten from Tamworth addresses. The matters raised include:

- The site is not allocated in the Development Plan
- The local highway network is at capacity now within and surrounding the site, particularly in the nearby estates and settlements
- The B5000 is not conducive for pedestrians or cyclists
- There is substantial congestion here, when events are held at the recreation ground
- The access from the B5000 is already not safe
- The impact of HS2 on the development
- Too much development in the area bearing in mind recent and planned developments in Tamworth and North Warwickshire
- More affordable housing is needed
- The development will be highly visible from the east
- The development will bring Tamworth closer to Polesworth
- This is in the Meaningful Gap
- No uplift in the level of local infrastructure and services
- Loss of open countryside and the ability to walk on the footpaths here

An objection has been received from the management of the Recreation Ground. They say that the ground is used almost every weekend by “hundreds of children”. Cars are parked throughout the length of the old Tamworth Road causing congestion and safety issues. This will all be made worse by this development.

Polesworth Parish Council – It objects citing the following matters:

- The site is not allocated in the Core Strategy, outside of defined development boundaries
- It is in the Meaningful Gap. The proposal erodes this.
- The proposal is premature to the new Local Plan
- There will be very significant traffic impacts on the B5000 and other roads when put in context with other planned proposals.
- It would impact on existing local facilities.

## **Consultations**

Warwickshire Fire Services – No objection subject to a standard condition

Warwickshire Police (Architectural Liaison) – No objection but offers design advice

Warwickshire County Council as Local Flood Authority – No objection subject to standard conditions

Highways England – No objection subject to a standard condition

Severn Trent Water Ltd - No objection subject to standard conditions

George Eliot NHS Trust – It seeks a contribution of £86,473 towards additional health care services

Warwickshire Wildlife Trust – There is unlikely to be a significant negative impact on ecology as a consequence of this proposal.

Warwickshire Police – They seek a contribution of £18,633 towards additional police services

Sport England – No objection although it draws attention to the potential road safety issue in respect of the shared access arrangements with the Recreation Ground

Natural England – No objection

Warwickshire County Council (Public Rights of Way) – No objection and it also seeks a contribution of £4977 towards the maintenance of local public footpaths

Warwickshire Ramblers - Comments on the potential diversion routes for the local footpaths affected.

Warwickshire Museum – It recommended that pre-determination surveys were undertaken on the site. These have been completed without significant finds and thus there is no requirement for further investigation.

Environmental Health Officer – No objection in principle but would seek conditions in respect of the design of the houses, play areas in respect of seeking noise attenuation and a Construction Management Plan should be submitted.

HS2 Ltd – No objection. The site is close to the land that may be required for the HS2 construction and thus the safeguarding zone may change as the design of the route becomes established.

Joint Response from the Warwickshire and South East Staffs CCG's – A contribution of £69,300 is required for necessary capital infrastructure requirements

WCC (Infrastructure) – It seeks a contribution of £80,000 towards improved pedestrian links into Polesworth and £ 3282 for library services.

Staffs CC (Education) – There will be the need for a contribution as the closest primary schools are in Tamworth. This is yet to be agreed with Warwickshire CC and the developer.

Warwickshire CC (Education) - It seeks a contribution of £416,276 towards secondary and primary education in Warwickshire. However this is not yet agreed with Staffs CC. Warwickshire County Council as Highway Authority – It initially lodged no objection, but it acknowledges that Staffs CC needs to agree this position too and is thus currently working with them in order to prepare an agreed response.

Staffordshire County Council as Highway Authority – It advises that further information is required before it can advise on the impact of the development on its highway network particularly in Tamworth.

## **Observations**

The January Board report drew attention to three main matters and it is considered that these remain as those that the Board should assess at this time. They were the weight to be given to the Council's housing land supply and thus the engagement with the NPPF; the impact of the proposal on the Meaningful Gap and whether on its own or when considered cumulatively with other committed and allocated development in the vicinity, there would be significant environmental harm. Each will be taken in turn

The last annual review of the housing land supply is dated March 2018. This shows a 4.8 year supply using a 20% buffer. It therefore has to be accepted that the situation falls below the 5 year requirement of the NPPF. As a consequence the NPPF is engaged in an assessment of the final planning balance. This is set out in paragraph 11 of the NPPF. Where there is no five year supply, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole".

Members will be aware for previous cases, that the NPPF refers to "significant" harm and as such there has to be robust evidence to "demonstrate" that harm. In this case it is considered that there is – the adverse impact on the Meaningful Gap. The appellant, as he now is in this case, will argue that the housing supply figure is much less than 4.8 years. This he would then argue, suggests that the weight to be given to the impact on the Gap should be lessened, as the priority is to secure the five year supply. This debate will be had at the forthcoming appeal but the Council has its published figure of 4.8 years and this is the figure that will be defended at that appeal. Indeed it is the figure that is to be defended at the Examination into the Submitted Local Plan too.

The consultant's report into the impact of this proposal on the Meaningful Gap is supported and the consultants will be represented at the appeal in order to defend their conclusions. This is soundly based as they reviewed and supported the extent of the definition of the whole Gap as part of the preparation of the Submitted Plan. There is thus a thorough understanding of the position on the ground.

In respect of other harm, then the Board is reminded that the test is always that there has to be significant harm that can be demonstrated. The majority of the consultation responses recorded above do not indicate that such harm would be caused. However at the present time, Members will have noted that there are two areas where there is not yet a resolved position. In respect of the impacts on the local schools then whilst Warwickshire has made an initial response, Staffordshire has not. The cross-boundary issue here is important and the Inspector managing the appeal will need to see an agreed resolution if he is to be satisfied that the increased needs for education provision arising from the development, are being properly addressed. Members can be assured that both County Councils are working presently to come to an agreed outcome.



However at the present time it cannot be agreed that there will be no significant harm arising. This situation has presently therefore to be added to the harm side of the planning balance.

Apart from the impact on the Meaningful Gap, the other issue that has caused most public concern was the impact on the highway network. As can be seen above, notwithstanding Warwickshire's initial response, the two Highway Authorities have not reached an agreed position. Again this is a cross-boundary matter and again the Inspector will need to establish highway impacts "in the round". At the present time therefore the position is that the Borough Council cannot advise the Inspector that there will be no significant harm. Again at the present time this has to be added to the harm side of the planning balance.

If the situation changes in the period between the preparation of this report and the Board meeting in respect of these final two matters, then officers will provide a updated position at the meeting.

Given the delay in coming to an agreed position on these last two matters, it is understandable that the applicant has chosen to appeal against non-determination. It does however leave this Council in an awkward position as it does not have the full information before this Board in order to make a full resolution. In summary, the Council acknowledges the housing land supply position and thus the engagement of the NPPF with its presumption that planning permission should be granted. However there is significant harm caused through the erosion of the Meaningful Gap and there may too be significant education and highway harms. In other words, the harm side of the planning balance could be substantial. Members are advised that even if the education and highway issues are resolved, then the harm caused to the Meaningful Gap is of sufficient weight to argue against that presumption to approve.

## **Recommendation**

- a) That the Council is minded to **REFUSE** planning permission on the grounds that the proposal does not accord with Policy NW19 of the North Warwickshire Core Strategy 2014 as supplemented by Policy LP5 of the Submitted North Warwickshire Local Plan 2018, to the extent that the harm caused is significant such that it outweighs any potential benefits.
- b) That until such time as agreement is reached between Warwickshire and Staffordshire County Councils as education and highway authorities, the Council's position is that additional harm will be caused and that this should be added into the final planning balance as required by the NPPF.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0602

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/11/17
2	Head of Development Control	Letter	24/11/17
3	Polesworth resident	Objection	13/11/17
4	Tamworth resident	Objection	14/11/17
5	Dordon resident	Objection	14/11/17
6	Tamworth resident	Objection	14/11/17
7	Tamworth resident	Objection	14/11/17
8	Tamworth resident	Objection	13/11/17
9	Polesworth resident	Objection	17/11/17
10	Tamworth resident	Objection	14/11/17
11	Tamworth resident	Objection	27/11/17
12	Polesworth resident	Objection	18/11/17
13	Dordon resident	Objection	5/12/17
14	Dordon resident	Objection	5/12/17
15	Polesworth resident	Objection	5/12/17
16	Tamworth resident	Objection	5/12/17
17	Dordon resident	Objection	5/12/17
18	Polesworth resident	Objection	4/12/17
19	Polesworth resident	Objection	5/12/17
20	Polesworth resident	Objection	4/12/17
21	Polesworth resident	Objection	4/12/17
22	Dordon resident	Objection	4/12/17
23	Polesworth resident	Objection	4/12/17
24	Tamworth resident	Objection	4/12/17
25	Polesworth resident	Objection	4/12/17
26	North Warwickshire Recreation Centre	Objection	4/12/17
27	Polesworth resident	Objection	5/12/17
28	Tamworth resident	Objection	5/12/17
29	Shuttington resident	Objection	5/12/17
30	Polesworth Parish Council	Objection	21/12/17
31	Polesworth resident	Objection	1/1/18
32	Tamworth resident	Objection	24/12/17
33	Polesworth resident	Objection	18/5/18
34	Warwickshire Fire Services	Consultation	15/11/17
35	Warwickshire Police	Consultation	24/11/17
36	WCC Flooding	Consultation	27/11/17
37	Highways England	Consultation	28/11/17
38	George Eliot NHS Trust	Consultation	5/11/17
39	WWT	Consultation	5/12/17

40	Sport England	Consultation	4/12/17
41	Natural England	Consultation	6/12/17
42	WCC Rights of Way	Consultation	4/12/17
42	Ramblers Association	Consultation	2/12/17
43	Warwickshire Museum	Consultation	20/12/17
44	Warwickshire Police	Consultation	6/12/17
45	Environmental Health Officer	Consultation	8/12/17
46	WCC Public Health	Consultation	
47	SCC Education	Consultation	20/12/17
48	HS2 Ltd	Consultation	12/1/18
49	Environmental Health Officer	Consultation	26/1/18
50	SCC (Highways)	Consultation	14/8/18

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

**(10) Application No: PAP/2017/0602**

**Land 160m South Of North Warwicks Sports Ground, Tamworth Road, Polesworth,**

**Outline - residential development up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure. Detailed approval is sought for principal means of access, with all other matters reserved, for**

**Ms Zoe Curnow - Taylor Wimpey UK Ltd**

**Introduction**

This application has already been the subject of a pre-application presentation to Members as well as there being local consultation prior to submission through exhibitions in the locality.

It is being reported to Members at this time for information rather than determination. This will provide an opportunity for early consideration of the proposal and its supporting documentation along with an outline of the relevant parts of the Development Plan and other material planning considerations.

**The Site**

The site extends to some 6.4 hectares of agricultural land bounded on its eastern side by the M42 Motorway – which is in a cutting here - south of the B5000 (Tamworth Road) and immediately east of the residential Stoneydelph area of Tamworth. The North Warwickshire Recreation ground with its playing field, club house and car park, is to the north and there is further open agricultural land to the south. It is generally rectangular in shape and is level throughout its extent with a slight slope towards the south before some residential development is reached in Green Lane with the Relay Park Industrial Estate beyond. It is bounded by field hedgerows with some trees. There is also a frontage of residential development to the north alongside the small cul-de-sac of the former Hermitage Hill. A public footpath – the AE17- runs along its eastern and southern boundary linking this spur road with Stoneydelph.

The site's location is illustrated at Appendix A.

**The Proposals**

This is an outline application for the erection of up to 150 dwellings. All matters are reserved for later approval except that of access which is proposed off of the spur road referred to above and thence to the B5000.

An illustrative layout is set out on a Master Plan which essentially shows a built area within a green perimeter which would provide the enhanced pedestrian and cycle links into the Stoneydelph area of Tamworth as well as informal open space and a balancing pond as part of the sustainable drainage proposals.

The application identifies the nearest bus stops on the B5000 in the vicinity of the proposed access arrangement (just over 100 metres from the site boundary) and along Chiltern Road; the nearest primary schools of the Three Peaks and Stoneydelph Schools (1.3 and 1.7 km respectively) and the Stoneydelph Health Centre and Pharmacy ( 1.1 km) . The closest shops are in Stoneydelph (1.4 km).

The application proposes affordable housing provision up to 40% of the total – that would be up to 60 dwellings.

This Plan is attached at Appendix B.

The application is accompanied by a significant amount of supporting documentation. This is summarised below.

An Air Quality Assessment in respect of both the both the construction period and through new traffic generation concludes that the proposal would not breach national guidance.

A Noise Impact Assessment concludes that noise would not be a material consideration in the determination of the application provided that appropriate mitigation measures are taken into account in the design of the new houses.

An Arboricultural Assessment concludes that there are no constraints on the development of the site as a consequence of existing tree or hedgerow cover. No trees will require removal based on the illustrative Master Plan.

A Heritage Assessment points out that there are no designated heritage assets within close vicinity of the site and thus there would be no adverse heritage impacts. However there may be underground interest and thus trial trenching is to take place in line with guidance from the Warwickshire Museum.

An Ecological Impact Assessment concludes that provided standard mitigation measures are followed there would not be any residual significant adverse ecological impacts. The Master Plan would deliver overall enhancement because of the proposed new open space and balancing pond features.

A Ground Conditions Survey finds no unusual or significant features to restrict construction on the site.

A Utilities Assessment describes the existing provision of electricity, gas, foul water and telecomm infrastructure. Consultation with the relevant Agencies reveals that there is residual capacity in the existing gas network but that electricity, water and foul water networks will require reinforcement.

A Flood Risk Assessment and Drainage Statement demonstrates that the site is not at significant flood risk, nor would the development affect surrounding catchments, subject to sustainable drainage measures being implemented. These measures include minimum floor levels and the introduction of surface water attenuation features. The site currently has no foul water connection to public sewers. As indicated above there is likely to be some reinforcement of the existing capacity in this network and a pumping system is likely to be required to connect the site to the network in the Stoneydelph area.

A Transport Assessment concludes that the site is in a sustainable location given its proximity to public transport routes and the existing linkages into the Stoneydelph area. The Assessment concludes that there would be little additional impact on existing junctions.

A Landscape and Visual Impact Assessment concludes that the effect on landscape character would not be significant with effects confined to the site itself rather than the wider geographic area. The visual impact is also said to be self-contained due the topography of the site; its surrounding boundaries and the overall context. Impacts would be discernible by footpath walkers and the residents of the existing Tamworth Road residents. However these are concluded to be less than significant and would be further mitigated by the additional landscaping proposed.

A Statement of Community Involvement describes meetings with the Trustees of the North Warwickshire Recreational Centre; Polesworth Parish Councillors and local Members together with a public exhibition event at the Recreation Centre. Notification of this last event was given to almost 4000 local residents in Polesworth and Dordon. There were 183 visitors to the exhibition and there were 69 feedback forms completed. Of these the Statement confirms that 65% were returned from people over 50 years of age; that the greatest housing need should be for first time buyers and those with families and that an on-site play area was supported by almost 70% of the visitors. 75% of the respondents opposed or strongly opposed the proposals. The main issues raised were: traffic and access problems; access to facilities and the loss of the Meaningful Gap.

A Design and Access Statement describes how the Master Plan was drawn up using both the opportunities and constraints of the site and its relationship to adjoining land uses and the need for access to facilities.

A Planning Statement draws all of these issues together and places them and the application proposals themselves into the planning policy background at both local and national levels. In essence the applicant's case is that:

- The Council does not have an adequate housing supply and thus the requirements of the NPPF apply.
- In this regard the proposal is sustainable development not causing significant harm.
- The proposal would not jeopardise the objectives sought by the Meaningful Gap.

#### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon), NW20 (Services and Facilities) and NW21 (Transport)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV9 (Air Quality), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), TPT1 (Transport Considerations) and TPT3 (access and Sustainable Travel)

#### **Other Material Planning Considerations**

The National Planning Policy Framework 2012 – (the "NPPF")

National Planning Practice Guidance

The draft Submission Version of the Local Plan for North Warwickshire 2017 – Policies LP 5 (Meaningful Gap); LP39 (Housing Allocations) and 39a (Reserve Housing Sites)

The North Warwickshire Landscape Character Assessment and Capacity Study 2010

The Five Year Housing Supply – July 2017

Appeal Reference APP/R3705/W/2015/3136495 - "the St. Modwen Appeal"

#### **Observations**

There are some significant planning issues that will need to be assessed in the determination of this application – the weight to be given to the Council's housing land supply and thus to the engagement of the NPPF; the impact on the Meaningful Gap and whether the application would cause any significant environmental harm either on its own, or when treated cumulatively with other committed and allocated development in the vicinity. The consultation process will provide responses that will inform Member's assessment of these issues and assist in their determination of the overall planning balance here.

#### **Recommendation**

That the report be noted at this time

**BACKGROUND PAPERS**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

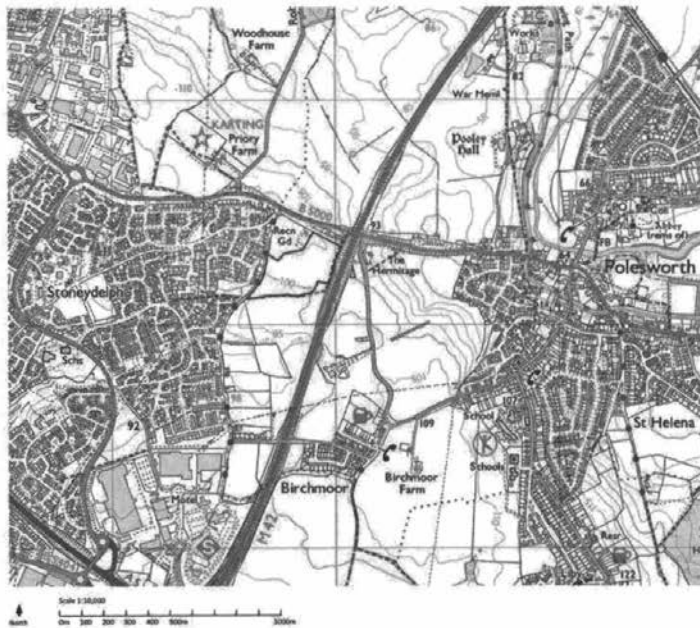
Planning Application No: PAP/2017/0602

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/11/17

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



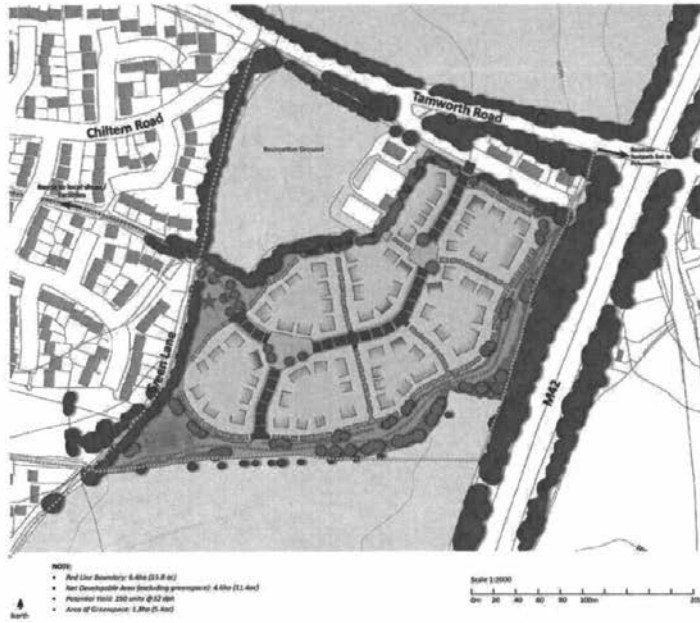


Appendix A  
**RANDALL THORP**  
 CONSULTING ENGINEERS ARCHITECTS  
 1000 Lakeside Drive, Scarborough, Ontario M1S 5T9  
 416-291-7070 [www.randallthorp.ca](http://www.randallthorp.ca)

Key:  
 Site Boundary

RECEIVED  
 09/11/2017  
 PLANNING & DEVELOPMENT SERVICES

**Taylor Wimpey**  
 Tamworth Road, Tamworth  
 Site Location Plan  
 Drawn by: CAN Date: 06.11.17  
 Checked by: CAN  
 Rev: 01 Rev: 01  
 Q&A Status: Checked Product Status: Issue  
 Scale: 1:50,000 @ A3



Appendix B  
**RANDALL THORP**  
 CONSULTING ENGINEERS ARCHITECTS  
 1000 Lakeside Drive, Scarborough, Ontario M1S 5T9  
 416-291-7070 [www.randallthorp.ca](http://www.randallthorp.ca)

Key:  
 Site Boundary  
 Existing Trees/Woodland  
 Development Land  
 Anticipated Building Footprints  
 Potential Focal Building  
 Potential Focal Square  
 Proposed Trees and understorey vegetation  
 Proposed Primary Road with Cycle Way  
 Proposed Secondary/Tertiary Road  
 Proposed Greenway Network  
 Existing Public Right of Way  
 Existing Level Cycle Route  
 Existing Off Road Footpath/Cycle Route  
 Proposed Footpath Linkages  
 Retention Basin  
 Potential Playparks  
 Existing Bus stops

**Taylor Wimpey**  
 Tamworth Road, Tamworth  
 Illustrative Masterplan  
 Drawn by: CAN Date: 06.11.17  
 Checked by: CAN  
 Rev: 01 Rev: 01  
 Q&A Status: Checked Product Status: Issue  
 Scale: 1:20,000 @ A3

NOTE:  
 • Red Line Boundary: 4.6ha (11.3 ac)  
 • New Development Area (including greenway): 4.6ha (11.3 ac)  
 • Potential Focal: 200 units @ 52 dm  
 • Area of Greenway: 1.2ha (3 ac)



[www.landuse.co.uk](http://www.landuse.co.uk)

**Land south of the B5000 (Tamworth Road)  
PAP/2017/0602**

**LVIA Review for North Warwickshire Borough Council**

Report  
Prepared by LUC  
February 2018

**Project Title:** LVIA Review for land south of the B5000 (Tamworth Road) PAP/2017/0602

**Client:** North Warwickshire Borough Council

Version	Date	Version Details	Prepared by	Checked by	Approved by
1.0	31/1/18	Draft report	RK	RK	RK
2.0	1/2/18	Final report	RK	RK	RK



[www.landuse.co.uk](http://www.landuse.co.uk)

## Land south of the B5000 (Tamworth Road) PAP/2017/0602

LVIA Review for North Warwickshire Borough Council

Report  
Prepared by LUC  
February 2018

Planning & EIA  
Design  
Landscape Planning  
Landscape Management  
Ecology  
GIS & Visualisation

LUC LONDON  
43 Chalton Street  
London  
NW1 1JD  
T +44 (0)20 7383 5784  
[london@landuse.co.uk](mailto:london@landuse.co.uk)

Offices also in:  
Bristol  
Edinburgh  
Glasgow  
Lancaster  
Manchester



Land Use Consultants Ltd  
Registered in England  
Registered number: 2549296  
Registered Office:  
43 Chalton Street  
London NW1 1JD  
LUC uses 100% recycled paper

# Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
	The site and the proposed development	1
	Structure of this report	1
<b>2</b>	<b>Review of the Applicant's LVIA</b>	<b>3</b>
	Study Area	3
	Methodology	3
	Baseline	4
	Assessment	4
	Secondary, cumulative & combined impacts	6
	Photographs/ visualisations	6
	Mitigation	6
<b>3</b>	<b>Consideration of the Meaningful Gap</b>	<b>7</b>
<b>4</b>	<b>Summary</b>	<b>8</b>

# 1 Introduction

- 1.1 LUC was commissioned by North Warwickshire Council (NWC) in December 2017 to provide a review of the Landscape and Visual Impact Appraisal (LVIA) for the proposed development of 'Land south of the B5000 (Tamworth Road)', produced by Randall Thorp LLP for Taylor Wimpey UK Ltd (planning application ref. PAP/2017/0602).
- 1.2 This report provides a technical review of the LVIA, considering the scope, methodology, baseline, assessment and mitigation, with reference to the *Guidelines for Landscape and Visual Impact Assessment*, 3rd edition (the GLVIA3)<sup>1</sup>. In addition, it provides a professional opinion on the robustness of the judgements made in the LVIA based on the experience of Chartered Landscape Architects (CMLI) at LUC and guidance within the GLVIA3, while noting that the LVIA does not form part of an EIA.

## The site and the proposed development

- 1.3 The site comprises some 6.4 hectares of agricultural land bounded on its eastern side by the M42 Motorway (in cutting), south of the B5000 (Tamworth Road) and immediately east of the residential Stoneydelph area of Tamworth. The North Warwickshire Recreation ground with its playing field, club house and car park, is to the north and there is further open agricultural land to the south. It is generally rectangular in shape and slopes to the south-east. It is fairly well enclosed by vegetation, being bounded by field hedgerows with some trees. There is also a frontage of residential development to the north and a public footpath – the AE17- along its eastern and southern boundaries.
- 1.4 Outline approval is being sought for residential development up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure. Detailed approval is sought for the principal means of access, with all other matters reserved.
- 1.5 The scheme information is provided in the form of a Parameter Plan, which shows areas for development of dwellings (mostly 2 storey, with a maximum of 25% at 2.5 storey, up to 10.5m in height), public open space, locally equipped area of play, infiltration basin and highways access. There is also an illustrative masterplan which shows proposed development areas, vegetation and layout of internal roads.

## Structure of this report

- 1.6 **Section 2** of this report is structured under the headings in the following table, which are based on the processes outlined in the GLVIA3 (NB the scoping stage is not included because the LVIA does not form part of an Environmental Statement in this case).
- 1.7 We recognise that GLVIA3 doesn't set out strict rules that must be adhered to, but as best practice guidance it identifies all the elements that would need to be addressed in some way for the LVIA to be considered comprehensive.

**Table 1-1: Aim of the review**

Review heading & aim	Review questions
Study area	Is the study area appropriate?

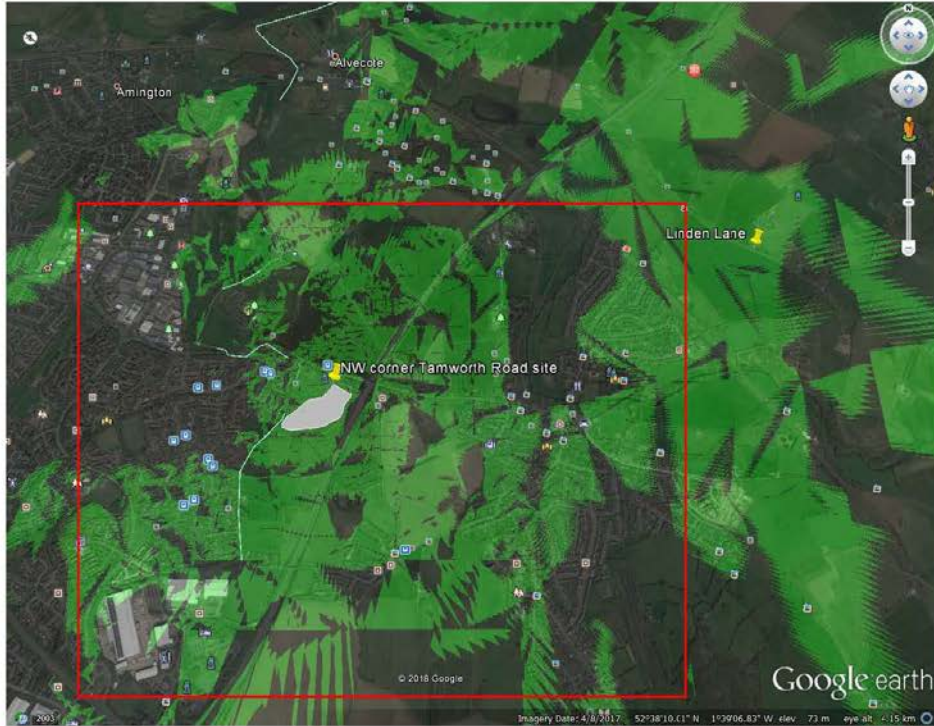
<sup>1</sup> Guidelines for Landscape and Visual Impact Assessment, Third Edition, Landscape Institute and Institute of Environmental Management & Assessment (2013).

Review heading & aim	Review questions
<b>Methodology</b>	Does the methodology adequately reflect GLVIA 3 guidance? Is the list of criteria used to make judgements clearly set out?
<b>Baseline</b> <i>Establish the existing landscape and visual baseline</i>	Does the LVIA adequately describe the existing landscape and its characteristics through identifying potential receptors of landscape impact (elements and features; landscape character and key characteristics) and consideration of the value attached to the landscape? Does the LVIA adequately describe the visual baseline by identifying extent of visibility and key visual receptors? Is the choice of viewpoints representative? Does the LVIA include photographs from viewpoints?
<b>Assessment</b> <i>Identify and describe likely effects as a result of the interaction between the proposal and the receptors</i>	Does the LVIA adequately assess the sensitivity of landscape receptors (with reference to the receptor's susceptibility to change and its value)? Does the LVIA adequately assess the magnitude of change to the landscape as a result of the proposed development (with reference to size and scale of effect, the duration of the effect and the reversibility of the effect)? Does the LVIA adequately assess the overall level of effect by combining judgements on sensitivity and magnitude? Does the LVIA adequately assess the sensitivity of the visual receptors (with reference to the receptor's susceptibility to change and value of the view)? Does the LVIA adequately assess the magnitude of change as a result of the proposed development (with reference to the size and scale of effect, the duration of the effect and the reversibility of the effect)? Does the LVIA adequately assess the overall level of effect by combining judgements on sensitivity and magnitude? Is the direction of effect stated and justified? Does the assessment refer back to the baseline to describe and explain effects?
<b>Secondary, cumulative &amp; combined impacts</b>	Are secondary, cumulative and combined impacts involving landscape and / or visual effects adequately addressed?
<b>Visualisations</b>	Are predicted changes illustrated by means of visualisations from representative viewpoints? If so, are the photomontages accurate and in line with appropriate guidance?
<b>Mitigation</b>	Have opportunities to minimise landscape and visual effects been taken on board? Are potential changes in predicted residual impact as a result of proposed mitigation and management measures sufficiently justified?

- 1.8 The report also sets out a critique of the judgements made in the LVIA. Without carrying out detailed assessment ourselves any such comments can only flag potential issues based on our professional experience of carrying out similar assessments.
- 1.9 **Section 3** of this report considers how the applicant has considered the Meaningful Gap in its submission.
- 1.10 **Section 4** provides a summary and any additional information/ clarifications that we recommend are requested.

## 2 Review of the Applicant's LVIA

- 2.1 Below is a screen shot of a viewshed generated in Google Earth using a Placemark located at 10.5m height in the north-west corner of the site (the site is shown in grey). It gives a rough indication of the potential extent of 'worst-case' visibility, assuming no screening by buildings or vegetation.



### Study Area

- 2.2 The study area is shown on Figure 1 of the applicant's LVIA (and marked roughly by the red box above) as extending from central Polesworth in the east to the western edge of Stoneydelph in the west, and from Woodhouse Farm in the north to the services at Junction 10 of the M42 in the south. There may be some longer distance views such as from the elevated ground on the eastern side of Polesworth (e.g. Linden Lane – marked by a yellow placemark in the image above), but the development would mostly be shielded by existing vegetation and at this distance the change to views/ visual amenity is unlikely to be particularly noticeable. The study area is therefore appropriate for this development.

### Methodology

- 2.3 The methodology, set out in Paras 2.10 – 2.13 is in line with the guidance set out in the Landscape Institute/ IEMA's 3<sup>rd</sup> Edition Guidelines for Landscape and Visual Impact Assessment



(GLVIA 3). The criteria used to make judgements are clearly set out, but there are no definitions as to what might define a high or low value, or a high or low susceptibility. This should be clarified.

- 2.4 The assessment has considered effects at initial completion of development and 15 years post completion i.e. when landscape treatments have matured with the 15 year post completion assessment representing the residual effects. This is an appropriate approach.

## Baseline

- 2.5 The baseline provides a review of how the site sits within the national and local landscape character areas. At the local level, the Council's landscape character assessment classifies this area as an urban fringe landscape influenced by the adjacent settlements, and the applicant's assessment picks up on this to justify the site's suitability for more residential development. This does not recognise the rural qualities of the site which is well screened from the M42 at this point (Photo 4 on Figure 7 gives a good indication of the rural character of this strip of land between Tamworth and the M42).
- 2.6 The baseline makes reference to the Staffordshire County 'Planning for Landscape Change' document which recognises the urban nature of the area to the west of the site, but not the Warwickshire 'Landscapes Guidelines' document which recognises the site as part of the 'Arden' regional area (an historic region of former wood pasture and heath characterised by a dispersed settlement pattern, ancient woodlands and mature hedgerow oaks). The site lies in an area that is classified as an enhancement zone and the guidelines include suggestions to maintain the historic dispersed settlement pattern of hamlets and scattered farmsteads, and conserve the built character by ensuring that new development reflects the vernacular style. Although the county project is fairly old, it is still available on line and the County states that the guidelines still provide invaluable strategies for managing and enhancing these landscapes and underpin all their work in rural areas.
- 2.7 The on-site photos are useful in documenting the context of the site and the site's inter-visibility with surrounding landscapes, although it would have been useful to have all angles covered (e.g. the view east from VP A). The most visible part of the site is the north-western elevated area.
- 2.8 Overall the visibility of the site is relatively limited due to landform and vegetation, and the viewpoints are representative of the types and angle so views, as well as covering the key visual receptors which are clearly set out at para 4.36.

## Assessment

### Assessing landscape value and susceptibility

- 2.9 **Landscape value** is addressed in terms of presence of designations and criteria set out in GLVIA3 Box 5.2 and concludes that the site has 'low' value. The criteria are acceptable, but it is difficult to understand what a 'low' value actually means without a definition of 'low', 'medium' and 'high' value in the methodology (this point is raised in the methodology section above).
- 2.10 The analysis of landscape value seems to weigh heavily on the fact that this is an 'urban fringe'. For example, landscape and scenic quality is scored low, which may be considered an underestimate particularly in the context of Photo 4 on Figure 7. Overall though it is agreed that the landscape is not of particularly high value in the sense meant in GLVIA 3 (although of course the site will be valued by the local community and for the role it plays in the 'Meaningful Gap').
- 2.11 **Landscape susceptibility** is considered by the assessor to be 'low' on the basis that existing views towards this area incorporate the existing residential development at the settlement edge. This seems a bit simplistic and ignores the fact that this is a greenfield site that will be substantially changed through development. The definition of susceptibility in GLVIA3 is "*the ability of the landscape receptor... to accommodate the proposed development without undue consequences for the maintenance of the baseline situation and/or achievement of landscape planning policies and strategies*". The greenfield nature of the site will clearly be completely

changed by development so that the baseline situation could not be maintained, and therefore a 'low' susceptibility to change might be expected to apply to a brownfield, rather than a greenfield, site. It is difficult to understand what a 'low' susceptibility actually means in the context of this assessment without a definition of 'low', 'medium' and 'high' susceptibility in the methodology (this point is also raised in the methodology section above).

#### Assessing view value and susceptibility of visual receptors

- 2.12 Para 5.6 of the LVIA states that "*The landscape is not designated nationally or locally for its landscape value and is not valued for its scenic quality. Views are therefore across a landscape of low value*". This misunderstands the definition of **view value** in GLVIA 3 which is about recognition attached to particular views through planning designations and indicators of value attached to views through appearance in guidebooks or on tourist maps, or provision of facilities for their enjoyment, or references in literature and art. Although the views experienced by the visual receptors in this LVIA are unlikely to be highly valued according to these criteria, the applicant should review view value according to the method set out in GLVIA3 (the same approach is reflected in the methodology at the top of page 9 of the LVIA).
- 2.13 **Susceptibility of visual receptors** to change is set out in Table 4, and the overall sensitivity of receptors is recorded in the same table.

#### Landscape effects

- 2.14 Landscape effects are assessed at completion and after 15 years. The landscape assessment makes reference to size and scale of effect, the duration of the effect and the reversibility of the effect in line with GLVIA3.
- 2.15 At completion the LVIA assesses a **moderate adverse, local, medium term effect** on the landscape within the site and immediate setting.
- 2.16 After 15 years the LVIA concludes that there will be a **minor adverse, local, long term effect** on the landscape of the site and its immediate setting (the reduction to minor after 15 years is said to be due to the increase in landscape features that will integrate the Proposed Development in to the surrounding areas). As the site will have completely changed character it is questionable whether this change can be regarded as a 'minor' effect. A 'moderate' effect on the site and its surrounds seems a more realistic level. It is, however, acknowledged that the effect will be localised.

#### Visual effects

- 2.17 Visual effects are assessed at completion and after 15 years. The visual assessment makes reference to size and scale of effect, the duration of the effect and the reversibility of the effect in line with GLVIA3.
- 2.18 At completion the following receptors will experience the greatest adverse effects:
- Users of PRoW AE17: major/moderate adverse effects over the medium term
  - Users of Green Lane Footpath/Cycleway: major/moderate adverse effects over the medium term
  - Residents located on Tamworth Road (spur road): major/moderate adverse effects over the medium term
  - Users of the North Warwickshire Recreation Ground: moderate adverse effects over the medium term
- 2.19 After 15 years the effect on PRoW AE17 and residents located on Tamworth Road (spur road) will be **moderate adverse**, but all other visual effects will have reduced to minor or less due to the maturing of the screen planting. This seems reasonable.

## Secondary, cumulative & combined impacts

- 2.20 Cumulative effects with other development sites or the safeguarded HS2 route have not been assessed.
- 2.21 It is suggested that the following development sites have the potential to interact cumulatively with the proposal and should therefore been examined as part of a cumulative assessment:
- The land north west of Robey's Lane which forms a proposed development allocation in the emerging Local Plan (Policy LP39);
  - Land Opposite Woodhouse Farm, Robeys Lane, Alvecote (PAP/2017/0257); and
  - The safeguarded HS2 route.

## Photographs/ visualisations

- 2.22 The LVIA notes that the viewpoints were agreed with the LPA. The photographs are useful to illustrate the nature of existing views. However, the lack of visualisations makes it difficult to understand the potential visibility of the parameters for which planning permission is being sought, or the appearance of the illustrative masterplan.
- 2.23 GLVIA3 states that "*The predicted changes must be described in the text but should also be illustrated by means of visualisations from representative viewpoints*" (para 8.16) and "*where the scheme is not fully developed visualisations must be based on clearly stated assumptions*" (para 8.22). The Landscape Institute's 'proportionality guidance'<sup>2</sup> indicates that i) sensitivity of the receiving landscape or viewers, ii) the magnitude of change expected to arise, and iii) the intended use of the images (whether for pre-application discussion, consultation, LVIA or a public inquiry) all dictate the choice of visualisation produced. Applying the guidance, this would indicate that:
- Detailed plan sections, a detailed model, a photowire, photomontage or 2D export from a 3D model should be provided for the views from PRoW AE17 and the spur road (representing the local community here) at years 1 and 15;
  - A model, a computer wireline, augmented reality or a constructed perspective should be provided for the views from Green Lane footpath/cycleway and North Warwickshire Recreation Ground at year 1 (and year 15 if desired to show likely effectiveness of planting).
- 2.24 Annotated photographs are sufficient for the viewpoints from which the changes are anticipated to be minor.

## Mitigation

- 2.25 The proposals include planting to enhance existing boundaries and provide a buffer between the proposed housing and the open farmland to the south of the Site. This will help to screen the development. It is recognised that the success of the mitigation is dependent on the detailed design of the scheme, although there is no reason to think that the strategy cannot be achieved.

---

<sup>2</sup> Visual representation of development proposals Technical Guidance Note 02/17 (31 March 2017)

### 3 Consideration of the Meaningful Gap

- 3.1 NWDC asked LUC to consider the impact of the proposal on the 'Meaningful Gap'.

#### **Purpose of the Meaningful Gap**

- 3.2 The Meaningful Gap policy is currently defined in Policy NW19 'Polesworth and Dordon' of the Core Strategy (adopted 2014) '*...Any development to the west of Polesworth and Dordon must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a Meaningful Gap between them*'.
- 3.3 LUC previously undertook an independent assessment of the land designated in local planning policy as a 'Meaningful Gap'. The 'Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations'<sup>3</sup> assessed each parcel in order to determine how land performs with regards to preventing neighbouring towns merging with one another.
- 3.4 The study found that all of parcel 7 (in which this site lies) makes a strong contribution because it provides a buffer and sense of separation between the settlements which are relatively close to each other at this point. The report notes that Parcels 6 and 7 play a crucial role in separating Tamworth and Dordon, as the distance between the settlements is narrow at this point (approximately 830 metres) and existing urban development at Birchmoor compromises the openness of the area and threatens to create a perception of merging the two settlements.

#### **Applicant's consideration of the Meaningful Gap**

- 3.5 The Applicant's DAS addresses the 'Meaningful Gap' and suggests that development of the Site would result in no meaningful physical coalescence between Polesworth / Dordon and Tamworth because a physical separation distance of minimum 478m would be retained between settlements.
- 3.6 Although the development would not completely close the gap, there is no doubt that development of this site would erode the gap and reduce distance between the edge of Tamworth and Dordon/ Polesworth.
- 3.7 The DAS acknowledges that the HS2 Safeguarded Route runs through the Meaningful Gap to the east of the Site, but rather than seeing this as further eroding the gap to the east of the M42, the DAS implies that this would create a further physical barrier to help prevent the coalescence of Tamworth and Polesworth / Dordon. Considering development of the site in the context of the implementation of HS2, both proposals together would further reduce the extent of open countryside between Tamworth and Dordon/ Polesworth (a cumulative issue).

---

<sup>3</sup> Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations. LUC (2018)

## 4 Summary

- 4.1 This review has revealed that the LVIA is generally clearly set out and the method is in accordance with current guidance. However, there are some omissions, and in implementing the method it is our opinion that some of the effects are under-played.
- 4.2 The LVIA reports the following notable effects (of moderate or greater level):
- **moderate adverse, local, medium term effect** on the landscape within the site and immediate setting at completion (reducing to minor over the long term);
  - **major/moderate adverse** effects on users of PRoW AE17 over the medium term (reducing to **moderate** after 15 years);
  - **major/moderate adverse** effects on residents located on Tamworth Road (spur road) over the medium term (reducing to **moderate** after 15 years);
  - **major/moderate adverse** effects on users of Green Lane Footpath/Cycleway over the medium term (reducing to minor over the long term);
  - **moderate adverse effects** on users of the North Warwickshire Recreation Ground over the medium term (minor-negligible in the long term).
- 4.3 The LVIA would seem to underplay the long term effect on the site and its immediate surrounds as a result of the permanent change in character from a green field to a development. Also, it does not consider the cumulative effects with the allocated land north west of Robey's Lane (Policy LP39 in the emerging Local Plan), land Opposite Woodhouse Farm, Robeys Lane, Alvecote (PAP/2017/0257) and the safeguarded route for HS2.
- 4.4 There are some omissions and points of clarification raised in the main body of our review and as a consequence the Council may wish to ask the landscape consultant to:
- Provide definitions for 'low', 'medium' and 'high' value (landscape and views) – see paragraphs 2.3, 2.9 and 2.11 of this review;
  - Clarify the approach to view value (the method set out in section 2 of the LVIA is not the same as used in para 5.6 of the assessment) and clarify if this results in any change to view value set out in the assessment;
  - Provide definitions for 'low', 'medium' and 'high' susceptibility (for both landscape and views) – see paragraphs 2.3 and 2.11 of this review;
  - Provide detailed plan sections, a detailed model, a photowire, photomontage or 2D export from a 3D model to illustrate the extent of the parameters for which permission is sought, as seen in the views from PRoW AE17 and the spur road (representing the local community) at years 1 and 15;
  - Provide a model, a computer wireline, augmented reality or a constructed perspective to illustrate the extent of the parameters for which permission is sought, as seen in the views from the Green Lane footpath/cycleway and North Warwickshire Recreation Ground at year 1 (and year 15 if desired to show likely effectiveness of planting);
  - Provide a consideration of cumulative effects resulting from the development of this site alongside the allocated land north west of Robey's Lane (Policy LP39 in the emerging Local Plan), land Opposite Woodhouse Farm, Robeys Lane, Alvecote (PAP/2017/0257) and the safeguarded route for HS2.
- 4.5 As concluded by LUC's report on the Meaningful Gap, the site, as part of Parcel 7, performs part of the 'Meaningful Gap' between the two settlements of Polesworth and Tamworth. The introduction of development on the proposed site would erode, but not completely close the gap between the two settlements. When the proposal is considered alongside the safeguarded land for HS2, together they would have a more noticeable impact on the gap, narrowing the area of

undeveloped open countryside left between Tamworth and Polesworth to less than 300m in this area.