

Application No: PAP/2021/0663

Land On The West Side Of, Dordon Road, Polesworth,

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

Mr D Hogetts - Hogetts Estate

1. Introduction

1.1 This application is presented to the Planning and Development Board following notification from the the Planning Inspectorate that the applicant has lodged an appeal against the non- determination of the application, and this Public Inquiry will be held at the end of June 2024.

1.2 Whilst this Council is no longer able to determine this application, it is necessary for Members to confirm the case that this Council will present to the Planning Inspector appointed by the Secretary of State to hear the appeal. This report sets out all the relevant planning policies and material planning considerations and invites Members to confirm the position that the Board would have taken, had it been able to determine the planning application. This will then become the Council's case in the forthcoming appeal.

1.3 The applicant has however submitted a second "replica" application for the same proposal as described above, to run in parallel within the appeal proposal. That has the planning reference PAP/2024/0024 and consultation is under way.

1.4 Since the submission of the application, the Dordon Neighbourhood Plan has been adopted - in December 2023. It becomes part of the Development Plan

1.5 The National Planning Policy Framework was updated in December 2023 and references in this report will be to that edition.

1.6 The Bio-Diversity Net Gain Regulations that came into effect in February 2024 do not apply retrospectively to this application.

1.7 Members will be aware of the Caesarea at Junction 9 which has been dismissed, this is relevant to this application as it related to HGV parking.

2. The Site

2.1 This is just under 33 hectares of agricultural land in the north-east quadrant of Junction 10 of the M42, bounded by the Motorway to the west and the A5 to the south. There is agricultural land to the east and the village of Birchmoor is to the north.

2.2 There is a mature tree belt to the west and south-west along the route of the M42, and a mature hedgerow along the A5 boundary together with some thickets of self-set younger trees and shrubs.

2.3 It is transected by an oil pipeline, and a high pressure gas main line lies to the east. Additionally, there are two low voltage electricity lines that cross the site in an east west/ and a north/south axis respectively.

2.4 A public bridleway – the AE45 – crosses the site and a further public footpath – the AE46 – borders the north-eastern boundary of the site. They are also used for agricultural access to the land.

2.5 The site currently has an access onto the A5 frontage – being a 16 metre wide dropped kerb with an 8 metre access width entrance. A secondary point of access lies further to the east, again from the A5, opposite the Core 42 employment site and via an existing farm track – which is also the AE46.

2.6 There is a hardstanding area in the south of the site which was installed by contractors appointed by National Highways at the time as a compound associated with the maintenance of the A5 and M42 during the past years.

2.7 The site is illustrated generally at Appendix A.

2.8 In its wider context, the site is situated between Tamworth, Dordon and Birchmoor. On the western side of the Motorway within the north-western quadrant of Junction 10 are the Dordon Motorway Services and the industrial and warehousing complex at Relay Park. Similar developments are in the south-western and south-eastern quadrants – Centurian Park and St Modwen Park. The southern side of the A5 has the Birch Coppice and Core 42 distribution parks and further to the east is the built-up area of Dordon.

2.9 This wider setting is illustrated at Appendices B and C.

3. Background

3.1 The M42 Dordon Services and other commercial developments to the north west of Junction 10, together with the Centurion Park commercial development to the south west of the junction are predominantly within Tamworth Borough Council's administrative area. The land in the south-east quadrant of the M42 - the St Modwen development - is within North Warwickshire.

3.2 The Borough Council refused planning permission for the St Modwen Development but planning permission was granted at appeal. This development is now largely completed. The Council's planning reference was PAP/2014/0648 and the appeal decision letter is at Appendix D.

3.3 Members will also recall an appeal lodged by Taylor Wimpey UK Ltd for 150 dwellings on land to the north of the current site, which was dismissed in April 2019 - the decision letter and site is at Appendix E.

3.4 There is no planning history in respect of the site itself.

3.5 The proposed development would obstruct public bridleway AE45 which crosses the site. The applicant proposes to divert the public bridleway through an Order on application to the Borough Council.

4. The Proposal

a) Introduction

4.1 In general terms this is an outline planning application for the development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial) together with ancillary infrastructure and associated works including an overnight lorry parking facility with its ancillary infrastructure and associated works. Details of the proposed access arrangements are submitted for approval in full, with all other matters reserved for later determination.

b) Additional Detail

4.2 The applicant has provided more background on the scope of the proposals and this identifies the following:

- Up to 100,000 sqm of mixed Class B2, Class B8 and Class E(g) (iii) floorspace;
- A total of 100,000 square metres of floor space with a maximum of 10% being within the B2 and E(g) (iii) Use Classes;
- Up to a 150 space overnight HGV parking facility together with up to a 400 square metre amenity building;
- A new signal controlled all-movements access junction onto the A5, and
- Landscaped buffer zones around the site perimeter.

4.3 In order to “structure” this proposal on the site, a Parameters Plan has been submitted – see Appendix F. This sets out how the applicant would propose to layout the site.

4.4 Further detail has also been submitted and is set out below.

- The tallest of the units would be at the western end of the site (Plot A1 on the parameters plan) with a maximum height of up to 117.8m AOD.
- The height limits for plot A2 (closest to Birchmoor) would be up to 113 AOD and for plot B2 (at the A5 frontage) it would be up to 102m AOD.
- The lorry parking elements within B1 would be up to 111m AOD.
- The current land levels are between 95m rising up to 115m to the north adjacent to Birchmoor.
- Surplus “cut” material from the developable area would be utilised in the creation of the perimeter landscaped buffer zones which would also act as green infrastructure corridors linking together and would create transitional zone between the developable area and the perimeter. These are said to amount to 9 hectares in area. This would include open space, planting, landscaping, public rights of way, sustainable drainage and wildlife habitats.
- Public Bridleway AE45 diverted within the development site, providing an enhanced route linking Birchmoor to the proposed green infrastructure, A5 Trunk

Road and local services, such as bus stops located on the A5 Trunk Road and within St Modwen Park Tamworth.

➤ Creation of substantial landscaped buffer zones to the development site perimeter (in addition to the off-site areas for potential mitigation), as follows:

- North - an extensive landscape buffer to the north of Plot A2 extending to 134m at its widest, reducing to 75m at the closest point to Birchmoor;
- East - an extensive landscape buffer to the east of Plot A1 extending to 106m at its widest reducing to 49m to the north-east of Plot A2, and extending to 65m to the east of Plot B1 and Plot B2 and a minimum 35m to the north-east of Plot B1, where proposed building heights are lower;
- South - a minimum 35m to the south of Plot A1 extending to 58m in the south-west corner of the plot close to M42 J10 and 35m-37m to the south of Plot B2;
- West - a minimum 10m landscape buffer to the west of Plot A1 and Plot A2, where existing screening vegetation for the M42 motorway is extensive and mature.

4.5 Attached at Appendix G is an illustrative/indicative masterplan which shows possible development within the development parameters and an outline of the landscaping areas described above.

4.6 Attached at Appendix H is a series of images of the completed development firstly showing the existing view, then year 1 with the building and landform only with no vegetation and then at year 15 with trees shown at 8m along with all landscaping. These are all shown during winter.

4.7 Appendix I provides a series of cross sections through the site.

4.8 The applicant owns additional land to the east of the application site extending to Dordon. The proposal includes additional landscaping and bio-diversity enhancements on this land together with public access. This would amount to an extra 6.5 hectares of mitigation and would be held "in perpetuity" through a legal Agreement to prevent further expansion of built development. The areas are illustrated at Appendix A .

4.9 Additionally, the application includes:

- Over 3.5 km of new and enhanced public footpaths, bridleways and footway/cycleway routes linking the site to both Birchmoor and Dordon.
- An enhanced bus-stop on site to the south of the site on the east bound A5
- New off line footway / cycleway for the A5 trunk road, connecting east-west from M42 J10 to Dordon creating a new east-west route;
- A new fully signal controlled pedestrian crossing for the A5 to replace an existing junction staggered crossing that passes through the central reserve.
- Electric Charging points in the car parks for 10% coverage, but with ducting to enable a further 15%.
- Ducting in the HGV park for 25% coverage

4.10 Appendix J illustrates the location of the enhanced footpath proposals.

4.11 Access into the site would be from the A5 via a fully signal controlled junction. This will also include a pedestrian crossing for the A5 and a bus terminus and new bus lay-by along the A5. This is shown in Appendix K.

4.12 In terms of drainage, the proposals include a detention basin south of the site. From there, the outfall would be restricted to greenfield runoff rates to the manhole which forms part of the culverted watercourse in the south-west corner of the site. Foul flows would be collected by an independent network and discharge to the nearest foul sewer located to the east of the development adjacent to the A5.

c) Environmental Impacts

4.13 As indicated earlier, the application is accompanied by an Environmental Statement through which the applicant addresses a series of potential environmental impacts. A non-technical summary is at Appendix L. The full Statement is available on the Council's web site.

d) The Applicant's Case

4.14 Members will be aware that there are substantial issues involved with this proposal and that an assessment will have to be considered in the final planning balance, which will take account of all of the material planning considerations affecting determination.

4.15 It is thus important that the Board understands the applicant's position on these issues. To this end they have produced a Planning Statement. In order to assist Members an Executive Summary of this Statement is attached at Appendix M. In particular, it addresses the main crux of the final planning balance – the tension between Policy LP4 of the North Warwickshire Local Plan 2021 (the identification of the Strategic Gap between Tamworth, Polesworth and Dordon) and Policy LP6 (which identifies the potential for additional employment land to be recognised in decision making). Additionally the summary addresses the background to the inclusion of an HGV parking area. The full Statement is available for Members to review online.

5. Development Plan

5.1 The Development Plan relevant to this application comprises the North Warwickshire Local Plan 2021 and the Dordon Neighbourhood Plan 2023.

5.2 The relevant policies of the Local Plan are - Policy LP1 (Sustainable Development); LP2 (Settlement Hierarchy), Policy LP4 (Strategic Gap), LP5 (Amount of Development), LP6 (Additional Employment Land), Policy LP11 (Economic Regeneration), Policy LP12 (Employment Areas), LP14 (Landscaping), Policy LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP21 (Service and facilities) LP22 (Open Spaces and Recreational Provision), LP23 (Transport Assessments), LP25 (Railway Lines), LP26 (Strategic Road Improvements A5), LP27 (Walking and Cycling), Policy LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management), LP34 (Parking), LP35 (Renewable Energy and Energy Efficiency), LP36 (Information and Communication Technologies) and Policy LP39 (Employment Allocations)

5.3 The relevant policies of the Neighbourhood Plan are - Policy DNP1 Sustainable Development, Policy DNP2 Protecting the Natural Environment and Enhancing Biodiversity, Policy DNP4 Protecting the Landscape Character, Policy DNP5 Creating a Local Green Network, Policy DNP7 Reducing the Risk of Flooding, Policy DNP8 Achieving High Quality Design, Policy DNP10 Renewable Energy, Energy Efficiency and Low Carbon Technologies, Policy DNP12 Supporting the Local Economy, Policy DNP14 Development Contributions

6. Other Relevant Material Considerations

a) National

The National Planning Policy Framework 2023 – (the “NPPF”)
The National Planning Practice Guidance – (the NPPG”)

b) Local Policies

Air Quality and Planning - SPD 2019
Design for Lighting Schemes - SPG 2003
Draft Dordon Design Guidance and Code 2021
Local Development Scheme
Annual Monitoring Report 2022-2023

c) Landscape

North Warwickshire Landscape Character Assessment of 2010
NWBC Meaningful Gap Assessment – 10 August 2015
Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations.
LUC (2018)
Guidelines for Landscape and Visual Impact Assessment, third edition (2013)
Landscape Institute TNG 06/19 Visual Representation of Development Proposals (2019).

d) Employment

West Midlands Strategic Employment Sites Study (Phase One) – 2015
West Midlands Strategic Employment Sites Study (Phase Two) – May 2021
Draft Employment Development Plan Document – Scope, Issues and Options 2024

e) Design

The National Design Guide 2021
The National Model Design Code 2021

f) Highways

Design Manual for Roads and Bridges DMRB
Department for Transport - Building Sustainable Transport into New Developments (2008)
Department of Transport Circular 1/2022
Chartered Institution of Highways and Transportation Planning for Walking (2015)

Warwickshire Local Transport Plan 3 (2011-2026).
The National Survey of Lorry Parking – DfT 2018
The National Survey of Lorry Parking - Dft 2022

g) Appeals

Appeal Reference - APP/R3705/W/18/3196890 Land south of Tamworth Road and to west of the M42 – 150 dwellings dismissed

Appeal Reference - APP/R3705/W/15/3136495 Land south east of the M42 Junction 10, Tamworth, Warwickshire – St Modwens allowed

Appeal Reference - APP/R3705/W/23/3327296 - Land west of Hams Hall roundabout and south of Marsh Lane, Curdworth, B76 0AA – Caesarea Development – 200 HGV spaces dismissed

7. Consultations

British Pipeline Agency – No comments

Cadent – No objection.

Coventry City Council - No comments from Council in respect of planning policy, but draws attention to the matter of highway network capacity in respect of the delivery of Local Plan outcomes.

Cycling UK – It supports the application as the development will provide significant enhancements to the cycle infrastructure along the A5 and around junction 10 as well as increasing the number and safety of crossing points on the A5 and M42 for non-motorised users. This will make it easier for people cycling between Tamworth, Polesworth and Dordon, and surrounding areas.

Environment Agency – No objection.

National Highways – It recommends that planning permission is not to be granted – see Appendix N. This holding objection expires on the 22nd March 2024

HS2 Ltd. - No objections to the scheme.

Lichfield District Council - No objection.

National Vehicle Crime Intelligence Service (NaVCIS) - It strongly supports the proposals for a 150 space secured overnight lorry parking facility, from a qualitative and quantitative perspective.

Natural England – It has no comments apart from referral to its Standing Advice

North Warwickshire Borough Council Environmental Health Officer – No objections subject to conditions in respect of contamination, air quality and noise.

Nuneaton and Bedworth Borough Council – No comments.

Ramblers Association – No objections to the proposal and welcome the proposed new public right of way connecting public footpath AE46 with Dordon to the east of the site as shown in Fig 3 in the Framework Travel Plan.

Rugby Borough Council – No objections.

Severn Trent Water Ltd – No objection subject to a formal section 106 connection being required.

Tamworth Borough Council – Supports the application on account of its identified shortfall in employment land. The further inclusion of a lorry park would be beneficial on account of its significant capacity to contribute towards the lack of such facilities in Tamworth.

The Coal Authority – No objection as the proposal does not fall within high risk area and therefore standing advice should be considered.

Warwickshire Fire and Rescue – No objection subject to conditions.

Warwickshire County Council as Highway Authority – At present there is insufficient information on the application to assess the impact on the public highway network.

Warwickshire County Council Local Lead Flood Authority – It initially objected to the scheme but following the receipt of additional information, it has no objections subject to conditions.

Warwickshire County Council Rights of Way – No objection subject to conditions. The proposed development would however be constructed across the route of public footpath AE45. It will be necessary to obtain consent for the temporary diversion or closure, or the rerouting of the footpath.

Warwickshire Museum – It considers that the site is within an area of archaeological potential and requests conditions to secure the appropriate archaeological investigation of the site.

Warwickshire Ecological Services – No objections to the proposal subject to conditions – there is an updated metric (WCS BIA calculator dated 31/10/2022) which shows a net gain of 16.99 units. This is based on the creation and management of off-site habitats as shown on the accompanying plans, which correspond with the landscape design plan shown in section 4.3 of the Design Guide. The proposed biodiversity net gain will be achievable if the proposed habitat creation and management is implemented, as set out in the design guide and accompanying plans. These measures must be secured through a pre-commencement condition for a LEMP as set out below, to ensure that the development results in a biodiversity net gain.

Warwickshire Police – No objections to the proposal.

8. Section 106 Matters

8.1 Warwickshire County Council has requested a contribution of £980k phased over five years to secure bus service provision to serve the proposal.

8.2 On a without prejudice basis, the applicant would include measures to secure off-site landscaping and green infrastructure together with its maintenance.

8.3 Similarly, the applicant would include measures to secure off-site infrastructure to improve off-site connectivity.

8.4 The Council will be seeking a contribution towards employment skills and training.

9. Representations

9.1 Dordon Parish Council – The Parish Council fundamentally objects citing the impact on the Strategic Gap which is in the Development Plan; the adverse change from rural agriculture, the adverse visual impact of the development, the impact on the road access and traffic generation, and the impact on archaeology. The proposal is contrary to Dordon Neighbourhood Plan in respect of being sustainable development (Attached at Appendix O).

9.2 Polesworth, with Warton and Birchmoor, Parish Council - The Parish Council strongly objects, indicating concerns in terms of the impact on the Strategic Gap indicated in the Local Plan. It also cites concerns in respect of noise pollution based on the 24 hour operation of the lorry parking; the impact of the proposal in highway safety resulting in an increase of traffic on the B5000 and concerns that the employment created would be low skilled and low waged. It also has concerns that existing units recently developed have not been let. Additionally the footpaths will be lost, there will be increased crime in the area, a loss of the distinctiveness of the area and loss of agricultural land (Attached at Appendix P).

9.3 Three hundred and sixty one representations have been received from local residents. These raise various concerns these relevant concerns cited include planning policy considerations; departure from the Development Plan, the landscape and visual impact, the need for employment land, infilling of the 'natural' gap between Tamworth and North Warwickshire and the loss of agricultural land. Other planning concerns include adverse impacts on the existing highway network and on highway safety; increased traffic levels, congestion and vehicle speeds, lorry parking, loss of privacy, adverse impact on amenity due to inappropriate character of development within an open area, disturbance due to noise, pollution due to air quality, light, dust, smell, and potential for increase in crime.

9.4 Letters of support from the following organisations and companies have also been received.

- a) JLL indicating that site is in an ideal location for large scale logistics, Capability to deliver this opportunity is rare and is generating significant interest despite not being actively marketed. The site is under control of a single developer who has

significant track record of delivering high quality industrial and distribution in this locality.

- b) Logistics UK support the application Supports the planning application proposals outright, both in terms of the new, high-quality, logistics floorspace in the location adjacent to Junction 10 of the M42 and is extremely supportive of the provision of a secure overnight lorry parking facility.
- c) Maritime Transport operator of Birmingham Intermodal Freight Terminal (BIFT) and Hams Hall support the application. Indicate that there is capacity for increased freight handling at BIFT and that focusing new employment development in close proximity to the rail freight interchange is key to maximising the utilisation of this capacity.
- d) Rail Freight Group - NE J10 M42 is exceptionally well located in the West Midlands to facilitate the aims of national policy in relation to encouraging rail freight use and decarbonising transport.
- e) Road Haulage Association (RHS) highlights the importance of the need for appropriate lorry parking facilities on the A5, one of the Midlands' most important east-west road corridors at the heart of the so-called 'Logistics Golden Triangle'. The importance of appropriate lorry parking facilities on this road corridor cannot be understated. Fully supports the proposals for an overnight lorry and coach parking facility.

10. Observations

a) Introduction

10.1 This application for outline planning permission seeks approval in principle for a development which will change the use of land from agriculture to a commercial employment use on a site that is located on land explicitly identified in the adopted Development Plan as being a Strategic Gap. The purpose of this Gap as set out in Local Plan Policy LP4, is to maintain the separate identity of Tamworth and Polesworth with Dordon in order to prevent their coalescence. The proposal will close this Gap. The Board will thus have to assess what degree of harm is caused to the purpose of this spatial planning policy. Other harms may also be identified. The applicant's case is that there is a need for his proposal - both for the additional employment provision and for the HGV parking area. In this regard he refers to Local Plan Policies LP6 and LP34. The former says that significant weight will be given to supporting economic growth and productivity particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land which cannot be met via forecast supply or allocation. The latter policy says that weight will be given to lorry parking provision. The Board will thus have to assess what weight it will give to the applicant's evidence in respect of these two policies. The main issue for the Board is to come to a planning judgement on the balance between these policies.

10.2 In order to assist Members it is considered that the following issues should be addressed.

- What impact does the proposal have on the purpose of maintaining the Strategic Gap, as set out in Local Plan policy LP4.
- Whether any harms that are identified arising from the proposal, are acceptable under the terms of the relevant Development Plan policies, or if not, whether any residual harms can be mitigated.
- In particular, whether the proposal would have a detrimental impact on the strategic and local highway network.
- Whether the proposal accords with Local Plan policies LP6 and LP34.
- The final planning balance will be to address whether the applicant's case is of sufficient weight to accord with all of these policies.

10.3 Members are reminded that the Parameters plan is a relevant consideration in that it is indicative of the location and scale of the proposed buildings, the location of necessary infrastructure, the impact on the existing features and ecology and the scope for the mitigation of adverse impacts within the site.

10.4 Access is the only matter of detail included in the application. Relevant policies within the Development Plan and the consultation responses from National Highways and the Warwickshire County as Highway Authority are material to the assessment of highway impacts.

b) The Impact of the Proposal on the Strategic Gap

10.5 For the benefit of Members, Policy LP4 says that:

“In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements”.

10.6 The site is located in the Strategic Gap.

10.7 Prior to considering the potential impact of the proposal on this Gap, Members will be aware that the Spatial Vision for the Borough as set out in the Local Plan is to retain and reinforce the rural character of North Warwickshire and to ensure this distinctive character remains evident when entering the Borough from surrounding urban areas. Policy LP4 reflects this objective in seeking to protect the open area that presently separates Tamworth from Dordon with Polesworth within North Warwickshire.

10.8 This objective is not new.

10.9 This corridor of open land has been variously referred to as An Area of Restraint and a Meaningful Gap within the Polesworth and Dordon District Plan of 1989, the 1995 North Warwickshire Local Plan, North Warwickshire Local Plan 2003, the Core Strategy of 2014 and now as the Strategic Gap in the 2021 Local Plan. The overriding

spatial planning objective of these Plans has not changed. It is now a defined free standing area and it has a clear purpose to maintain the gap, spatially, visually and in landscape terms between the built-up areas of Polesworth with Dordon and Tamworth.

10.10 Because the geographic extent of the Meaningful Gap within the 2014 Core Strategy was not defined, and in order to retain the integrity of this gap strategically from continuing development pressure, the Council submitted evidence to do so at the Examination in Public for the Local Plan which would be adopted in 2021. This is the 2015 Assessment referred to in Section 6 above. This led to the definition of the Strategic Gap as it appears on the 2021 Policies Map.

10.11 Within this Assessment, several parcels of land were identified. The application site is within Parcel 8 – in general terms, the land bounded by the A5, the M42 Motorway, the Birchmoor Road and the western edge of Dordon. It found that the whole of this parcel performs “very strongly” as part of the Gap by providing “a buffer and sense of separation between the three separate settlements which are very close to each other”.

10.12 The Dordon Neighbourhood Plan indicates that under policy DNP1 that Development should be located so that it can make a positive contribution towards the achievement of sustainable development. It then clearly defines under criteria b) that development proposals will be supported which maintain, the sense of space, place and separation on the land to West of the Parish taking into account the amenity of Dordon Residents. This is further echoed in policy DNP4 which aims to protect key views, retain a sense of space, place and separation. However it is caveated by the provisions of the strategic Local Plan Policies of LP4 (Strategic Gap) and LP6 (Additional Employment Land). The policy explains that the views of the Strategic Gap are long and wider and the plan indicates a number of important views shown on map 5 of the plan. Within this it concludes and demonstrates the contribution that the Strategic Gap makes to the separation of the edge of the Dordon built up area from the development of the large industrial units south of the A5 and the separation between Dordon and Tamworth.

10.13 Members will have seen this on their site visit as this parcel has firm physical boundaries. It is also self-contained visually such that it clearly separates the surrounding built-up areas. In landscape terms, it has a contiguous open agricultural character with rising levels northwards.

10.14 The proposal as a whole will impact of these characteristics. These impacts will be spatial and visual as well as impacting on the landscape. These will now be assessed.

10.15 The existing Gap measures around 1207 metres along the A5 boundary, reducing to 777 metres between Dordon and Polesworth. The size of the application site would reduce the width of the Gap along the A5 by 433 metres. It would extend northwards from the A5 along the whole of the eastern edge of the M42, such as to eliminate the whole of the western portion of the Gap between Birchmoor. The application site reduces the area of Parcel 8 by around 30% (32.36 hectares of 121 hectares). Or 7% of the whole of the Strategic Gap (32.36 hectares of 450 hectares). This is a substantial reduction.

10.16 The land within this parcel is relatively flat, although rising to the north. The proposals will introduce not only substantial building but also new earth mounds for screening which will alter the topography of the parcel by introducing height and thus a third dimension to the open character of this parcel. This is a significant change.

10.17 The landscape character of this parcel is mainly arable with occasional tree belts and hedgerows. The proposal would introduce buildings of a large scale, including lighting columns, other structures, engineering operations including hard standings and a wholly new access as well as both human and vehicular 24/7 activity. This is a fundamental change as it introduces a substantial urban influence within a presently open agricultural landscape. This is a substantial change.

10.18 Built development is found all around this parcel thus accentuating its open character and its role in separating that development. The proposal would introduce development within this parcel and thus create a new urban edge closer towards Dordon, Birchmoor and Polesworth. This is a substantial change.

10.19 The open and flat nature of the parcel enables inter-visibility from one edge to the other – both east/west and north/south. Moreover the nature of the site enables intra-visibility from within the site to its edges. The proposal will screen and reduce the views across and from within the parcel, thus altering the perception of openness and separation. This is a substantial change.

10.20 At present there is a distinct sense of leaving the surrounding built up areas when entering this parcel of land. Its character contrasts strongly with the appearance character and scale of those areas. The development would diminish the sense of leaving a place by changing the land use and character of the landscape on that journey. This is accentuated because of the cumulative impact of that surrounding development on all sides and in terms of its scale – particularly its height directly along the south side of the A5, and the development in the other quadrants of Junction 10. This is a substantial change.

10.21 These changes need to be assessed in the context of the wording of Policies LP4, DNP1 and DNP4. This parcel of the Strategic Gap performs “very strongly” as part of the Gap by providing “a buffer and sense of separation between the three separate settlements which are very close to each other”. The changes that will be caused by the proposal are substantial. The Policy particularly focusses on the visual and physical separation between the surrounding settlements. The above assessments conclude that there would be a significant adverse impact on these two criteria. The sense of space, place and separation by travelling through this part of the Gap would not be retained or maintained. There would be no clear sense of having left the first settlement and having travelled through an undeveloped area, then entering the second settlement.

10.22 The proposal introduces a strong new urban influence, which doesn't reflect the distinctive residential and rural character of Dordon, Birchmoor and Polesworth, and which will lead to a material narrowing of the Strategic Gap to the extent that its role in preventing coalescence is significantly reduced.

10.23 This conclusion is given added weight by virtue of two appeal decisions which have addressed the issue of retaining the open corridor of land between Tamworth and Polesworth with Dordon. Members will be aware of the appeal for the St Modwen

development in the south-east quadrant of Junction 10 south of the A5 and which now borders the current application site. Whilst the Inspector concluded that the proposal would maintain a meaningful gap between Tamworth and Dordon, one of the key reasons for this was due to the presence of “the open farmland to the north of the A5”, confirming in the Council’s view, that this land fulfills a vital role in the retention of the Gap. Now that the St Modwen development is constructed, the visual and landscape impact is apparent. When considered together with the current proposal both spatially and three dimensionally, the cumulative loss of the sense of space and separation in the Gap is clear.

10.24 The second appeal involved a residential proposal of 150 houses to the south of the B5000 to the north of Birchmoor. Whilst the Inspector found that the development would not significantly affect the identity of Tamworth, he did say that the site would result in a major reduction in the space between Tamworth and Polesworth to the extent that there would no longer be an adequate meaningful gap and that the separate rural identity of Polesworth with Dordon would be weakened. This decision is also significant in that it describes the identity of these settlements as being rural – in contrast to the new urban influence of the proposal.

10.25 These two appeal decisions were made before the North Warwickshire Local Plan was adopted in 2021. Not only does full weight have to be given to Policies LP4 DNP1, and DNP4 and to the definition of the Gap in that Plan and the accompanying Policies Map, it additionally carries far greater weight than the “Meaningful Gap” addressed at the time of these two decisions, because of that status.

10.26 It is in all of these circumstances that the proposal is not considered to accord with Policies LP4, DNP1 and DNP4 and that the degree of harm caused is substantial.

c) Whether any harms that are identified arising from the proposal, are acceptable under the terms of the relevant Development policies, or if not, whether any residual harms can be mitigated.

10.27 The proposal will now be considered against other relevant Development Plan policies in order to establish whether other harms are likely to be caused.

i. Landscape

10.28 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate, restore landscape character so as to reflect that as described on the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must “integrate appropriately with the natural and historic environment”, and also with Policy LP30 which says that proposals should ensure that they are “well related to each other and harmonise with both the immediate and wider surroundings”. The Dordon Neighbourhood Plan Policies DNP1 and DNP4 are relevant in this instance too. These matters are reflected in the NPPF at para 180, which says that planning decisions should “recognise the intrinsic character and beauty of the countryside.”

10.29 The Dordon Neighbourhood plan has policies which aim to protect the landscape character. This echoes the landscape character assessment indicating that Dordon

village is on a ridge and the land to the west of the built-up edge north of the A5 drops down and is open in character up to the boundary of the M42. The topography of the Parish allows medium to long range views into and out of the village. There are some key views (V1-V3 Map 5) mentioned in chapter 11 which look across the Strategic Gap both towards and away from Dordon. Policy DNP4 aims to ensure the development proposals take into account the key views (criteria 2). There is harm from the criteria within the policy to such an extent that the proposal would be contrary to this policy. Although, criteria 6 indicates that LP4 and LP6 (indicated below) should have priority, it is still considered that there is still harm here.

Criteria 4 of this policy indicates

“Development should take account of the way in which it contributes to the wider character of the neighbourhood area. The layout, scale and boundary treatment of any applicable development should seek to retain a sense of space, place and (where relevant) separation (Foot Note - LP4 and LP6)”.

Criteria 6 of this policy indicates the following:

“As appropriate to its scale, nature and location, development proposals across the Neighbourhood Area should demonstrate they are sympathetic to the landscape setting as defined in the NWBC Landscape Character Assessment. All applicants shall show that they have taken into account the matters identified above. However, the provisions of strategic Local Plan Policies LP4 (Strategic Gap), LP6 (Additional Employment Land) and H4 (Land to the east of Polesworth and Dordon) shall have priority.”

10.30 The Borough’s 2010 Landscape and Character Assessment shows the site falling within the “Tamworth–Urban Fringe Uplands” landscape character area. This is summarised as “an indistinct and variable landscape with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy road and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizons to the south.” It continues by drawing attention to the mining legacy with remnant restored spoil heaps, referring to the one at Birch Coppice described as being “particularly large and a visual detractor within the local area, the base of which is now encircled by large modern industrial units”. Although farmland makes up a significant proportion of the landscape, much of this land has “a run-down character, with gappy, poorly managed hedgerows”. Another key description is that “To the north large scale modern industrial sheds at Tamworth have an urbanising influence along with the settlement of Dordon, located upon the crest of a gentle escarpment.” It then indicates that “Several smaller settlements are located within this area; these are Birchmoor close to Dordon located on elevated land, and surrounded by open arable fields.” The landscape management strategy is that industrial buildings should be sited, designed and landscaped to mitigate against further landscape impact from built development. It is also recommended that a broad landscape corridor should be maintained along both sides of the M42.

10.31 As part of the application the applicant has submitted a landscape assessment and the Council commissioned an independent assessment of the submitted Landscape and Visual Impact Assessment (LVIA) by LUC. The review found that the LVIA submitted to support the application does not conclude similar findings with respect to landscape and visual effects as their review.

10.32 The applicant has provided mitigation in the proposal which includes a design code and landscape mitigation both on and off-site. It is the applicant's view that there is a gradient of character across a very large site. The proposal is based on an area directly adjacent to the motorway junction which is influenced by large-scale commercial form. Any harm would be localised and any significant negative effects would be limited to the public rights of way. Any further effects from the site would be moderate or less as the buildings would be seen in the context of existing buildings to the south and west. The mitigation proposed will be able to reduce the impact of the development visually, however this will not mitigate any spatial landscape harm.

10.33 LUC does not agree with the magnitude or significance of visual effects identified for several of the viewpoints included in the LVIA, particularly immediately after construction when there would be limited screening provided by mitigation planting. Uncertainty remains, particularly given the nature of the visualisations provided. The assessment, and planning balance, should also consider effects of the proposed lighting on and around buildings and car parks, given the effects of this within surrounding developments which have similarities to that proposed. The provision of further cross sections and long sections through the site and the proposed development would assist in better explaining the landscape and visual effects, and particularly how the development would relate to the existing levels across the site. The need to create large flat development platforms will result in substantial permanent modifications to the existing landform, and associated landscape character. LUC does not agree with the cumulative visual effects identified within the LVIA, particularly in relation to the St Modwens Park industrial estate to the south of the Site.

10.34 The landscape impact needs to be considered against the development plan. As such the impact has to be assessed against Local Plan policies LP1 and LP14. The development does not "improve the environmental quality of the area" and neither does it "conserve, enhance or restore landscape character." In terms of the Dordon Neighbourhood Plan there is harm caused here on viewpoints and changes to the landscape. Considering the site is currently greenfield and would experience a large scale permanent change due to the proposed development, it is considered highly unlikely that no significant negative effects would be identified in relation to landscape receptors. It is considered that the proposal will have moderate landscape harm.

ii. Visual

10.35 As with the landscape character issue, it is agreed that visual amenity impacts would be local in extent. Both the amenity of residents and visitors travelling past the site will need to be addressed.

10.36 It is agreed that the number of "receptors" include the residential properties on the edge of Birchmoor, Polesworth and Dordon, the users of the network of the Public Rights of Way, vehicular users and those using the open space including Kitwood Avenue Recreation Ground and the services. Pedestrians using the paths over the site and would experience adverse visual impacts because the proposal would be clearly visible as the paths adjoin or pass through the development.

10.37 At present the application site and the surrounding area has attractive landscape qualities associated with it being undeveloped, open arable land, with hedgerows and

hedgerow trees, and which is accessible for people to see and enjoy, through the PRow network, or through the views across this landscape from neighbouring communities. Despite the urban influences such as the motorway corridor and the nearby employment development it does form a sizable part of a visually pleasant stretch of gently undulating open, undeveloped land, where rural qualities and an open outlook remains.

10.38 The harm would be relatively localised in extent, but nevertheless important to those who will be affected, particularly the local communities who live and work adjacent to this stretch of undeveloped landscape. It is the residual impacts and changes that will cause the harm – the built development, the road works and the lighting, as well as the permanent changes to the landform to create a very large development platforms, requiring extensive cut and the creation of bunds. The landscape and visual character and appearance of this corridor of land will materially change. As above, this would not accord with the requirements of Local Plan Policies LP1 and LP14 as set out above, nor with Policy LP30 which says that development, “should harmonise with both the immediate setting and wider surroundings”. Also, there is discord with policies DNP1 and DNP4 too. This would be minor environmental and social harm arising from the acknowledged adverse visual effects of the proposal. It cannot be argued that the development would not be visible within the general vicinity of the site and thus when all of the above matters are taken together it is considered that the proposal will have moderate visual harm.

iii. Historic Environment

10.39 Local Plan policy LP15 says that the quality, character, diversity and local distinctiveness of the Borough’s historic environment will be conserved and enhanced. In order to do so, an assessment has to be made of the potential impact of the proposals on the significance of heritage assets that might be affected by the proposal as set out in Section 16 of the NPPF. It is acknowledged that there are no assets on the site and neither is there a Conservation Area nearby. The nearest Listed Building is Hall End Hall to the south of the A5 around 450 metres to the east of the site. This is a Grade 2 Listed Building. The Council is under a statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. In this case the significance of the former farmhouse is that it retains the architectural character and appearance of its late 17th early 18th Century construction. The proposals have no direct impact on the fabric of the building. Its current setting however is already substantially lost because of the surrounding large scale industrial buildings on three sides. The proposal would not further reduce the remaining setting because of the separation distances and the very small degree if any, of intervisibility. It is considered that there would be no harm caused. In respect of any underground assets, it is of substantial weight that the County Planning Archaeologist has not raised objection subject to standard conditions requesting pre-commencement site evaluation. In these circumstances it is considered that the proposal would accord with Local Plan Policy LP15.

iv. Flooding

10.40 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at

para 175 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority. It is of substantial weight that the Lead Local Flood Authority has not objected to the proposed drainage strategy. It is also of weight that the Environment Agency and Severn Trent Water Ltd have neither objected. It is thus considered that the proposal does accord with Local Plan policy LP33.

v.Natural Environment

10.41 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment is to be protected and enhanced as appropriate, relative to the nature of the development proposed and net gains for bio-diversity should be sought where possible. The Board is also aware of the new Regulations introduced in February this year. As this proposal was submitted prior to their introduction, there is no mandatory 10% nett gain required. The proposal nevertheless, still has to show a net bio-diversity gain, in order to accord with Policy LP16. It is of substantial weight that the Warwickshire County Ecologist has not objected to the enhancement proposals both on and off-site. It is thus considered that subject to appropriate planning conditions, the proposals do accord with Local Plan policy LP16.

vi.Other Issues

10.42 Local Plan policy LP29 identifies a number of considerations which should be addressed by all new development proposals. It is considered that the proposal would accord with point (5) of this policy – namely by encouraging sustainable forms of transport through the public transport, pedestrian and bike facilities and arrangements. It is of weight that Active Travel England has no comment to make. Additionally, in the absence of an objection from the Environmental Health Officer, there is considered to be compliance with point (9) in that there would not be unacceptable impacts on neighbouring residential amenities because of separation distances, the proposed screening and the character and appearance of the adjacent built-form opposite the site on the A5 and on the other side of the Motorway.

10.43 Notwithstanding the conclusions above in section (b) in respect of the impact of the Strategic Gap, it is acknowledged that as an outline planning application, suitable planning conditions could be included to address the mitigation to the design of the buildings, the range of facing and roofing materials to be used and similarly to reserve the specification and detail of the lighting strategy for the site.

10.44 It is also agreed that through suitable planning conditions, the objectives of Policy LP35 for the energy efficiency of the built-form can be achieved, as can the provision of electric charging points, so as to accord with that requirement in Policy LP34.

d) In particular, whether the proposal would have a detrimental impact on the strategic and local highway network.

10.45 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – para 115.

10.46 A single signalised vehicular access is proposed directly onto the A5. The relevant Highway Authority is thus National Highways. Its interest is not only in the safety, specification and operation of that access, but also the capacity of the wider Strategic Highway Network. In this case that would particularly be the impact of the traffic generated by the proposal on the functioning of Junction 10, but also on the A5 itself between this junction of the M42 and the M69 Motorway to the east. National Highways has responded to the proposal since its submission through a series of holding objections. The applicant has been engaged with National Highways in order to remove the concerns, but the latest response from National Highways dated September 2023, is to recommend that planning permission is still not to be granted. Its last letter is at Appendix N.

10.47 It is clear from this letter that National Highways consider that there are still matters to be resolved in respect of the modelling of the increased traffic on the network and thus it is not in a position to assess the potential impacts.

10.48 Warwickshire County Council as Highway Authority for the non-strategic highway network has also objected citing its reliance on National Highways, as the impact on “its” highways is secondary to the impact on the strategic network.

10.49 Given this background, officers are unable to recommend that the proposals would accord with Local Plan policy LP29 (9) as supplemented by the NPPF. The final position of National Highways is of particular significance to the Council, as Members are aware that the majority of the strategic housing allocations within the Local Plan are dependant upon the delivery of substantial improvements to the A5 itself. Development that is not allocated in the Local Plan, whether residential or commercial, may well take up capacity on the A5 such that the delivery of these allocated sites is prejudiced. It would thus not be appropriate to consider challenging the National Highway’s position at this time. As such the Board is advised that the proposal does not accord with Local Plan policy LP29(9).

10.50 Members will be updated if National Highways re-issues a response between the time of publication of this report and the date of the Board meeting.

e) Whether the proposal accords with Local Plan policies LP6 and LP34.

10.51 Members will be aware that the proposal has to be considered as a whole. However there are two elements within it, which to a certain extent are complimentary, but require separate assessment – namely the employment use and the HGV parking area. Each has a relevant Local Plan policy which will need assessment.

10.52 Dealing with the first of these, then the site is not inside any settlement boundary as defined by Local Plan policy LP2 which identifies a settlement hierarchy whereby new development may be supported in proportion to the facilities and services within the named settlements. It is neither a site that is an allocated employment site as identified in Local Plan policy LP39. As such it has no policy support. However, the site is being promoted by the applicant under Local Plan Policy LP6 as “additional employment land”. The policy says that:

“Significant weight will be given in decision-making to supporting economic growth and productivity particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land within Area A on figure 4.10 of the West Midlands Strategic Employment Sites Study of September 2015 (or successor study) which cannot be met via forecast supply or allocations. The relevant scheme will be required to demonstrate that:

- i) Access to the strategic highway network is achievable and appropriate;
- ii) The site is reasonably accessible by a choice of modes of transport, and
- iii) it is otherwise acceptable, taking into account the living conditions of those nearby”.

10.53 Prior to looking at the policy in more detail it is worthwhile at this stage to say that the proposal, or scheme as referred to above, does not accord with point (i) above and neither does it accord with point (iii) because of the harm caused to the Strategic Gap.

10.54 The Policy is designed to address employment proposals beyond local needs. It is made up of two parts – to meet an immediate need for employment land, or, to meet a certain type of employment land within a general location identified by a 2015 Study. Each will be taken in turn.

10.55 This is an outline application for a range and mix of generic employment uses – B2, B8 and E(g)(iii). There is no floorspace figure included in the application description, nor indeed an indication of the proportion the different uses or split between them. A general parameters plan and a Design Code are submitted to show how that generic mix of uses might be set out on the site. The site would presumably be placed on the market in these circumstances. It is considered that in these circumstances this is a “speculative” proposal and as such it does not reflect an “immediate need for employment land.” There is no named or identified occupier and the individual operational requirements of a prospective occupier are not identified within the proposal.

10.56 The application particularly focusses on the second part of LP6 – in that the proposal would meet a certain type of employment land within an identified general location set out in the 2015 Strategic Employment Sites Study. In other words the immediate need is as expressed through this Study. It is acknowledged that the application site is within the general location identified by Policy LP6. Members will be aware too that the 2015 Study was updated in 2021 and that the site remains within the general location identified in that update. That 2021 Study is being further updated, but has not yet been published. The reason for the subsequent reviews is that the 2021 Study did not adequately provide the evidence to understand, in the absence of regional planning, how a wider than local need could be delivered.

10.57 There are concerns as to whether this proposal as submitted would fall squarely into this provision. Firstly, the proposal includes a generic mix of uses. Secondly, as indicated above, it is not considered that the proposal accords fully with the three requirements set out in Policy LP6. Any weight to be given to the Study, has to be balanced against the policies in the Development Plan as a whole. An identified need does not “trump” other spatial planning policies.

10.58 The policy refers to additional employment land to meet wider than local needs. It is considered that this should be resolved through regional and sub-regional arrangements and in accordance with the core planning principle set out in the para 15 of the National Planning Policy Framework that planning should be genuinely plan led and based on co-operation to address larger than local issues. The Council is one of the commissioning Local Planning Authorities for the Employment Studies. Up to date evidence will be available in the forthcoming Study. The Council is preparing for this as in September 2023 and then in January 2024 it resolved to commence consultation on a “Draft Employment Development Plan Document – Scope, Issues and Options” paper. Consultation commenced in February 2024 with a deadline for comments of 9th May 2024 (12 week consultation period). It is one of a number of other Documents which will be available for consultation. Accompanying the consultation is a “call-for-sites”.

10.59 In respect of Policy LP6 therefore it is considered that the applicant’s case does carry weight by virtue of its location within the identified Area. However that case is weakened because of the concerns raised above.

10.60 Turning to the HGV provision, the relevant part of Local Plan policy LP34 says that:

“Proposals which reduce lorry parking (either informal or formal parking areas) should be accompanied by evidence to support its loss and explore opportunities for alternative provision. In recognition of the Borough’s strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and for improved management, in decision-making”.

10.61 It is the second sentence here that is relevant. It is acknowledged through the wording in this policy that there is a need for lorry parking in the area and that weight should be given to this part of the current proposal. It however does not follow that that should lead to support for the proposal as a whole. As indicated above, the HGV park may be complimentary to the employment proposal, but they are not essentially linked and the main purpose of the application is that of an employment site. Moreover the harms caused by the whole proposal include the cumulative uses on this site.

f) Section 106 matters

10.62 As indicated above the Warwickshire County Council has requested a financial contribution towards securing improvements to local bus services to support the forecasted demand arising from this development. This would amount to £980K spread over five years from the date of the first occupation for business purposes of the first building to be completed under this planning permission. Members are aware that there is an existing hourly service running from Tamworth through Atherstone to the existing and into Nuneaton. The request would be to enable an extension of this service through the application site. It is considered that this request is compliant with the appropriate Regulations as it is necessary to make the development acceptable given the content of Policies LP1, LP23, LP27 and LP29 as well as the content of the NPPF – paragraph 89 and paragraphs 114 to 117 – and to the Warwickshire Local Transport Plan 2011-26. It is also directly related to the development and is proportionate to the scale of the development as calculated by the County Council.

10.63 As indicated, on a without prejudice basis, the applicant would include measures to secure off-site landscaping and green infrastructure together with its maintenance.. The applicant has also indicated that the additional off-site. It is considered that this requirement is compliant with Local Plan policies, LP1, LP4, LP14, LP30 as well as the policies within the Dordon Neighbourhood Plan too. Para 180 of the NPPF also provides justification for this approach too. It would be directly related to the development, and it would be proportionate to the size of the development.

10.64 It is understood that National Highways will be seeking a contribution towards improvements of A5. At the present time the extent of mitigation is not fully known. It is considered that if requests are sought, then these requests could well be policy compliant with Local Plan policies LP1, LP23, LP27 and LP29 (6) together with the NPPF at paragraph 115. An assessment will need to be considered as to whether these are directly related to the development if it addresses adverse highway off-site impacts arising from the additional traffic generated by the proposal and should also be proportionate.

10.65 The applicant has indicated that they would wish to be involved in promoting access to manufacturing skills and training. This is likely to be provided through a legal agreement. Such arrangements would be policy compliant with Local Plan policies LP11 as well as the NPPF – paragraphs 85 to 87. It would be directly related to the development, and it would be proportionate to the size of the development.

g) The Final Planning Balance

10.66 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”

10.67 Significantly, the policy consideration of the proposal on the Strategic Gap due to the location and scale would result in substantial harm to the identity of the settlements of Dordon and Polesworth to maintaining a Strategic Gap between it and Tamworth.

10.68 The location is within open countryside and the development would detract from the open appearance of this relatively flat open agricultural area. Overall, there is moderate harm in respect of this issue.

10.69 The visual harm of the proposed development is also a matter that weighs against the proposal. Overall, it is concluded that there is moderate harm in respect of this issue.

10.70 As yet there is no agreement that the proposal does not have a severe impact on the A5 and M42. Overall, it is considered that there is moderate harm in respect of this issue.

10.71 On the other hand, the weight to be given to the case for supporting the proposal has significantly increased given the changes to the national and local planning

background against which the proposal has to be considered. Along with the economic benefits of the scheme put forward in support. From the evidence submitted, there is moderate to substantial weight given to the need for the development, however there is not an end user identified for the site. The other factors in terms of the economic impacts too put forward in support of the application these are not of sufficient weight to outweigh the significant and moderate harms caused in this instance.

10.72 On balance taking into account all of the factors for and against the proposal, it is considered that the proposal would be contrary to the Development Plan and the NPPF when taken together as a whole.

10.73 In light of this assessment, and taking into account all other material planning considerations, had the Council been able to determine this application, Officers would have recommended that planning permission should have been refused.

Recommendation

Members confirm that had they been able to determine the planning application they would have resolved to REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal does not accord with Policy LP4 of the North Warwickshire Local Plan 2021 together with policies DNP1 and DNP4 of the Dordon Neighbourhood Plan 2023 in that it does not maintain the separate identities of Tamworth and Polesworth with Dordon. This is because its scale, character and appearance significantly reduces the physical and visual separation between these settlements. It is considered that the benefits of the proposal as outlined by the applicant do not outweigh this significant harm as the requirements of Local Plan Policy LP6 and LP34 are not fully demonstrated.
2. The application site lies outside of any settlement boundary as defined by Policy LP2 of the North Warwickshire Local Plan 2021 and is thus within the open countryside. The proposed development would result in a range of significant adverse landscape and visual effects which fail to respect or respond positively to the key characteristics of the surrounding area. The proposal is thus contrary to Local Plan policies LP1, LP14 and LP30 together with Policies DNP1 and DNP4 of the Dordon Neighbourhood 2023 as supplemented by the National Planning Policy Framework 2023.
3. The applicant has failed to demonstrate that the development would not result in an unacceptable impact on both the strategic and local highway networks or that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, including those travelling by sustainable modes. On this basis the proposed development would result in a severe impact on the road network contrary to policies LP23, LP27 and LP29(6) of the North Warwickshire Local Plan 2021 and para 115 of the National Planning Policy Framework 2023.