



Appeal on Behalf of St Modwen Developments Ltd  
Land South East of M42 Junction 10

## **Urban Design and Landscape Architectural Evidence**

North West Warwickshire Council Ref: PAP/2014/0648

PINS Ref: APP/R3705/W/15/3136495

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18<sup>th</sup> August 2016

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# 1. INTRODUCTION

## 1.1. Background

- 1.1.1. My name is Andrew Williams. I am a qualified Urban Designer, Chartered Landscape Architect and a founding Director of Define; a Town Planning, Urban Design and Landscape Architecture practice.
- 1.1.2. Since gaining my first degree and post graduate diploma in Landscape Architecture from the University of Central England in 1996 I have worked as a landscape architect for Marchant Cole Associates, a Birmingham based architectural practice, before joining Lovejoy as a consultant in 2000, becoming an Associate in 2001, Associate Director in 2003 and Design Director in 2005. I gained a postgraduate diploma (distinction) in Urban Design from Oxford Brookes University in early 2005. I was appointed Managing Director of Capita Lovejoy's Birmingham office in March 2008. In March of 2011 I, with my colleague Mark Rose, founded Define, which has since grown to 16 professional staff.
- 1.1.3. All of my professional work has been at the interface between built development and the public realm, most commonly in locations that are sensitive due to their landscape, visual or heritage qualities. I have advised on projects where the concept for development along with its built layout, massing, design, environment and visual impact are key considerations of its success. I have significant experience of preparing large scale mixed use masterplans and design codes, undertaking urban design audits, Green Belt assessments, tall building assessments, townscape and landscape character assessments, heritage asset studies and visual impact assessments, both for Local Planning Authorities and the private sector.
- 1.1.4. I regularly carry out urban design audits, often involving townscape / landscape and visual impact assessments, and have completed audits for well over 100 schemes, ranging from urban mixed use and employment led schemes to sustainable urban extensions from 50 units to over 7,000.
- 1.1.5. I have represented the Landscape Institute (LI) in presenting 'Landscape and Visual Impact Assessment GLVIA Masterclasses' alongside the author of the recent Guidelines for Landscape and Visual Impact Assessment, Third Edition. I also form part of a select group of LI members, alongside the author of GLVIA3, who are instructed to provide on-going member conferences and training events, principally on the basis of my experience of townscape and visual impact assessment.
- 1.1.6. My practice was appointed by St Modwen Developments Ltd in November 2013 to provide urban design and landscape architectural services in the preparation of development proposals, and separately a landscape and visual impact assessment (Chapter 7 of the Environmental Statement).

1.1.7. I am extremely familiar with the site (hereafter referred to as the 'appeal site') and its context, having visited the site numerous times, in both winter and summer conditions. I am also familiar with the development proposals (hereafter referred to as the 'appeal scheme'), having led its formulation.

1.1.8. I therefore present evidence to address the urban design and landscape architectural issues arising from North West Warwickshire's reason for refusal no. 1, which states:

*The proposal does not comply with the North Warwickshire Core Strategy policies NW2, NW9, NW12 and NW19 which are fundamental to providing for new development; directing this to appropriate locations and to protecting the identity of settlements and the character of the Borough. The proposal is considered to be a significant departure from the Development Plan that by virtue of the location and the scale of the development would result in substantial harm to the separate identity of Dordon, and to the maintenance of a meaningful gap between Dordon and Tamworth.*

1.1.9. I present evidence in respect of how the development proposal relates to policies NW12 (the quality of development) and NW19 (Polesworth and Dordon).

1.1.10. Mr Barnes has also prepared evidence for the Appellant in relation to planning matters arising from both reasons for refusal, and Mr Leaver similarly in respect of employment land matters.

1.1.11. This proof of evidence provided for this appeal is true and has been prepared and is given in accordance with The Landscape Institute Code of Conduct. I confirm that the opinions expressed are my true and professional opinions irrespective of by whom I am instructed.

## **1.2. Evidence Structure**

1.2.1. This evidence is structured in the following way: -

- Section 2 explores the planning policy background, focussing on policies specifically relevant to the reason for refusal identified above;
- Section 3 describes in outline the Appeal Scheme;
- Section 4 considers the quality of the Appeal Scheme and assesses it against the tests of Adopted Core Strategy policy NW12;
- Section 5 considers the Appeal Scheme effects on the identify of Polesworth and Dordon, and assesses it against the tests of Adopted Core Strategy policy NW19;
- Section 6 provides a conclusion and acts as a summary proof of evidence;

- Appendix A, to the rear of this proof of evidence, contains a detailed critique of the Meaningful Gap Study prepared by NWBC.
- Appendix B provides guidance from the Planning Advisory Service relating to Green Belt Assessment methodology, and an extract of methodology applied to a recent Green Belt Assessment, specifically in respect of assessing the separation / merger of settlements.
- Appendix C contains a letter dated 4<sup>th</sup> August 2016 from St Modwen Ltd confirming that the illustrative layout contained at Figure 11 represents a commercially realistic scheme.
- Appendix D provides extracts from an Appeal Decision dated 21 July 2014 (ref 2207324) and from Mr Justice Ouseley Judgement related to that decision, dated 5 February 2015
- Appendix E forms a separate A3 document containing Figures referred to within this proof of evidence.

## 2. PLANNING POLICY AND CONTEXT

### 2.1. Introduction

2.1.1. I consider below the national and local planning policies related to the subject of landscape and visual effects:

### 2.2. National Planning Policy Framework (2012)

2.2.1. The NPPF confirms at paragraph 6 the purpose of the planning system to contribute to sustainable development, with paragraphs 18 to 219 of the NPPF as a whole reflecting the government's view of what this term means for planning purposes.

2.2.2. The NPPF sets out at paragraph 7 that sustainable development is formed of three dimensions (social, environmental and economic). Paragraph 8 goes on to clarify that these should not be treated in isolation, that they are mutually dependent.

2.2.3. The NPPF sets out its Core Planning principles at paragraph 17. The fifth, seventh and eighth bullet point within this policy are of relevance to the landscape relates aspects of this appeal, and state that planning should:

- *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”;*
- *“contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework”;*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*

2.2.4. Section 7 of the NPPF identifies a number of policies that relate to design. There are references in this section to the need for design to respond to local character (58) and to refuse poor quality design that does not take the opportunity to improve the character and quality of an area (64).

2.2.5. Section 11 of the NPPF considers the natural environment, identifying at paragraph 109 that valued landscapes should be protected and enhanced – the baseline sensitivity and value of the landscape context of the site is considered further at section 3. It goes on to provide further detail to this point at paragraph 115, which states:

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”*

2.2.6. The emphasis in this policy is, therefore, on the protection of landscapes with an elevated status. This position is reinforced by footnote 9, on page 4, which confirms that specific policies within the NPPF that would restrict development (when considering silent, absent or out of date policies) includes landscape designations of an elevated level of protection (such as SSSI, Green Belt, Local Green Space, AONB, Heritage Coasts or National Parks).

### **2.3. North Warwickshire Borough Council Adopted Core Strategy (2014)**

2.3.1. The North Warwickshire Borough Council Core Strategy was adopted in 2014, and has two policies specific to my area of expertise (NW12 and NW19), that were referred to in the decision notice.

#### **NW12 – Quality of Development**

2.3.2. Policy NW12 considers the quality of development, stating:

*All development proposals must;*

- *Demonstrate a high quality of sustainable design that positively improve the individual settlement’s character; appearance and environmental quality of an area;*
- *Deter crime;*
- *Sustain, conserve and enhance the historic environment*
- *Provide, conserve and enhance biodiversity; and,*
- *Create linkages between green spaces and wildlife corridors.*

*Development should protect the existing rights of way network and where possible contribute to its expansion and management.*

2.3.3. The written justification of this policy reinforces the importance of design quality in new developments. It makes reference to Building for Life (applicable to residential developments), the West Midlands Sustainability Checklist (with a good standard required) and Secured by Design. The justification goes on to state that ‘Quality’ relies on a combination of factors including building aesthetics, how water is dealt with, how development fits within the landscape and how access and vehicles are treated. It also gives emphasis to the retention, and where possible enhancement, of public rights of way.

## **NW19 – Polesworth and Dordon**

2.3.4. This policy states:

*The Broad location of growth will be to the south and east of the settlements subject to there being no unacceptable environmental impacts from surface mining and that viable and practicable coal reserves are safeguarded.*

*Any development to the west of Polesworth & Dordon must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a meaningful gap between them.*

2.3.5. The written justification of this policy (7.87) explains the strong local desire to protect the area to the west of Polesworth so as to ensure that any development maintains its individual identity and avoids coalescence with Tamworth. It goes on to recognise that Polesworth and Dordon are important areas for growth, however constraints apply to this growth, one of which being the gap between the built up boundary of Tamworth and the rural areas up to Polesworth and Dordon in North Warwickshire. It recognises the separation of industrial use and housing to the south of the A5 from the main body of the settlement, and development in this area would need to consider how this separation could be addressed.

2.3.6. The policy requires development to the west of Polesworth and Dordon to respect the separate identity of these settlements, along with Tamworth, whilst maintaining a meaningful gap between them.

### **Meaningful Gap Assessment (MGA)**

2.3.7. A Meaningful Gap Assessment was “adopted” by the Council on 10 August 2015. This Assessment, and the process that led to its formulation, is fundamentally flawed, as it has evolved through a crude scoring process that is not based on the above policy objectives. A detailed critique of the MGA is provided at Appendix A – in my view the MGA is an exercise which ought to be afforded little or no weight. I am advised that in the emerging local plan allocations DPD that the appeal site is overwhelmed by a designation of “meaningful gap” – I am also advised that given the stage that the local plan has reached the designation can only carry very little weight.

2.3.8. My client was sufficiently concerned that it might be maintained by NWDC that the MGA had the status of policy or guidance given its inherent flaws that a pre-action protocol letter was sent to the Council indicating that if it was claimed to have status as policy that it would not be lawful and that proceedings for judicial review would be pursued.



2.3.9. In response the Council formally confirmed that the MGA does not comprise adopted policy<sup>1</sup> in any sense; on that basis judicial review proceedings were not then pursued. The status of the MGA therefore is that it is no more than part of the Council's evidence base and rightly defers decision making to policy NW19.

## **2.4. Planning Context**

### **Committee Report**

2.4.1. The planning committee report recommended refusal, for the reasons stated in the decision notice, however it is worth noting that the committee report also:

- Did not object to the proposed footpath re-alignment;
- Relied to some degree on the dimensions provided in respect of 'gap' between Dordon and Tamworth being reduced from around 1000 metres to 450 metres;
- Provided no criticism of the submitted Landscape and Visual Impact Assessment, and; stated that development could, through careful design and implementation, be made to comply with development plan policies specific to the form of development and those relating to impact on the natural and historic environments, and amenity with respect to nearby properties.

### **Employment Land Allocations (see Figure 7)**

2.4.2. A number of proposed employment land allocations (DOR 8, 10, 11, 18-20, 22 and 24) are identified on the North Warwickshire Borough Council Site Allocations Pre Submission Plan June 2014, and are relevant insofar that the development of these allocations would inevitably change the immediate context and character of the appeal site, and comprise an altered baseline against which the proposals ought to be judged. Indeed, site DOR24 is now under construction and forms part of the baseline against which the scheme effects must be considered.

## **2.5. Conclusion**

2.5.1. The NPPF promotes development, which takes account of the character of different areas, recognises the character and beauty of the countryside, and contributes to conserving and enhancing the natural environment. It also emphasises the need for design to respond to local character and to refuse poor quality design that does not take the opportunity to improve the character and quality of an area. It places great weight to landscapes of national status, and that valued landscapes should be protected and enhanced.

2.5.2. North Warwickshire Borough Council's adopted Core Strategy policies NW12 (Quality of Design) and NW19 (Polesworth and Dordon) are relevant to my

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<sup>1</sup> See NWBC letter dated 17 September 2015 – appeal document 10/15.

evidence. Policy NW12 establishes a number of requirements for good design, whilst policy NW19 requires any development to the west of Polesworth & Dordon to respect the separate identities of Polesworth and Dordon and Tamworth and maintain a “meaningful gap” between them.

2.5.3. North Warwickshire Borough Council’s Meaningful Gap Assessment was adopted as part of its evidence base by the Council on 10 August 2015 but is not a policy. In any event, I consider it to be fundamentally flawed in its methodology – a more detailed critique is set out at Appendix A.

2.5.4. North Warwickshire Borough Council’s committee report illustrates the principal concern with the appeal scheme is in respect of its effect on the separate identities of Dordon and Tamworth, and the gap between these settlements. Save for this policy concern it is not contended that the appeal site lacks the capacity to properly accommodate the form of development proposed. Consideration of the appeal scheme’s effect on the perception of these separate identities, and the maintenance of a “meaningful gap” is therefore a key part of my evidence, and is addressed at Section 5 and Appendix A. An assessment must be made in the context of the pre-submission employment site allocations within the site’s immediate context.

### 3. APPEAL SITE CONTEXT AND SCHEME DESCRIPTION

#### 3.1. Appeal Site and Context

- 3.1.1. The application site is located to the south east of junction 10 of the M42 and to the north east of Freasley. It lies within the administrative area of NWBC and is approximately 300m east of the administrative boundary with Tamworth. It is approximately 25.37 ha in size, and comprises seven agricultural fields and a collection of disused barns within its centre.
- 3.1.2. The site is bounded to the north/north-west by junction 10 of the M42 and the A5 Watling Street. Agricultural land, a substantial slag heap and Birch Coppice Business Park define the site to the east/south-east and agricultural land bounds the site to the south. The village of Freasley is situated to the south west and Trinity Road bisects the site to the north west.
- 3.1.3. Beyond the immediate context of the site land to the north-east, south and south west (beyond Freasley) is largely in agricultural use. Birch Coppice Business Park occupies much of the land to the east/south-east and Centurion Park and Relay Park Industrial Estates define the south eastern edge of Tamworth, beyond which the area is generally residential.
- 3.1.4. The motorway service station, situated within Relay Park, provides the closest local facilities to the site (approximately 280m from the northern boundary), including a variety of eating and retail establishments and a hotel. A Premier Inn is also situated within Centurion Park. Tamworth town centre is located approximately 4.8km to the north west of the site.
- 3.1.5. Kettle Brook LNR, located to the south of Centurion Park, provides a significant recreational and ecological resource within the local area.
- 3.1.6. The appeal site is identified in the submitted LVIA (which has not been questioned or criticised) as being typically low to medium sensitivity (which is a combination of the inherent value and susceptibility to receive change). Table 8.1 of the ES confirms this position below.

**Table 8.1: Landscape Sensitivity Summary**

<b>Landscape Receptor</b>	<b>Sensitivity</b>
WCC - Arden River Valleys	Low/medium
WCC – Industrial Arden	Low/medium
NWBC – Tamworth Fringe Uplands	Low
Landscape Resource (the Site)	Medium
Core Strategy Policy NW16 Green Infrastructure	Low
Core Strategy Policy NW19 Polesworth & Dordon	Low/medium

- 3.1.7. This assessment is a logical conclusion to a landscape that has been radically changed by industrial activity. The dominance of the A5, M42, Birch Coppice and associated slagheap, and employment land buildings informs the assessment that the landscape can receive the proposed type of change without fundamentally altering its baseline condition or character.
- 3.1.8. The lack of any landscape designation for the appeal site does not necessarily lead to the landscape having a low value, but in this case, the low value of the landscape is evident. The quality of the landscape is low, it has little to no scenic quality or rarity, it is not representative of an important landscape character, or have key conservation interests, recreational value, perceptual qualities or associations. It is (in GLVIA terms) of low to low-medium value<sup>2</sup>.
- 3.1.9. Neither is the appeal site a 'Valued Landscape' as set out at paragraph 109 of the NPPF. The site does not have demonstrable physical attributes; its character is directly shaped by a lack of site-specific physical attributes. In accordance with the Stroud decision and Ouseley Judgement<sup>3</sup>, the landscape cannot be considered to be "valued" in NPPF terms, and paragraph 109 is not engaged.

## **3.2. Appeal Scheme**

3.2.1. The appeal scheme is for the development of land within Use Class B1(c) (light industry), Use Class B2 (general industry), and Use Class B8 (storage and distribution), and associated works including demolition and removal of existing structures. Details of access are submitted for approval, all other matters are reserved.

3.2.2. The planning applications drawings are listed below.

- DE128A\_007 Red Line Plan
- DE128\_008 Site Plan Existing
- DE128\_006A Development Parameters Plan
- 1148-12H and 1148-13A showing the proposed access arrangements

3.2.3. The proposed land use is for up to 80,000 square metres gross internal area, of which a maximum of 25% would be use class B1c/B2, with the remainder B8. The Design and Access Statement sets out the concept for development at page 17, the use, amount, scale and layout at page 18, along with the parameter plan at page 19. Pages 20 to 23 set out three different potential scenarios for development, comprising a large, medium and fine scale of buildings, with respective sections illustrated at page 25.

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<sup>2</sup> GLVIA3 page 84/Box 5.1

<sup>3</sup> Stroud decision ref 2207324 21 July 2014 and Mr Justice Ouseley Judgement dated 6 Feb 2015

**3.2.4.** St Modwen is keen to bring the site forward as soon as practicable and accordingly the prospective configuration of the built form has evolved over time having regard to market intelligence (considered by Mr Leaver). The original illustrative layout submitted with the application was formulated in late 2014 and still represents an acceptable form of development. However, the latest thinking in respect of the disposition of the built form is shown in a more detailed recent plan. That latest Illustrative Layout Plan (Figure 11) was formally issued to North Warwickshire Borough Council on 4<sup>th</sup> August 2016. This plan does not change the development principles, it is entirely within the development parameters applied for, and does not alter the nature of the application. It does illustrate a commercially realistic scheme, based upon my client's understanding of the present market which is confirmed by St Modwen's letter dated 4th August 2016. For the purposes of my assessment it reflects the parameters that I have assessed and which can be controlled by condition.

**3.2.5.** This illustrative layout includes the promotion of landscape planting works beyond the application boundary, which is to be delivered through provision within a planning obligation.

## 4. DESIGN QUALITY

### 4.1. Introduction

4.1.1. This chapter explores the scheme evolution and its approach to design quality.

### 4.2. Quality Assessment

4.2.1. The design concept behind the proposed development is as set out on pages 14 to 17 of the DAS, with further explanatory information provided at Figures 2A and 2B of Appendix E. The development parameters are set out at Figure 3, and a revised Illustrative Layout Plan, and supporting Illustrative Principles in respect of the site Landscape (in addition to the written principles set out in the Design and Access Statement).

4.2.2. This design information (the Design and Access Statement and Figures 2 – 5 of Appendix E) provides the necessary material to judge the appeal scheme against the requirements of NWBC policy NW12.

4.2.3. The central considerations of NWBC policy NW12 are considered below, under each respective part of the policy:

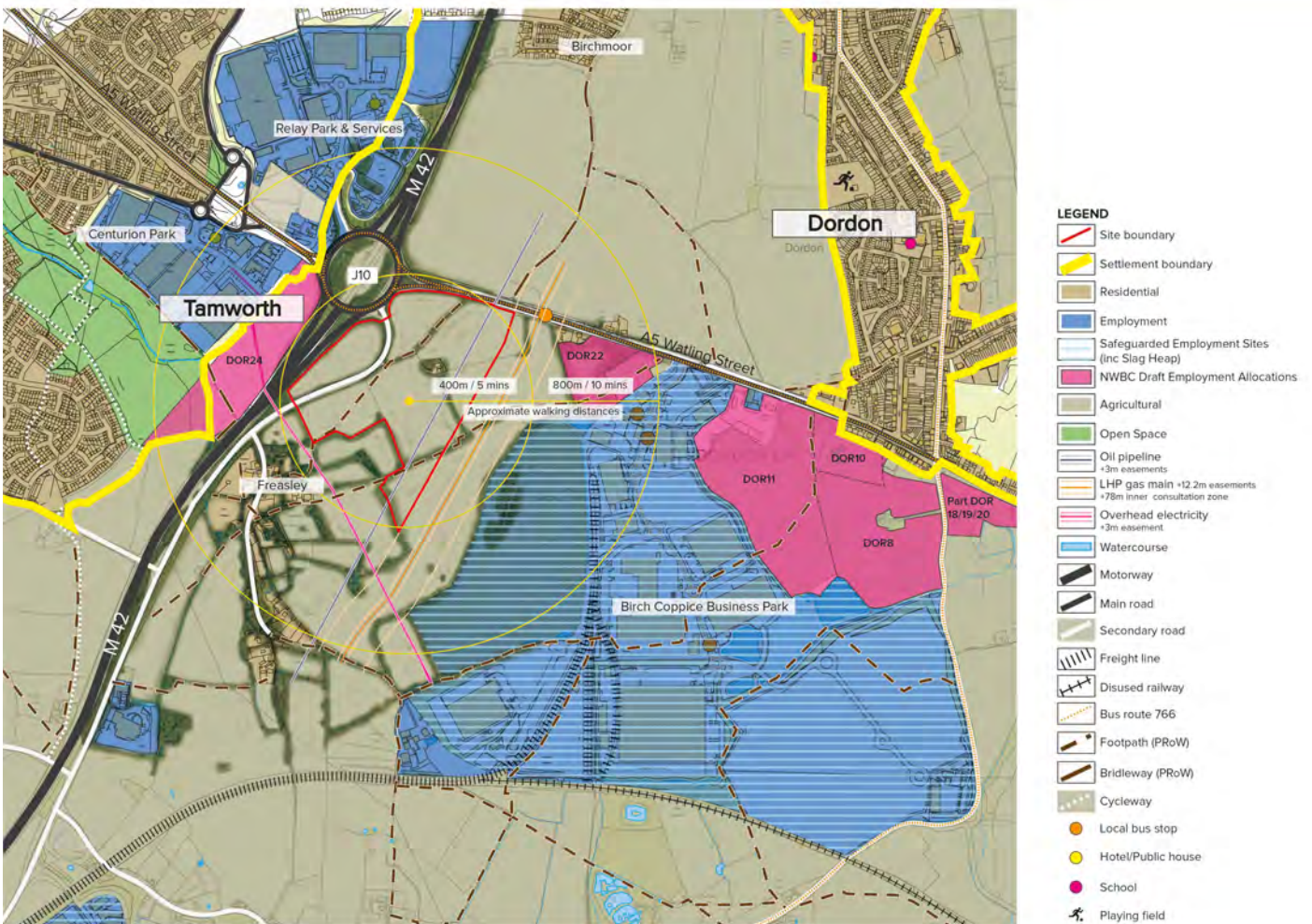
#### **1. Demonstrate a high quality of sustainable design that positively improve the individual settlement's character; appearance and environmental quality of an area**

4.2.4. The Design and Access Statement (DAS) sets out a robust and rational assessment of the site's context, evaluation of the key opportunities and constraints, and in particular promotes a positive design concept for how built form could successfully be assimilated into the existing landscape. This concept is explored and realised within pages 17-30 of the DAS, and this information is further supported by Figures 4 and 5 to this evidence (Appendix E).

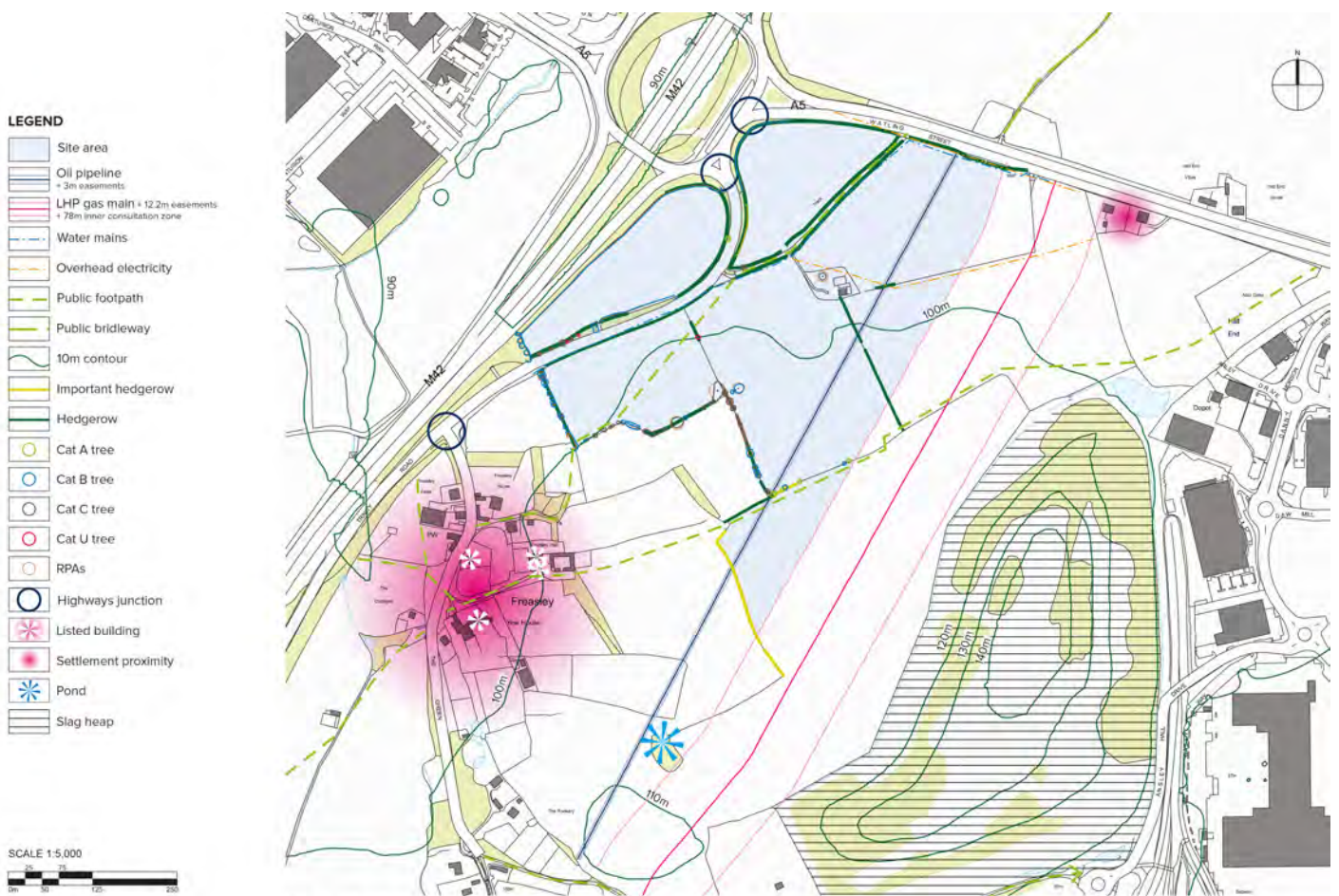
4.2.5. The following extracts from the Design and Access Statement, and from Appendix E to this proof of evidence, illustrate how the design process has responded to the site's context, character and appearance.

4.2.6. Figure 6 of Appendix E clearly illustrates the infrastructure and employment focus of the immediate site context. The A5 lies directly to the north of the site, the M42 to the west (along with its associated services), with recently permitted employment buildings to the west of the M42, and Birch Coppice Business Park to the east. The proximity of the existing prominent infrastructure corridors, along with the existing large-scale employment buildings clearly establishes a context for the site that is appropriate for an employment scheme. This context is extended by the draft employment allocations to the east of the appeal site.

## LAND USE



4.2.7. Figure 5 of the Design and Access Statement considers the technical constraints within the site context. This includes features such as public rights of way linking through the site, and the presence of an oil pipeline and high pressure gas main aligned through the site. The latter gas main forms a constraint to the eastern extent of the development (highlighted by blue fill in Figure 5 below).





4.2.8. Figure 6 of the Design and Access Statement establishes a high level response to the site context by establishing generous green buffers to the north (A5) and south (Freasley). It then seeks to place employment buildings where they most closely relate to existing infrastructure features (the A5 to the north and M42 to the west). The largest scale built form is concentrated towards the centre of the site, with buildings reducing in height to the north (A5), south (Freasley), east (Birch Coppice) and west (M42). This approach allows larger buildings to assimilate more successfully into the site, as their apparent mass is broken down by smaller buildings to the site edges. Finally, pedestrian links are maximised through retention and re-alignment of the existing public footpaths where necessary, with their improvement and expansion to the south within a Local Park.

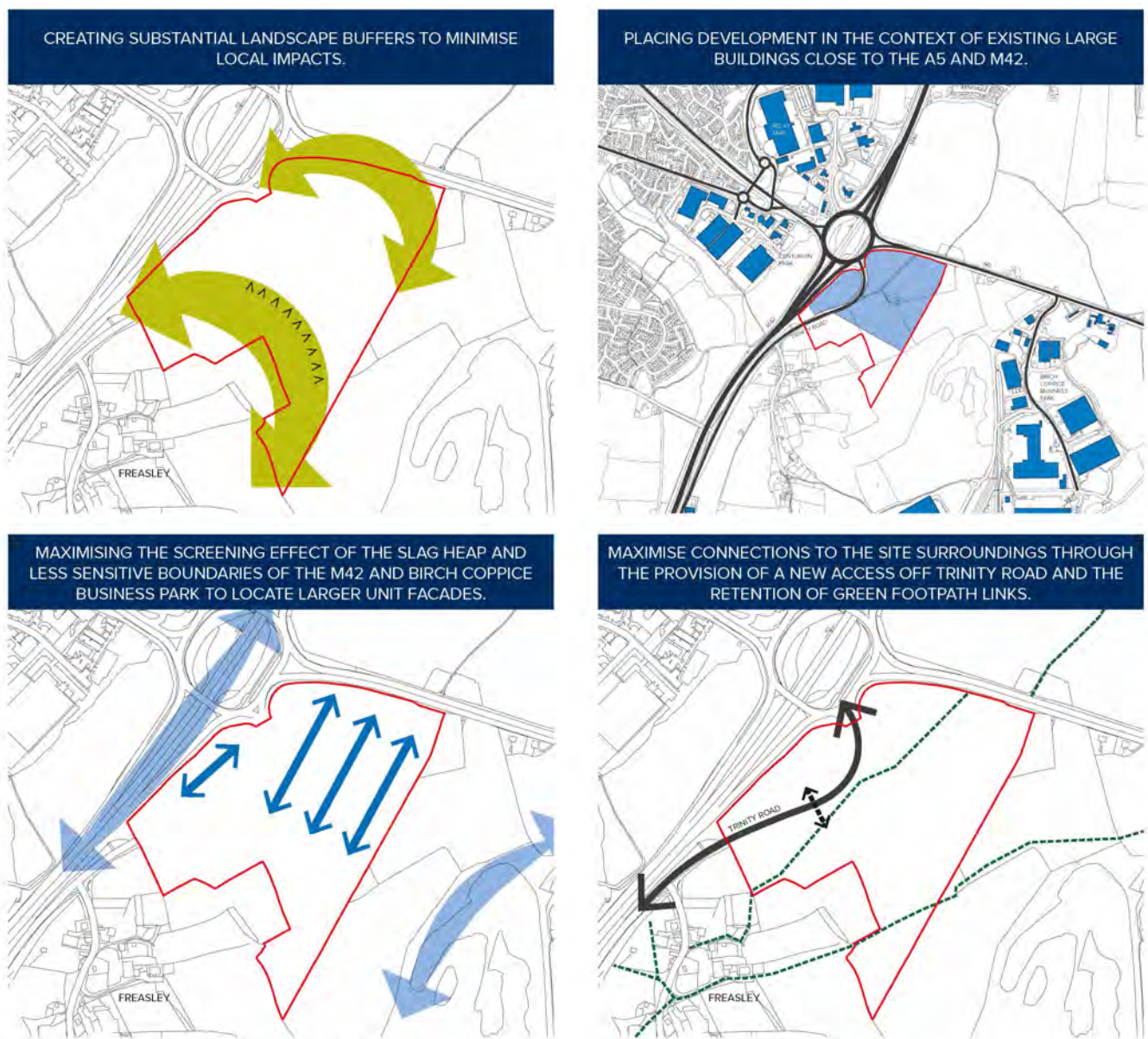
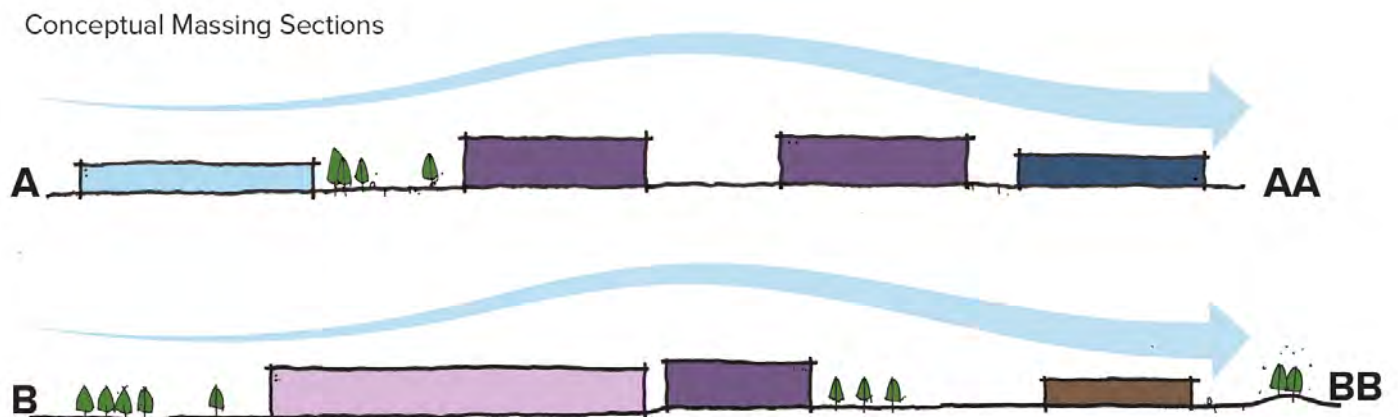


FIGURE 6: DEVELOPMENT CONCEPT

4.2.9. Figure 2b of Appendix E to this proof of evidence (see below for sections and over the page for reference plan) illustrates how this approach to modulating building heights addresses a desire to reduce building scale at the site's edges, to assist in the assimilation referred to previously. Thus, the highest buildings (up to 18 metres) are contained within the mauve and purple zone, whilst buildings reduce to the north (the light brown zone is up to 10m height), to the west (up to 12 metres in the light blue zone, and 10 metres in the orange zone), to the south (the dark brown zone is up to 10m high) and to the east (the mid and dark blue is up to 12 metres high).

4.2.10. This approach reduces the scale of the proposed buildings at the site edges, from where the site is perceived from members of the public, and where the focus on landscape planting takes place.



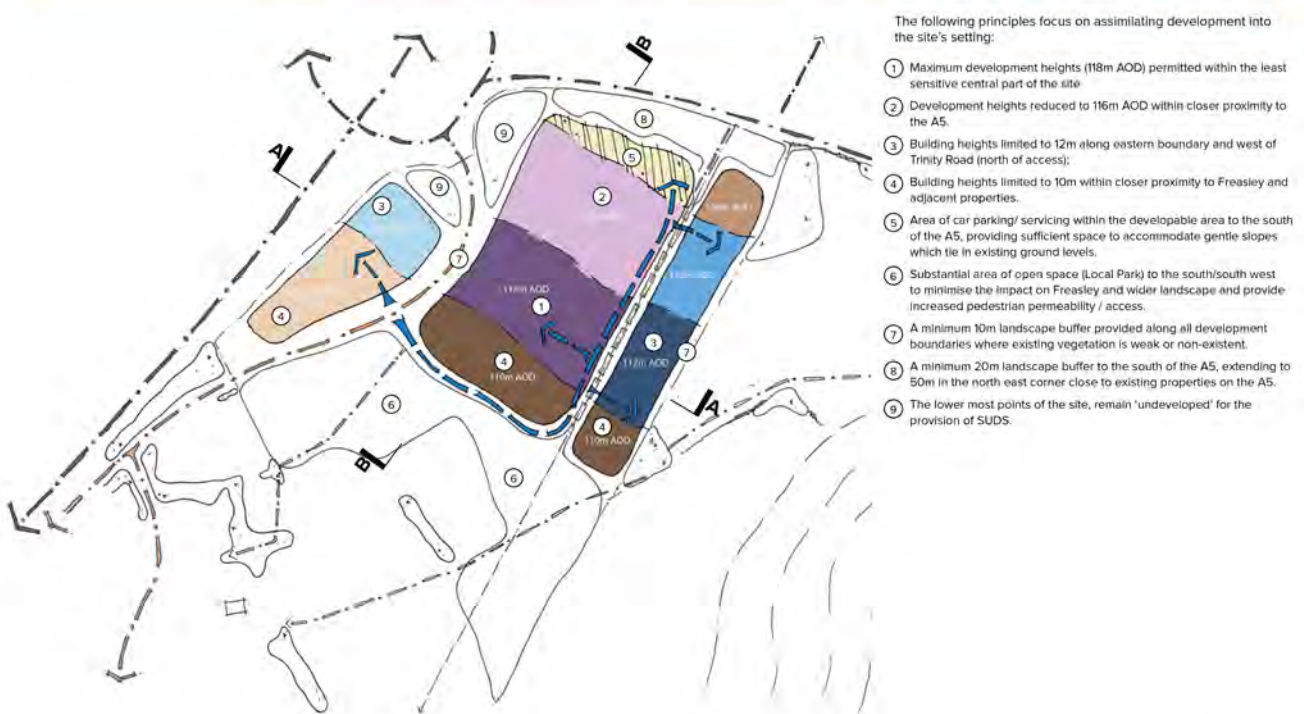
See Development Concept (over the page) to identify the locations of the conceptual massing sections.

4.2.11. The land to the west of Trinity Road is generally at a finished floor level of 97.5 metres AOD, with the mauve, mid blue and light brown zones being at a finished floor of 98 metres AOD, with the purple, dark blue and dark brown zones based on a finished floor level of 100m AOD. The establishing of varied height building platforms assists in the assimilation of building platforms into its landscape context. A more significant factor in how the buildings assimilate is the controls applied to the maximum ridge heights.

4.2.12. In this regard, the proposed ridge heights step in a similar manner to the finished floor levels, with buildings reducing in height to the site's more visually sensitive edges to minimise the visibility of buildings and maximise their assimilation into the landscape and visual context. Thus, the maximum ridge heights to the west of Trinity Road are 109.5 and 107.5 metres AOD, reducing in height to the south towards Freasley to minimise the visibility of buildings from this southern direction. The proposed buildings reduce in height to the A5 frontage to the north (118.0 and 116.0 metres AOD west of the oil pipeline and 112.0, 110.0 and 108.0 metres AOD to the east of the oil pipeline) to reduce visibility if built form from the adjacent A5 and landscape to the north and east. To the south, the building height reduces in height to 110.0 metres AOD to minimise visibility of built form from the Local Park to the south.

4.2.13. The relationship of the proposed built form to their context, including visibility and character, is of course heavily influenced by the landscape design strategy for the site, which is explained further in the following paragraphs.

## DEVELOPMENT CONCEPT



4.2.14. A finer grain assessment of the site's context illustrates a more nuanced approach to landscape character, and the enhancement of existing positive characteristics. The immediate landscape context varies from Trinity Road, which whilst being a road with a relatively wide carriageway nonetheless retains something of an informal lane character, with a curved alignment and informal hedge and verge boundaries. To the north a significant contrast takes place, where the infrastructure-dominant A5 corridor is dominated by a wide dual carriageway and proliferation of signs, lighting columns and moving and parked vehicles, this character has the potential of having a strong character, but at present is heavily utilitarian. This latter character can be softened at the interface with the appeal site by the proposed SUDS area and the more formal tree planting to its southern edge. To the south, a more informal and irregular 'Local Park' character is proposed, and this character can be enhanced and have improved pedestrian access and use through the scheme proposals. To the east, the interface with Birch Coppice can be softened by naturalist woodland copses, a form that appears in this local landscape, and contrasts with the regularity of the A5 corridor.

4.2.15. Figure 2A (see Appendix E) illustrates these character edges.

## LANDSCAPE CONCEPT

### INTRODUCTION

The landscape forms an integral part of the masterplan, notably the substantial area of natural open space to the south-west, the A5 frontage and the retained and enhanced wooded edges that wrap the development boundaries.

The landscape strategy at a conceptual level is illustrated on Figure 1 showing how a sequence of spaces can respond to their surrounding environment to create varied uses, characters and mitigation around the development. The woodland buffers along the development boundaries will incorporate retained trees and hedgerows and/or proposed native woodland and hedgerow planting where necessary. A minimum 5m corridor will be provided alongside edges which offer a high degree of screening, increasing to a minimum of 10m where the boundaries are more visually exposed and additional vegetation is required.



4.2.16. The establishment of a Local Park to the south evolves the informality of this land, public access to which is currently restricted to two public footpaths that are not connected (see Figure 5b below and Appendix E). It creates a positive, enhanced landscape setting to Freasley, welcomes public movement through the public and additional informal footpaths and creates linked routes for recreational purposes. It also established a native woodland structure that provides biodiversity, landscape and visual amenity benefits. The use of amenity grassland alongside public footpaths, with swathes of wildflower grassland reinforces this informal character.

## ILLUSTRATIVE DESIGN PRINCIPLES: LOCAL PARK

### LOCAL PARK

The Local Park embraces substantial area of natural open space within the development and shows how the south western extents of the site has been carefully considered to minimise the impact on Freasley and Freasley Hall as well as the wider landscape.

Creative land modelling and earth mounds (utilising surplus material on site) combined with tree planting and woodland copses are used to buffer development edges while adding structure and framing spaces within the Local Park.

The Local Park retains the existing PRoW routes (AE55 & AE52) and provides important links to connect these routes, promoting recreational use and connect into the wider area.

### LANDSCAPE PRINCIPLES

- ① Existing vegetation along the site boundaries is retained and enhanced with new planting, providing a landscape buffer minimum depth of 6m
- ② Groups of native trees and small woodland copses complement the local landscape character, add structure and definition to the southern area of open space and provide a visual buffer to the employment units
- ③ Areas of amenity and wildflower grassland are provided within the southern area of open space, encouraging a diversity of wildlife habitats and varied landscape character
- ④ Surplus cut material from within the site will be used to form naturalistic mounds, providing visual and acoustic mitigation, where necessary, from the southern development edge and adding interest and diversity within the landscape. Trees situated on these mounds will also offer further screening
- ⑤ The southern extents of the natural open space is more open in character, retaining views of agricultural land towards the slag heap from Freasley Hall
- ⑥ Retained/diverted Public Rights of Way provide recreational routes through the southern area of open space and help connect the site to its surroundings
- ⑦ Informal mown footpaths



4.2.17. The A5 frontage to the north is at present dominated by infrastructure with few positive features. Setting built form back from the A5 corridor by between 40 and 90 metres provides a large area that is proposed to receive a formal grid of tree planting with open grassland beneath (see Figure 5c below). This woodland will embrace the regular, formal character of the route, but will significantly soften its character, and establish a positive element to this edge. The trees are envisaged to have a clear stem of around 2-3 metres with fastigate (upright) trees planted in grids, thus allowing some intervisibility. This is not intended to act as a defensive visual wall, although it will create a substantial visual filter to the proposed development beyond. It responds to the greater formality of the corridor and will differentiate how the site addresses this principal frontage, from the more informal approaches to the other site edges. Feature red leaved trees are aligned with built form, or to frame views, and to add reinforce the sense of strict geometry.

## ILLUSTRATIVE DESIGN PRINCIPLES: A5 INFRASTRUCTURE FRONTAGE

### A5 INFRASTRUCTURE FRONTAGE

The northern area of open space creatively reflects qualities of both the A5 (Watling Street - an old Roman Road) and the proposed employment units with a bold grid of native trees and feature tree lines that extend and continue/stitch into the development. This bold gesture will create a unique geometric character appropriate to its setting, whilst minimising the impact of development from views along the A5, private dwellings close to the site and the wider landscape.

A swathed under-storey of flowing grass meadow will softly contrast with the gridded tree arrangement, with ~2.5 metre clear stem, and encourage more biodiversity to the site.

A network of ponds are located at natural low points within the site, providing surface water attenuation and valuable wildlife habitats.

### LANDSCAPE PRINCIPLES

- ① A substantial landscape buffer (20-50m) is provided to the south of the A5, incorporating a bold grid of native shrub and tree planting with specimen tree lines to extend into the development
- ② A pedestrian/cycle link is provided onto the A5, connecting the site to its surroundings and local amenities
- ③ Sloping embankments tie the car parking and service area back into existing ground levels along the A5
- ④ A landscape corridor (min 10m) is provided along the eastern site boundary to help minimise the impact of development on the surrounding landscape and visual amenity
- ⑤ A network of ponds are located at natural low points within the site, providing surface water attenuation and valuable wildlife habitats.



4.2.18. As previously identified, Trinity Road is more informal and irregular, and this character is to be embraced and extended by the appeal scheme. This will be achieved by retaining a grass verge, native hedgerow and the additional planting of informal native hedgerow trees in irregular groups (see Figure 5e below).

**ILLUSTRATIVE DESIGN PRINCIPLES: COUNTRY LANE TO THE WEST**

**'COUNTRY LANE' TO THE WEST**

Trinity Road is retained through the development with a proposed vehicular access via a new four-arm signal junction to provide direct access into both parcels of the development.

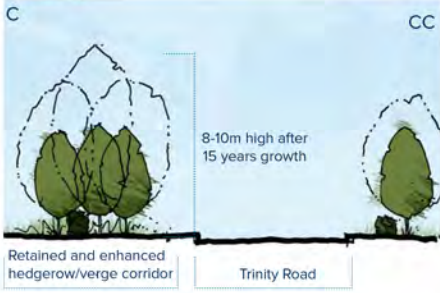
Existing vegetation along the site boundaries is retained and enhanced with new informal tree planting and wildflower verges to establish a 'country lane' character, reinforcing the tree lined qualities of Trinity Road and reflect characters of the proposed Local Park and nearby village of Freasley.

Retained and enhanced planting will provide landscape buffers to help minimise the landscape and visual impact of the development.

**LANDSCAPE PRINCIPLES**

- ① Existing vegetation is retained and enhanced with new planting to reinforce the tree lined character of Trinity Road and provide a landscape buffer
- ② Proposed four-arm signalised junction with toucan crossings

Section C-CC



4.2.19. A high-pressure gas pipeline is located to the east of the appeal scheme (see Figure 5f below). Built form is arranged to comply with the Health and Safety Executive’s PADHI (Planning Advice for Developments Near Hazardous Installations) Guidance, with no development proposed within the 78 metre ‘Inner Zone’ to either side of the pipeline.

4.2.20. Land to the east of the appeal scheme is proposed to receive native landscape planting to soften its relationship with this land to the east. This will create a far more interesting and rich landscape than currently exists.

4.2.21. Similarly, the geometric ‘A5 Planting’ is continued to the northern part of this land to continue the character described earlier.

4.2.22. All off-site planting works are to be implemented as set out in a planning obligation.

## ILLUSTRATIVE DESIGN PRINCIPLES: OFFSITE PLANTING

### OFFSITE PLANTING

Offsite tree planting along the eastern boundary will create a softer informal edge and minimise the impact of development and continue the geometric character promoted within the A5 frontage.

### LANDSCAPE PRINCIPLES

- ① An offsite native ‘grid’ woodland copse continues the ‘gridded’ frontage character outside of the redline, while providing more under-storey planting to help minimise the impact of development on the surrounding landscape and visual amenity (approx 6000m<sup>2</sup> of new woodland and shrub planting)
- ② A sequence of offsite native woodland and shrub copse strengthens the naturalistic character along the eastern boundary outside of the redline, and helps minimise the impact of development on the surrounding landscape and visual amenity (approx 15,000m<sup>2</sup> of new woodland and shrub planting)



Figure 5f  
Title Offsite planting  
Scale 1:2000





4.2.23. The above design information makes it clear to me that:

- a. This application has taken the layout, scale, landscape and appearance of built form very seriously. It has not taken a simplistic approach to the provision of employment buildings. Instead, it has considered rationally and thoroughly how buildings should be arranged, particularly in layout and scale terms, to sit comfortably into its landscape. It will, in this regard, demonstrate a more positive approach to designing employment environments than currently seen in the local vicinity;
- b. The way in which the development responds to its landscape and edges is thorough and of high quality. The current (varied), characteristics of the site edges to the A5/M42, Trinity Road and Freasley / Birch Coppice are positively addressed through the application;
- c. The design approach to the A5 frontage is an appropriate response to what is at present a somewhat disparate infrastructure corridor, where at present the existing road, lighting and signage is by far the dominant feature. The proposals respond to the formality and status of this corridor, and will greatly improve its experience, with an appropriately regular and wide tree lined corridor, with smaller scale buildings (10m high, transitioning to 12m and 18m high) set back behind a landscape corridor of 20 to 50
- d. depth;
- e. Similarly, the Trinity Road frontage emphasises the contrast with the A5, promoting an informal 'lane' character with native hedgerow and informal native tree planting to signify and support the different character of this route; Furthermore, the Local Park, to the south, provides an extensive public facility of a depth of up to 300 metres. It provides footpath connections, wildflower meadows and biodiversity benefits through extensive native woodland planting and wetland creation. This not only creates a very positive change to the existing agricultural fields, it makes this change accessible to the public from the existing public rights of way network, and it also guarantees long term separation between the proposed development from the settlement of Freasley;
- f. The simple and subtle approach to building roofline, material and appearance is appropriate, as is the outline, policy compliant approach to energy, and the proposed 'low light' strategy, that will further assist in the development's assimilation into its landscape (see page 17 of the DAS);

## **2. Deter crime**

4.2.24. The proposed development establishes secure and appropriate site boundaries. It will function in a similar fashion to Birch Coppice, which has a layered approach to formal security through fences and gates (in this case set

well behind a wide landscape strip), positive building frontages and complete clarity in respect of access (with access off Trinity Road).

### **3. Sustain, conserve and enhance the historic environment**

4.2.25. The approach taken to ensuring that the scheme is acceptable from a historic environment perspective is set out in Mr Barnes' proof of evidence. Furthermore, minimizing any impact upon the significance of heritage assets has informed the evolution of the proposals throughout. Mr Barnes appends a letter from Andrew Brown of Woodhalls which explains how any impacts have been largely avoided.

### **4. Provide, conserve and enhance biodiversity**

4.2.26. The ecology chapter of the Environmental Statement clarifies that the site is at present of limited ecological value, and that the scheme proposals enhance the overall ecological value of the site (summary extracts of the Ecology Chapter of the ES below for reference).

*9.286 The Site is considered to be currently of limited ecological value, dominated by arable land with narrow (species poor) field margins, species poor boundary hedgerows, a small number of trees and an area of ruderal / tall herb vegetation. Regarding faunal use of the Site, Badger setts are present and some use of the Site by bats and breeding birds has been recorded. A pond used for breeding purposes by Great Crested Newts is located approximately 225m south-west of the Site, though the Site itself is of limited value to this species.*

*9.287 Mitigation measures have been put forward which seek to protect existing features of ecological interest (in the context of the Site) which are to be retained and provide replacement features of interest where applicable. Measures have also been proposed which will enhance the overall ecological value of the site, providing a net gain for relevant protected species and biodiversity in general.*

4.2.27. Further evidence is provided on this criterion by Mr Barnes.

### **5. Create linkages between green spaces and wildlife corridors**

4.2.28. There have been no notable wildlife corridors found within the site. However, a number of hedgerows exist, with the more vegetated examples being located to the south of the site and alongside Trinity Road. These hedgerows are incorporated and enhanced within the landscape strategy alongside significant improvements in respect of the overall native vegetation cover and range of habitat, including native woodland, grassland (including wildflower grassland), hedgerows and wetland.

### **6. Development should protect the existing rights of way network and where possible contribute to its expansion and management**

4.2.29. The existing rights of way network is protected, with variations made to the alignments of the public footpaths. Such variations will include the public footpath

becoming an overlooked pathway through the proposed development within the site itself. No objection to these re-alignments have been received. Moreover, the proposed Local Park, and footpath links within it, greatly enhance public accessibility, and importantly link two public footpaths that are not currently connected (with both footpaths linking through the Local Park). This measure thereby expands the public movement network, more than compensating for any urbanisation of the footpaths through the developed part of the site, and the management of the Local Park will be subject to an agreed long-term management and maintenance strategy (as required by suggested Planning Condition 28).

### **4.3. Conclusion**

- 4.3.1. The information set out within the Design and Access Statement, supported by further information in Appendix E to this evidence confirms that the design approach is of high quality that takes the opportunities to positively improve the character, appearance and environmental quality of its area.
- 4.3.2. The approach to the design of the development deters crime through security, positive frontages, clear access and appropriate lighting.
- 4.3.3. The proposed development will sustain and conserve the historic environment, and this has been carefully factored into the design process.
- 4.3.4. The proposed development delivers net biodiversity enhancements to the existing site, which is currently of limited ecological value.
- 4.3.5. The proposed development creates enhanced connections between the existing limited ecological corridors and the proposed green spaces.
- 4.3.6. The proposed development will have an urbanising effect on the western public footpath that links through the developed part of the site. However, it also delivers significant improvements to the overall public right of way network, expanding public access within a pleasant Local Park, which links existing public footpaths thereby creating a stronger network of routes, and which will be subject to a long term management plan, to be agreed with the Council via a planning condition.
- 4.3.7. This assessment concludes that the proposed development is in accordance with the requirements of policy NW12.

## 5. POLESWORTH AND DORDON

### 5.1. Introduction

5.1.1. In the context of the Core Strategy, a policy (NW16) was promoted as part of the February 2013 Submission Version which sought to ensure that *“Land to the west of Polesworth & Dordon shall remain essentially undeveloped in order to maintain the separation between Tamworth and the settlements of Polesworth and Dordon”*.

5.1.2. This policy was considered in detail during the examination of the Core Strategy. As a result the Inspector’s Report recommended a main modification to the policy so as to remove the presumption against anything other than minor development. Paragraph 21 of the Inspector’s Report states:

*“I have seen no analysis of the landscape or any other evidence to support the presumption against anything other than minor development. Having inspected the area and considered the submissions made to the examination, I do not consider that a blanket presumption is justified and it is removed by MM67. This is necessary because the evidence does not support it (indeed, it would appear to conflict with the SA) and to provide flexibility.”*

5.1.3. As a result, the policy was modified, became NW19, and the second paragraph of the policy revised such that the adopted version states:

*“Any development to the west of Polesworth & Dordon must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a meaningful gap between them.”*

5.1.4. This is a more nuanced approach which requires each proposal to be considered on its own merits as a matter of judgment. The written justification of this policy places emphasis in respect of the separation of Polesworth from Tamworth (at 7.85/7.86). At paragraph 7.87 Polesworth and Dordon are grouped and reference is made to the gap to the west (of these two settlements, not individually) between these settlements and Tamworth. This paragraph (7.87) goes on to recognise the separation of industrial use and housing to the south of the A5 from the main body of the settlement, and that development in this area would need to consider how (this separation) could be addressed.

5.1.5. My reading of this policy justification at a high level is that it is concerned with the strategic separation to the west of Dordon and Polesworth from Tamworth, but not to land south of the A5. The high level mapping supports this analysis (see Figure 7). The landscape west of Dordon and Polesworth and north of the A5 is open, and provides uninterrupted views to the eastern edge of Tamworth, and vice versa to Dordon. To the south of the A5 the issue of separation is not entirely irrelevant, but the issues are very different given the nature of the land

use and the clear severance created by the A5 which creates different tracts of land. Dealing with the separation of these two types of use is a different challenge to ensuring separation and that a meaningful gap exists between settlements (including all the various land uses within those settlements). Contrary to the misguided approach of the MGA, the critical issue for ensuring separation of the settlements of Tamworth and Dordon is how these settlements are perceived from the movement routes and public views within and between these settlements.

5.1.6. Following Adoption of the Core Strategy in October 2014, North Warwickshire Borough Council published the 'Meaningful Gap Assessment' for consultation in early 2015. A detailed critique of this Assessment is contained here at Appendix A, this concludes that the assessment is fundamentally flawed both due to its erroneous and mechanistic scoring system and due to its methodology focussing on matters that do not relate to the consideration of identity or separation. Indeed the MGA scoring approach is at variance with the approach of the Core Strategy inspector who plainly envisaged a judgment based approach considering the effect of each individual proposal on its own individual merits.

5.1.7. The Meaningful Gap Assessment was completed by Officers at North Warwickshire Borough Council for consultation in September 2015. It was not prepared by consultants experienced in preparing such assessments, guided by a separately published brief which often includes a review of current methodologies applied to similar assessments, as is regularly the case with assessments of this type. An analysis of the consultation comments was also published. North Warwickshire Borough Council has subsequently confirmed that this Assessment does not form policy.<sup>4</sup> To my mind, it comprises an ill judged evidence base that is not fit for purpose and to which no weight can be attached. It in no way represents good practice.

## **5.2. Methodology**

5.2.1. The central objective of policy NW19 is the maintenance of a meaningful gap between Polesworth/Dordon<sup>5</sup> and Tamworth to respect the separate identity of these settlements. This requirement has strong parallels with the second purpose for including land within Green Belt (to prevent towns from merging). The Planning Advisory Service published in February 2015 a useful guide, which in part considers the assessment of Green Belt performance – an extract relating to preventing towns merging is contained here at Appendix B1. Similarly, there are numerous Green Belt Reviews currently being published that reflect current

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<sup>4</sup> See appeal document 10.15

<sup>5</sup> Policy NW19 refers to Polesworth/Dordon, I hereafter only refer to 'Dordon' as it is the settlement closest to the proposed development

guidance and best practice, such as that found in Oxfordshire (an extract of the methodology of this study is found at Appendix B2).

5.2.2. Informed by this context, an appropriate methodology to assess the appeal scheme effects on this objective is as follows:

1. Identify the current settlement boundaries of these settlements (to understand precisely what identity is to be protected);
2. Prepare a quantitative assessment of the physical separation between these settlements (to understand physical separation);
3. Prepare a qualitative assessment of the visual separation between these settlements (to understand how the separation is in practice experienced, and which parts of the undeveloped land are critical to keep open to retain that sense of separation), and;
4. Assess how these findings are affected by the appeal scheme.

5.2.3. These four actions are summarised below, with reference to Appendix E:

### **5.3. Separate Identities of Dordon and Tamworth (see Figure 7)**

5.3.1. The settlement boundary of Dordon is illustrated on Figure 7 and is taken from the North Warwickshire Borough Council Proposals Map. The status and role of the Proposals Map is set out on NWBC's web site as follows:

*“presently carried forward from the Local Plan 2006, this sets out designations and constraints for development across the Borough as a whole, and define settlement boundaries.”*

5.3.2. Birch Coppice is not part of Dordon, it is rightly outside the defined settlement boundary and has its own identity as a large scale employment site (of around 150% of the size of the whole settlement of Dordon). The draft plan allocates land on the south-west of Dordon and then again directly west of Dordon on the south of the A5 – this is inconsistent with any suggestion that the land north and south of the A5 fulfil an equally important function in ensuring separate identities of the settlements.

5.3.3. Similarly, the Tamworth Local Plan Policies Map sets out the boundary of Tamworth, and this is reflected in Figure 7.

### **5.4. Quantitative Assessment (see Figure 8)**

5.4.1. The following separation dimensions are illustrated on Figure 8, showing the physical separation between settlements, and also built up areas outwith the settlements.

- Dordon to Tamworth north of the A5 (1000 to 1730 metres separation);
- Birch Coppice to Tamworth south of the A5 (1150 metres separation);

- Birch Coppice to Tamworth south of the A5 considering both NWBC proposed employment allocations and recently constructed buildings within NWBC land adjacent to Tamworth (780 metres separation).

## 5.5. Qualitative Assessment (see Figures 9 and 10)

5.5.1. This is a far more meaningful approach than reliance upon cartographic geometry, and to my mind more closely aligns with the approach of the CS Inspector’s amendment to NW16. It is also far more appropriate than the approach of the scoring system of the MGA. I have assessed the perception of Dordon and Tamworth’s separate identities, and the meaningful gap between them, through analysing how each settlement is experienced from within and through moving between the settlements, using four separate movement types and routes which represent how these identities are experienced from publicly accessible locations, as follows:

1. Walking on public footpaths to the north of the A5 between the settlements of Tamworth and Dordon – see viewpoints N1-4;
2. Travelling westwards along the A5’s northern footpath from Dordon to Tamworth – see viewpoints W1-10;
3. Travelling eastwards along the A5’s northern footpath from Tamworth to Dordon – see viewpoints E1-7;
4. Walking on public footpaths within the site looking towards Dordon and Tamworth – see viewpoints S1-2.
5. Viewpoints from the edge of Tamworth and Dordon

### Public footpaths north of the A5

5.5.2. To the north of the A5 lies a wide, open landscape with views available to both the prominent western (residential) edge of Dordon, and less prominent, but still recognisable, eastern edge of Tamworth, which is predominantly large scale employment and retail (see Views N1/2 – extract below).

Viewpoint N1



Viewpoint N2



5.5.3. A public footpath network exists in this landscape, with the A5 (via a bridleway – AE45), Birchmoor and Dordon connected by public rights of way (AE46). The most frequently used footpath appears to be the link between Birchmoor and Dordon. The A5 corridor is a major visual feature in this landscape, due to the traffic flows, the related infrastructure (junctions, high carriageway lights) and prominent employment land use (see N3).

5.5.4. The eastern edge of Tamworth, the prominent A5, and the small settlement of Birchmoor are all visible in this landscape when moving from the eastern edge of Dordon (see N4).

Viewpoint N4



5.5.5. In summary, the identities of Tamworth and Dordon are clearly separate at present, with Birchmoor sitting partially between the two. The large, open expanse of land to the north of the A5 is highly visible as a single entity and plays an essential role in this separation, whilst the busy A5 is notable as a southern boundary to this open landscape. Land to the south is plainly divorced from the land to the north in terms of its relationships to the settlements of concern.



## Westwards along the A5

5.5.6. The majority of people who will interpret the separate settlements of Tamworth and Dordon will experience this separation from the A5 corridor. This route is a dual carriageway between these settlements, and is a major infrastructure feature, containing significant amounts of traffic. Pedestrian and cycle use is noticeably low, and therefore the experience is principally from a vehicle, with its inherent lower sensitivity and awareness of change. Nevertheless, this route will be driven, cycled and walked by local residents, and their perception of settlement separation, entrance and exit may often be from this route.

5.5.7. The initial experience when leaving Dordon (see W1) is contained by built form and infrastructure (aside from the public footbridge – see W2 – from where Birch Coppice, but not Tamworth is visible from).

Viewpoint W2



Viewpoint W3



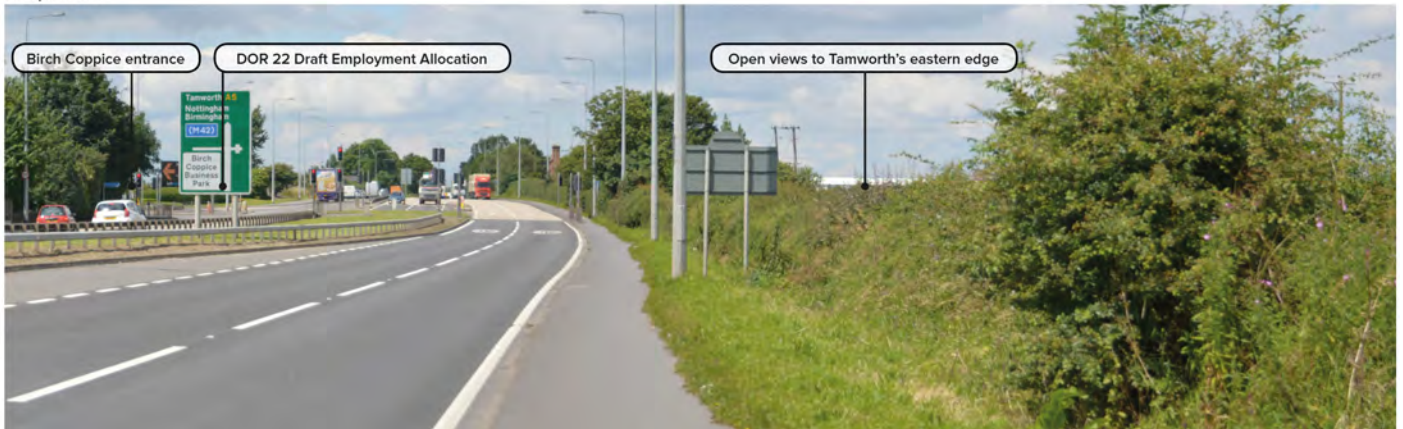
5.5.8. The first view of Tamworth's eastern edge when travelling along this route, is on the immediate approach to the Birch Coppice junction (see W5/6). From this location, assisted by hedgerow gaps and/or a well maintained hedgerow and the land to the north initially being substantially lower than the A5, large sweeping views across the open land between Dordon and Tamworth are experienced to the north of the A5 (see W5). The visual emphasis is strongly to the north over

this landscape, as Birch Coppice encloses views to the south, and the dominance of the A5 corridor is evident, with the viewer naturally being drawn to the open land to the north of the A5. This contrast between land to the north and south of the A5 will be reinforced by the draft employment site DOR 20, which will also very likely act as a visual screen to any views of the eastern edge of the appeal scheme on its approach along the A5.

Viewpoint W4



Viewpoint W5



5.5.9. The first view of the appeal site takes place when the viewer is adjacent to the draft employment allocation DOR20 (W8 – see below), although this view is taken from the public footpath and visual experience from the A5 by vehicle continues until immediately adjacent to the two residential properties mentioned above. The viewer has therefore moved around 50% of the distance between Dordon and Tamworth before the appeal site becomes visible, and it cannot therefore be said to contribute meaningfully to the sense of separation when awareness of the site is restricted from this kinetic experience, as is inevitably focussed on the urbanised nature of the A5 corridor. At a point almost adjacent to the appeal site (W9) a sweeping view opens to the north, where the eastern edge of Tamworth is recognisable. The emphasis on the view is strong, and again relies to a degree on the landscape initially being lower than the A5, with a well clipped hedgerow and gaps in this hedgerow.

5.5.10. The view immediately adjacent to the site (W10) is dominated by the A5 and its associated infrastructure, particularly on the approach to the M42 junction 10,

with associated signs and lighting columns. The eastern edge of Tamworth remains visible to the north of the A5, with also some views to the south of the A5.

Viewpoint W8



Viewpoint W9



5.5.11. In summary, the visual experience moving westwards along the A5 is dominated by this infrastructure corridor, (the road, lighting and signage), and the large scale employment land use to its southern edge, which will be more prominent through the large number of draft employment allocations (see Figure 7). There is no direct visual relationship between Dordon and Tamworth (i.e you cannot see Tamworth from within Dordon), however the eastern edge of Tamworth is highly noticeable on views across open land to the north of the A5. The openness of this land, supported by its initial lower levels and low hedgerow or gaps in the hedgerow, acts to ensure there is separation between Dordon and Tamworth when experienced along this route moving westwards.

## Eastwards along the A5

5.5.12. The initial view, when leaving Tamworth, is dominated by the A5 and M42 junction 10, and its associated infrastructure. On leaving the M42 junction, fleeting views are available across the open land north of the A5 of Dordon's western edge (E1), although in summer conditions this visibility is reduced. This settlement edge is noticeable, even if views are distant and fleeting, because residential form is relatively exposed on higher ground, with very little by way of vegetated boundaries to reduce this exposure.

Viewpoint E1



5.5.13. Adjacent to the site, views are available across the site to Birch Coppice and the slag heap (E2), neither of which are part of Dordon, or are part of the protection policy NW19 relates to. Once adjacent to the layby on the northern side of the A5, views revert to focus on the open views across the gap to Dordon's western edge (E3/4) – see extract below. The strong emphasis on views north westwards to Dordon, rather than south westwards to Birch Coppice, is very noticeable, and is a result of the openness of this landscape, and sweeping views across it.

Viewpoint E3



5.5.14. Once alongside Birch Coppice, appreciation of Dordon reduces, as the corridor is more enclosed and dominated by the A5 infrastructure (E5), although once past Birch Coppice further views across the open gap to Dordon are available

again (E6). The emphasis of view to the north is now repeated, as to the south the built up form of Birch Coppice and further employment allocations enclose the A5 with little to no visual permeability to the south.

5.5.15. Upon entering Dordon, and its immediate approach, the visual experience is once more dominated by the A5 corridor, with residential to the south of the A5 hard up against the southern edge of this corridor (E7).

5.5.16. Very similar to the visual experience moving westwards, the overall visual experience moving eastwards along the A5 is dominated by this infrastructure corridor, the road, lighting and signage, and the large scale employment land use to its southern edge. The western edge of Dordon is prominent and frequently viewed across open land to the north of the A5. The openness of this land to the north of the A5, supported by its initial lower levels and low hedgerow or gaps in the hedgerow, acts to ensure there is separation between Dordon and Tamworth when experienced along this route moving westwards.

### Public footpaths south of the A5

5.5.17. Two separate footpath links lie to the immediate south of the A5. The westernmost route (S2) appears to be very lightly used, if at all, at present. The route is blocked by the A5, and the formal route is overgrown to the point of being almost impassable. The more eastern route (S1) links Freasley with Birch Coppice and Dordon via the existing allotments (which are identified as a draft allocation for employment land). This footpath route also appears to not be well used – the formal route across farmland south west of the allotments has been entirely ploughed, and there are no discernible signs of recent use.



5.5.18. Notwithstanding their levels of use, these footpath routes comprise publicly available locations which allow further analysis of how the separate identities of Tamworth and Dordon are capable of being experienced. From these positions south of the A5, a number of points are notable:

- Dordon is visible from the easternmost footpath (S1), and to a reduced degree from the western footpath (S2), however the settlement is elevated above and well beyond the A5 and the viewer does not experience the sense of being between Dordon and Tamworth but viewing the separation of these settlements to the north of the A5, as this is where they are principally visible. Moreover, the draft employment allocation DOR20 would block most of the views to Dordon's western edge;
- Much of the land within the appeal scheme from the eastern right of way would benefit from the land retained open as part of the PADII safety zone for the existing Gas Pipeline and land to the east of this line;
- Tamworth's eastern edge is visible, largely due to the large employment buildings and their rooflines projecting above native vegetation;
- Dordon's position to the north of the A5 is emphasised from this position, due to the higher, most visible part of Dordon is well north of the A5, and this results in the perception that Dordon, as a settlement, lies well to the north of the A5.

#### **Viewpoints from the edge of Tamworth and Dordon**

5.5.19. The Landscape and Visual Impact Assessment that accompanied the planning application identified representative viewpoints for both the western edge of Dordon (VP12) and the eastern edge of Tamworth (VP6). These viewpoint locations have received no criticism. Photographs of these viewpoints have been re-taken (see below) to represent summer 2016 conditions.

5.5.20. Viewpoint 6 is on the eastern edge of Tamworth and is located adjacent to a Local Park, and employment land currently under construction (DOR24). The view has significantly altered since the production of the LVIA due to the construction of the adjacent employment land. From this location, the dominant feature is the new employment land, the M42 corridor, which lies immediately to the east, and the heavily vegetated bank of the M42. No appreciation of Dordon exists, and the proposed development in no way alters the settlement identities of Tamworth and Dordon.



5.5.21. Viewpoint 12 (see over page) is located on the western edge of public open space on the western edge of Dordon. With the possible exception of the public footpath immediately north of the A5 (see view N4, page 30), this is the most accessible public viewpoint from Dordon.

5.5.22. The viewpoint reinforces the fact that Dordon is experienced as an entirely separate identity from Birch Coppice and the A5 corridor. Birchmoor is a visible and recognisable identity, and glimpses of Tamworth's eastern edge are available. It also reinforces the fact that the land to the north of the A5 is important to the separation between Dordon and Tamworth, as (notwithstanding the presence of Birchmoor at its centre), this is principally where the eastern edge of Tamworth, and the gap between Tamworth and Dordon, is experienced.

5.5.23. The appeal scheme will in no way reduce the identity of Tamworth or Dordon.



## 5.6. Appeal Scheme Effects

5.6.1. The appeal scheme effects are considered both in terms of its quantitative and qualitative effects on the separate identities of Tamworth and Dordon, and the meaningful gap between them.

### Quantitative Assessment

5.6.2. I do not accept that land to the south of the A5 functions as part of what is perceived to be the “meaningful gap” between Dordon and Tamworth, other than perhaps the area immediately adjacent to the A5, due to:

- Land south of the A5 only becoming visible around 50% of the journey between Dordon and Tamworth and therefore playing little to no role in the distinction between these settlements;
- The prominent edges of Tamworth and Dordon lie to the north of the A5. Due to the initially lowered landform and reduced vegetation boundary to the northern edge of the A5, views in this northerly direction are open and distinct for the majority of the route between the settlements, and from public footpaths to the north, from which separation of these settlements can be appreciated;
- Similarly, when viewed from Tamworth, Dordon lies to the north of the A5, and the only notable part of the settlement is similarly viewed across land north of the A5, particularly towards Dordon’s western edge on higher ground around



500 metres north of the A5. The landform is particularly striking and forms a distinct tract of land framed by the A5, and the settlements. Development in this area would have the potential to erode the gap (whether meaningfully or not is a matter of judgment). Land to the South provides a far less important role, and is little more than a backdrop to the A5 in some of the views, rather than an integral separation function.

5.6.3. The written justification to Core Strategy policy NW19 (at 7.87) explicitly separated employment (and the narrow strip of housing that sits within Dordon's settlement boundary to the south of the A5) from the main body of the settlement that is subject to the separation from Tamworth. Figure 8 confirms that there is no change to the wide gap between Dordon and Tamworth north of the A5, which remains at being between 1000 and 1730 metres in width. The separation of Birch Coppice and other employment land from the settlement of Dordon is further evident through the draft employment allocation in this location.

5.6.4. If land south of the A5 was considered to contribute to creating the "meaningful gap" (my qualitative assessment at 5.5 above makes it clear that it does not serve this function save for the immediate context of the A5), that quantitative change is as follows:

- The gap between the Birch Coppice and the settlement boundary of Tamworth reduces from 1150 to 330 metres;
- The gap between the draft employment allocation DOR20 and the recently permitted (and constructed) employment site in NWBC to the west of the M42 reduces from 780 to 330 metres.

5.6.5. Nonetheless the above measurements between Birch Coppice and Tamworth must recognise that the appeal site would not be perceived to form continuous development on the south side of the A5, and that substantial 'gaps' remain in its frontage to the A5, most notably to the east of the appeal layout, where the gas pipeline safety zone, and land beyond to the east, remain undeveloped. More importantly the treatment of the road frontage would ensure that the experience of travelling along the corridor would be very different to the frontage of Birch Coppice. The landscape strategy proposes a substantial and positive landscape edge to the A5, with buildings set behind this landscape edge, resulting in a greatly reduced appreciation of built form.

## **Qualitative Assessment**

### **Public footpaths north of the A5**

5.6.6. The appeal scheme has little to no effect on the perception of Tamworth and jmDordon as separate entities. These settlements are perceived to be separated by the distinct open land north of the A5, enclosed and linked to the south by the intensive A5 corridor, which has significant road traffic, is a wide dual

carriageway, and the built form on the southern edge and infrastructure (signs and lights..etc) creating the sense of an almost continual edge and enclosure, which will be bolstered further by the draft employment allocations south of the A5.

5.6.7. The wide landscape frontage to the A5 will receive tree planting of between 20 and 40 metres depth, which will (after 15 years) establish at around 11 metres height. This landscape form will provide a very strong element in the view, and assist in defining the A5 corridor from views to the north.

#### **Westwards along the A5**

5.6.8. When moving westwards, it is notable that your perception of the separation between Dordon and Tamworth takes place to the north of the A5. This is largely due to the open nature of this landscape, as it is perceived from the A5, supplemented by the landform initially being below the height of the A5, and there often being low, or gappy hedgerows, allowing greater views. Moreover, this is the direction where buildings in Tamworth are most visible – views ahead or to the south are almost throughout dominated by infrastructure, or enclosed by buildings and vegetation. The appeal site itself only becomes noticeable around 50% of the journey between these settlements, by which time the viewer's attention (which is limited due to the dominant receptor being the driver of a vehicle) is firmly orientated to the north of the A5, as this is where the separation exists and is perceptible. The appeal scheme will have very little effect on the perceived separation of these settlements for this reason.

5.6.9. When viewed from the A5, the proposed landscape frontage to the scheme (between 20 and 40 metres depth to around 11 metres height after 15 years establishment) will visually enclose the corridor with a positive landscape form, with highly filtered views through this landscape edge to the proposed buildings beyond. This approach does not aim to hide buildings, aiming instead to create a positive landscape element to the existing corridor not a complete visual screen.

#### **Eastwards along the A5**

5.6.10. In a very similar way travelling eastwards, the visual focus (when it's not on the A5 itself) is to the north of the A5 where the eastern edge of Dordon is notable for the reasons previously set out. The appeal scheme will block views towards the Birch Coppice slag heap, from a small part of this journey (see A5E2), but these views are not towards Dordon, and have no effect on the separation between Tamworth and Dordon or the meaningful gap between them.

5.6.11. The benefits of the A5 frontage landscape as described at 5.6.9 above are equally applicable when moving eastwards.

#### **Public footpaths south of the A5**

5.6.12. The awareness of the gap between Tamworth and Dordon is less than from public footpaths south of the A5, when compared to footpaths to the north. Notwithstanding this, the western edge of Dordon remains distinct from the eastern edge of Tamworth, with the full extent of the open land beyond the A5 visible. The appeal scheme will obviously change this view with buildings and public open space replacing agricultural land in the foreground, although some views to Dordon, from the eastern footpath will remain due to the undeveloped land to the east of the appeal scheme (although the draft employment allocation is located between this footpath and Dordon). The appeal scheme, however, will not affect the open land to the north of the A5 that visibly separates the notable edges of Dordon and Tamworth. This separation will remain, and be most prominently experienced and understood from the A5 corridor and to the north of the A5 corridor. In this regard the appeal scheme does change the current situation in respect of some of the views from the south of the A5, but does not notably reduce the perception of the separate identities of Tamworth and Dordon and the retention of a meaningful gap between them as the viewer approaches the A5 from the south.

5.6.13. The proposed native tree planting in this land to the east of the appeal scheme will act to soften the eastern edge of the scheme with a series of woodland copses (which is a notable local landscape form).

## **5.7. Conclusion**

5.7.1. Any methodology in dealing with an analysis of the separation of settlements and the gap between them should consider both quantitative and qualitative assessment<sup>6</sup>, but primarily the latter.

5.7.2. The settlement boundaries of Tamworth and Dordon are defined by their respective Local Plan Proposals Map, indeed in respect of North Warwickshire, this is a key aim, as stated on the NWBC website, of this Map. These boundaries are important as they establish the extent of the settlement, whose identity requires protection. It is clear that Birch Coppice, and other employment land to the south of the A5, does not form part of the settlement of Dordon.

5.7.3. The separate identities of Tamworth and Dordon are experienced locally by moving along the A5 in both directions, and from public rights of way to the north and south of the A5. From all of these locations, a number of common factors in the successful separation of Tamworth and Dordon exist:

1. The southern side of the A5 is significantly developed, with draft employment allocations to be further developed, whilst the northern boundary remains open and undeveloped;

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<sup>6</sup> See Appendix B1

2. The land to the north of the A5 is substantial in its separation between Tamworth and Dordon (approximately 1000-1730 metres width);
3. The landform drops initially below the height of the A5, allowing easy viewing from this slightly raised corridor, whilst the landscape then rises by 10 to 15 metres towards Dordon – this accentuates the emphasis of view in this direction;
4. Both the northern edge of the A5, and the landscape to the north have little in the way of vegetation – the field pattern is large, there are very few hedgerows and associated trees in this landscape, resulting in the land being easy to view, and largely unrestricted in respect of how much of this open land is visible;
5. A combination of the western edge of Dordon being on higher ground and with a residential edge largely without vegetation to filter its visibility, and the notable visibility of large employment and retail buildings on the eastern edge of Tamworth, result in the notable and visible components of both settlements being to the north of the A5, and;
6. The appeal site has little to no contribution to these factors that ensure the settlements of Tamworth and Dordon are separate, and have a meaningful gap between them.

5.7.4. The physical gap between Dordon and Tamworth remains unchanged, since it lies to the north of the A5. Land south of the A5 is distinct, and is severed from the land to the north by the dominant effect of the A5 corridor. It is currently strongly influenced by development, and has further draft employment allocations that will add further to this enclosure (see Figure 7). South of the A5 it is only the road corridor itself which should be considered when assessing NW19 as this is the area which which might be capable of intruding upon or otherwise influencing the experience of land to the north. The appeal scheme will not have such an effect, indeed to the contrary it will continue this land use pattern, albeit with building graduated in respect of their overall height, and a building set back of between 25 and 90 metres from the edge of the A5 corridor, ensures that the character and appearance of these buildings are sensitively managed. The qualitative experience of how the separate settlements of Tamworth and Dordon, and the meaningful gap that exists between them, will have little to no effect from the appeal scheme, due to the emphasis, as set out at 5.7.3 above, on land to the north of the A5, whilst the change takes place to the south of the A5.

5.7.5. As a result of the above, I find the appeal scheme to be in accordance with Core Strategy policy NW19.

## **6. CONCLUSIONS AND SUMMARY**

### **6.1. Planning Policy and Context**

- 6.1.1. The NPPF promotes development, which takes account of the character of different areas, recognises the character and beauty of the countryside, and contributes to conserving and enhancing the natural environment. It also emphasises the need for design to respond to local character and to refuse poor quality design that does not take the opportunity to improve the character and quality of an area. It places great weight to landscapes of national status, and that valued landscapes should be protected and enhanced.
- 6.1.2. North Warwickshire Borough Council's adopted Core Strategy policies NW12 (Quality of Design) and NW19 (Polesworth and Dordon) are relevant to my evidence. Policy NW12 establishes a number of requirements for good design, whilst policy NW19 requires any development to the west of Polesworth & Dordon to respect the separate identities of Polesworth and Dordon and Tamworth and maintain a "meaningful gap" between them.
- 6.1.3. North Warwickshire Borough Council's Meaningful Gap Assessment was adopted as part of its evidence base by the Council on 10 August 2015 but is not a policy. In any event, I consider it to be fundamentally flawed in its methodology – a more detailed critique is set out at Appendix A.
- 6.1.4. North Warwickshire Borough Council's committee report illustrates the principal concern with the appeal scheme is in respect of its effect on the separate identities of Dordon and Tamworth, and the gap between these settlements. Save for this policy concern it is not contended that the appeal site lacks the capacity to properly accommodate the form of development proposed. Consideration of the appeal scheme's effect on the perception of these separate identities, and the maintenance of a "meaningful gap" is therefore a key part of my evidence, and is addressed at Section 5 and Appendix A. An assessment must be made in the context of the pre-submission employment site allocations within the site's immediate context.

### **6.2. Quality of Development**

- 6.2.1. The information set out within the Design and Access Statement, supported by further information in Appendix E to this evidence confirms that the design approach is of high quality that takes the opportunities to positively improve the character, appearance and environmental quality of its area.
- 6.2.2. The approach to the design of the development deters crime through security, positive frontages, clear access and appropriate lighting.

- 6.2.3. The proposed development will sustain and conserve the historic environment, and this has been carefully factored into the design process.
- 6.2.4. The proposed development delivers net biodiversity enhancements to the existing site, which is currently of limited ecological value.
- 6.2.5. The proposed development creates enhanced connections between the existing limited ecological corridors and the proposed green spaces.
- 6.2.6. The proposed development will have an urbanising effect on the western public footpath that links through the developed part of the site. However, it also delivers significant improvements to the overall public right of way network, expanding public access within a pleasant Local Park, which links existing public footpaths thereby creating a stronger network of routes, and which will be subject to a long term management plan, to be agreed with the Council via a planning condition.
- 6.2.7. This assessment concludes that the proposed development is in accordance with the requirements of policy NW12.

### **6.3. Polesworth and Dordon**

- 6.3.1. Any methodology in dealing with an analysis of the separation of settlements and the gap between them should consider both quantitative and qualitative assessment<sup>7</sup>, but primarily the latter.
- 6.3.2. The settlement boundaries of Tamworth and Dordon are defined by their respective Local Plan Proposals Map, indeed in respect of North Warwickshire, this is a key aim, as stated on the NWBC website, of this Map. These boundaries are important as they establish the extent of the settlement, whose identity requires protection. It is clear that Birch Coppice, and other employment land to the south of the A5, does not form part of the settlement of Dordon.
- 6.3.3. The separate identities of Tamworth and Dordon are experienced locally by moving along the A5 in both directions, and from public rights of way to the north and south of the A5. From all of these locations, a number of common factors in the successful separation of Tamworth and Dordon exist:
1. The southern side of the A5 is significantly developed, with draft employment allocations to be further developed, whilst the northern boundary remains open and undeveloped;
  2. The land to the north of the A5 is substantial in its separation between Tamworth and Dordon (approximately 1000-1730 metres width);
  3. The landform drops initially below the height of the A5, allowing easy viewing from this slightly raised corridor, whilst the landscape then rises by 10 to 15

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<sup>7</sup> See Appendix B1

metres towards Dordon – this accentuates the emphasis of view in this direction;

4. Both the northern edge of the A5, and the landscape to the north have little in the way of vegetation – the field pattern is large, there are very few hedgerows and associated trees in this landscape, resulting in the land being easy to view, and largely unrestricted in respect of how much of this open land is visible;
5. A combination of the western edge of Dordon being on higher ground and with a residential edge largely without vegetation to filter its visibility, and the notable visibility of large employment and retail buildings on the eastern edge of Tamworth, result in the notable and visible components of both settlements being to the north of the A5, and;
6. The appeal site has little to no contribution to these factors that ensure the settlements of Tamworth and Dordon are separate, and have a meaningful gap between them.

6.3.4. The physical gap between Dordon and Tamworth remains unchanged, since it lies to the north of the A5. Land south of the A5 is distinct, and is severed from the land to the north by the dominant effect of the A5 corridor. It is currently strongly influenced by development, and has further draft employment allocations that will add further to this enclosure (see Figure 7). South of the A5 it is only the road corridor itself which should be considered when assessing NW19 as this is the area which which might be capable of intruding upon or otherwise influencing the experience of land to the north. The appeal scheme will not have such an effect, indeed to the contrary it will continue this land use pattern, albeit with building graduated in respect of their overall height, and a building set back of between 25 and 90 metres from the edge of the A5 corridor, ensures that the character and appearance of these buildings are sensitively managed. The qualitative experience of how the separate settlements of Tamworth and Dordon, and the meaningful gap that exists between them, will have little to no effect from the appeal scheme, due to the emphasis, as set out at 5.7.3 above, on land to the north of the A5, whilst the change takes place to the south of the A5.

6.3.5. As a result of the above, I find the appeal scheme to be in accordance with Core Strategy policy NW19.

## **6.4. Overall Conclusion**

6.4.1. The appeal scheme has carefully considered the layout, height, landscape and appearance of the proposed development to ensure a design of the highest quality, and one that assimilates successfully into its immediate environment. Both the Design and Access Statement, and Appendix E to this evidence makes that clear. The appeal scheme is therefore fully in accordance with policy NW12.

6.4.2. The separate identities of Dordon and Tamworth are experienced across land to the north of the A5. The appeal site plays little to no role in this separation, and the appeal scheme will not change that fact. The appeal scheme is fully in accordance with policy NW19 because it does not harm the separate identities between Dordon and Tamworth or a meaningful gap between them, as experienced by people moving through the area, along the A5 in both directions, and on public footpaths to the north and the south of the A5.



## APPENDIX A - ANALYSIS OF NWBC'S "MEANINGFUL GAP ASSESSMENT"

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The following sets out my analysis of North Warwickshire Borough Council's Meaningful Gap Assessment:

1. The settlement location is not set out in writing, but clearly reflects the Local Plan Proposals Map in its appended drawings;
  2. The report does not set out a methodology – this is unprofessional, and is not in accordance with professional guidance for similar studies (such as that set out in the Guidelines for Landscape and Visual Impact Assessment 3);
  3. The methodology that appears to have been applied relies almost entirely on a 'traffic light' system of assessment illustrating the parcel's sensitivity in respect of various constraints (landscape, heritage, infrastructure, properties and environment). Such an approach is illogical and has little to no bearing on how the parcel a) contributes to the separation of Tamworth and Dordon / Poleworth and the maintenance of a gap between them, or b) the potential effects of development on this separation.
  4. This methodology assesses the development potential of the parcels, in respect of its potential constraints. This type of study is fundamentally different from an assessment of identity and gap, and will naturally lead to wholly inaccurate conclusions if the answer to this methodology is interpreted as one that speaks to identity and gap. For example, Area 8 has an identical score (two greens, two amber and one red) to Area 9, yet any basic physical examination of the gap from public vantage points would clearly show that Area 8 has a major role in the separation of Tamworth and Dordon, it is located centrally between these settlements, and is open in character with little vegetation or development beyond the settlement boundary. This area is significantly different in how it performs in respect of supporting the separate identities of Dordon and Tamworth when compared to Area 9.
  5. Moreover, the assessment of constraints themselves are not accurate – for example it scores Area 9 as 'red' in respect of infrastructure on the basis of the high pressure gas pipeline constraint, however the appeal scheme comfortably accommodates this requirement.
  6. Furthermore, the "traffic light" system used in section 8 lacks basic rigour without an accompanying matrix to show in a systematic, precise and transparent manner how the various ratings are arrived at. Without this it is impossible to compare between each Area (e.g. why one Area might achieve a "green light" for "Heritage" and another an "amber light") and also to understand what the effective meaning of each rating for each matter is (e.g. how "bad" is a "red light" for landscape, and how "good" is a "green light"?).
  7. At no point in the assessment of the meaningful gap is a quantitative or qualitative assessment of the performance of the parcel as 'a gap', or how this might change through development, carried out. This omission is wholly contrary to recent guidance by the Planning Advisory Service in respect of
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Green Belt Assessment of avoiding towns merging<sup>8</sup>, and of contemporary studies<sup>9</sup>

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<sup>8</sup> See Appendix B1

<sup>9</sup> See Appendix B2

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**APPENDIX B1 - EXTRACT FROM PAS PLANNING ON THE DOORSTEP: THE BIG ISSUES – GREEN BELT**

## Planning on the Doorstep: The Big Issues – Green Belt

Green Belt continues to be a huge issue for councils and communities across the country; an issue that councillors face regularly on the doorsteps of their electorate. This advice note looks at the reality of Green Belt, how planning process works with Green Belt issues and the potential inclusion in development plans.



*'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'*

## **Duty to Cooperate**

The current arrangements for strategic planning through local plans established by the Duty to Cooperate in the Localism Act 2011 and the soundness tests in the NPPF are relevant to the consideration of Green Belt.

The level of housing which a local plan needs to provide for is determined in part by whether there is an 'unmet requirement' from a neighbouring authority (NPPF para. 182). More generally it is said that, 'Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans' (NPPF, para. 179). Green Belt is a strategic policy and hence a strategic issue in the terms of the Duty to Cooperate, and so areas of Green Belt should be assessed by local authorities collectively. Significantly Green Belt surrounding an urban area may fall into different administrative areas. Does a neighbouring authority's non Green Belt land prevail over local Green Belt? In the absence of Regional Strategies (which were a means of addressing and making decisions about these issues), some authorities are working together to resolve such matters.

## **Green Belt reviews**

This term is used in reference to looking at the balance of demand and supply to see whether a change will be needed to the Green Belt; and in some cases to the actual revision of Green Belt boundaries. Any review of Green Belt boundaries should involve an assessment of how the land still contributes to the five purposes noted earlier, and take place via the local plan process.

Below we look at some ways that the five purposes might each be used in assessing the contribution of land to the Green Belt when undertaking a Green Belt review. Some of these purposes will be more relevant, or important, than others on the choices to be made.

### ***Purpose: to check the unrestricted sprawl of large built up areas***

The terminology of 'sprawl' comes from the 1930s when Green Belt was conceived. Has this term changed in meaning since then? For example, is development that is planned positively through a local plan, and well designed with good masterplanning, sprawl?

### ***Purpose: to prevent neighbouring towns from merging into one another***

Green Belt is frequently said to maintain the separation of small settlements near to towns, but this is not strictly what the purpose says. This will be different for each case. A 'scale rule' approach should be avoided. The identity of a settlement is not really determined just by the distance to another settlement; the character of the place and of the land in between must be taken into account. Landscape character assessment is a useful analytical tool for use in undertaking this type of assessment.

**APPENDIX B2 - EXTRACT FROM OXFORDSHIRE GREEN BELT REVIEW  
OCTOBER 2015**



LUC

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

# Oxford Green Belt Study

Final Report  
Prepared by LUC  
October 2015



A) NPPF Green Belt Purposes	B) Relevant Settlements	C) Issue(s) for consideration	D) Criteria	E) Ratings	F) Comments on assessment
2 To prevent neighbouring towns merging into one another.	<p><b>Vale of White Horse</b></p> <ul style="list-style-type: none"> <li>Abingdon on Thames</li> <li>Botley</li> <li>Cumnor</li> <li>Kennington</li> <li>Radley</li> <li>Wooton</li> <li>Appleton</li> </ul> <p><b>West Oxfordshire</b></p> <ul style="list-style-type: none"> <li>Eynsham</li> </ul> <p><b>Oxford City</b></p> <ul style="list-style-type: none"> <li>Oxford (including urban villages and settlements within Oxford)</li> </ul> <p><b>Cherwell</b></p> <ul style="list-style-type: none"> <li>Kidlington (including Oxford Spires Business Park)</li> <li>Begbroke</li> <li>Yarnton</li> </ul> <p><b>South Oxfordshire</b></p> <ul style="list-style-type: none"> <li>Wheatley (including Littleworth)</li> <li>Berinsfield</li> </ul>	<p>a Reduction in visual or physical gaps between settlements.</p>	<p>Does the parcel prevent the merging or erosion of the visual or physical gap between neighbouring settlements?</p>	<p><b>High</b></p> <p>The parcel plays an essential role in preventing the merging or erosion of the visual or physical gap between settlements. Loss of openness would cause visual or physical coalescence or substantially reduce the gap.</p> <p><b>Medium</b></p> <p>The parcel plays some role in preventing the reduction of the visual or physical distances between settlements. Loss of openness would, or would be perceived as, reducing gap between settlements.</p> <p><b>Low</b></p> <p>The parcel plays a very limited role in preventing the merging or erosion of the visual or physical gap between settlements. Loss of openness would not be perceived as reducing gap between settlements.</p> <p><b>N/C</b></p> <p>Land parcel makes no, or a negligible contribution to preventing the merging or erosion of the visual or physical gap between settlements.</p>	<p>This purpose seeks to prevent settlements from merging to form larger settlements. The PAS guidance states that distance alone should not be used to assess the extent to which the Green Belt prevents neighbouring towns from merging into one another. Two key elements have therefore been used – the extent of the actual or perceived visual and physical gap.</p>

**APPENDIX C – ST MODWEN LETTER DATED 4<sup>TH</sup> AUGUST 2016**

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Andy Williams  
Director  
Define  
Unit 6  
133 -137 Newhall Street  
Birmingham  
B3 1SF

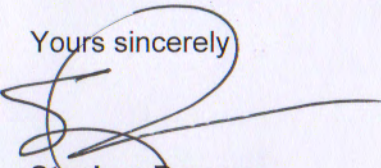
4 August 2016

Dear Andy

**Proposed Employment development, Land South East of M42 J10**

Further to our recent meeting I am writing to confirm that Figure 11 (attached) illustrates a commercially realistic scheme based upon our market knowledge in summer 2016 and our experience of Tamworth to date.

Yours sincerely



**Stephen Prosser**  
Regional Director

Tel: 0121 647 1000

Email: [sprosser@stmodwen.co.uk](mailto:sprosser@stmodwen.co.uk)

Enc.

## APPENDIX D1 – GLVIA3 EXTRACTS

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Across the UK there is also a variety of designations aimed at aspects of the historic environment (such as Conservation Areas and listed buildings) and non-statutory recognition of particular types of environment (such as Heritage Coasts). An LVIA should consider the implications of the full range of statutory and non-statutory designations and recognitions and consider what they may imply about landscape value. 5.22

The criteria and terms used in making statutory designations vary and may not always be explicitly stated. If a project subject to LVIA is in or near to one of them, it is important that the baseline study should seek to understand the basis for the designation and why the landscape is considered to be of value. Great care should be taken to understand what landscape designations mean in today's context. This means determining to what degree the criteria and factors used to support the case for designation are represented in the specific study area. 5.23

Desk study of relevant documents will often, although not always, provide information concerning the basis for designation. But sometimes, at the more local scale of an LVIA study area, it is possible that the landscape value of that specific area may be different from that suggested by the formal designation. Fieldwork should help to establish how the criteria for designation are expressed, or not, in the particular area in question. At the same time it should be recognised that every part of a designated area contributes to the whole in some way and care must be taken if considering areas in isolation. 5.24

### *Local landscape designations*

In many parts of the UK local authorities identify locally valued landscapes and recognise them through local designations of various types (such as Special Landscape Areas or Areas of Great Landscape Value). They are then incorporated into planning documents along with accompanying planning policies that apply in those areas. As with national designations, the criteria that are used to identify them vary, and similar considerations apply. It is necessary to understand the reasons for the designation and to examine how the criteria relate to the particular area in question. Unfortunately many of these locally designated landscapes do not have good records of how they were selected, what criteria were used and how boundaries were drawn. This can make it difficult to get a clear picture of the relationship between the study area and the wider context of the designation. 5.25

### *Undesignated landscapes*

The fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value. This is particularly so in areas of the UK where in recent years relevant national planning policy and advice has on the whole discouraged local designations unless it can be shown that other approaches would be inadequate. The European Landscape Convention promotes the need to take account of all landscapes, with less emphasis on the special and more recognition that ordinary landscapes also have their value, supported by the landscape character approach. 5.26

Where local designations are not in use a fresh approach may be needed. As a starting point reference to existing Landscape Character Assessments and associated planning policies and/or landscape strategies and guidelines may give an indication of which landscape types or areas, or individual elements or aesthetic or perceptual aspects of the landscape are particularly valued. A stated strategy of landscape conservation is usually a good indicator of this. 5.27

5.28 In cases where there is no existing evidence to indicate landscape value, and where scoping discussions suggest that it is appropriate, value should be determined as part of the baseline study through new survey and analysis. This requires definition of the criteria and factors that are considered to confer value on a landscape or on its components. There are a number of possible options:

- Draw on a list of those factors that are generally agreed to influence value (see Box 5.1). They need to be interpreted to reflect the particular legislative and policy context prevailing in particular places. The list is not comprehensive and other factors may be considered important in specific areas.
- Draw up a list of criteria and factors specific to the individual project and landscape context.
- Apply a form of the ecosystem services approach, although this is a cross-cutting and integrating approach and is likely to encroach on other themes or topics in the EIA. Although there is interest in this approach, experience of using it in EIA is limited, although it is under active consideration (IEMA, 2012a).

### Box 5.1

#### Range of factors that can help in the identification of valued landscapes

- **Landscape quality (condition):** A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements.
- **Scenic quality:** The term used to describe landscapes that appeal primarily to the senses (primarily but not wholly the visual senses).
- **Rarity:** The presence of rare elements or features in the landscape or the presence of a rare Landscape Character Type.
- **Representativeness:** Whether the landscape contains a particular character and/or features or elements which are considered particularly important examples.
- **Conservation interests:** The presence of features of wildlife, earth science or archaeological or historical and cultural interest can add to the value of the landscape as well as having value in their own right.
- **Recreation value:** Evidence that the landscape is valued for recreational activity where experience of the landscape is important.
- **Perceptual aspects:** A landscape may be valued for its perceptual qualities, notably wildness and/or tranquillity.
- **Associations:** Some landscapes are associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the area.

Based on Swanwick and Land Use Consultants (2002)

**APPENDIX D2 - EXTRACT OF STROUD DECISION 21 JULY 2014 (REF 2207324)**

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## Appeal Decision

Inquiry held on 29 April – 2 May 2014

Site visits made on 1 and 15 May 2014

**by David Nicholson RIBA IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 July 2014**

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### **Appeal Ref: APP/C1625/A/13/2207324 Land off Bath Road, Leonard Stanley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Edward Harper, Gladman Developments Ltd. against the decision of Stroud District Council.
  - The application Ref. S.13/1289/OUT, dated 18 June 2013, was refused by notice dated 10 September 2013.
  - The development proposed is a residential development for up to 150 residential units with associated infrastructure and access with all other matters reserved.
- 

### **Decision**

1. **The appeal is allowed** and outline planning permission is granted for residential development for up to 150 residential units with associated infrastructure and access with all other matters reserved at Land off Bath Road, Leonard Stanley in accordance with the terms of the application, Ref. S.13/1289/OUT, dated 18 June 2013, subject to the conditions in the attached Schedule.

### **Application for costs**

2. At the Inquiry an application for costs was made by Mr Edward Harper, Gladman Developments Ltd. against Stroud District Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. The application to which the Appeal relates was submitted in outline form with all matters reserved except for access. The extent of development is set out in the Design and Access Statement. An agreed Schedule of Drawings is listed in the Statement of Common Ground (SoCG) dated 9 April 2014.
4. A Unilateral Undertaking, Inquiry Document (ID) 28, was submitted under section 106 of the Town and Country Planning Act 1990 (s106). I deal with the contents of this below.
5. The Inquiry sat for 4 days. I held an accompanied site visit on 1 May 2014. I conducted unaccompanied visits on a clear sunny day on 15 May 2014.
6. I was told that an application has been submitted to register the land as a village green but this is not before me and has no bearing on the merits of the planning case.



Board<sup>3</sup>, that the scenic beauty of AONBs could also include their settings and views out and that *Cherkley* could be relevant in this context. I accept that, in extreme circumstances, a major development outside an AONB which caused a considerable harmful impact to its immediate landscape could have an adverse impact on the landscape and scenic beauty of an adjoining AONB. However, I have found that the impact would be less than significant in views out of the AONB and therefore give limited weight to this concern.

18. I have considered the argument, with regard to paragraph 109 of the NPPF, that the site is a 'valued' landscape as it is valued by neighbouring residents. I accept that, currently, there is no agreed definition of valued as used in this paragraph. In the absence of any formal guidance on this point, I consider that to be valued would require the site to show some demonstrable physical attribute rather than just popularity. In the absence of any such designation, I find that paragraph 109 is not applicable to the appeal site. Similarly, I have studied footnote 9 to the NPPF but again note that it refers to land designated as an AONB which the appeal site is not.
19. Similar considerations apply to LP policy NE8 which only permits development affecting the setting of the AONB if: *the nature, siting and scale are sympathetic to the landscape; and the design and materials complement the character of the area; and important landscape features and trees are retained and appropriate landscaping measures are undertaken. Major development will not be permitted unless it is demonstrated to be in the national interest and that there is a lack of alternative sites.* Although the proposed houses would undoubtedly have some impact, as detailed design and facing materials would be subject to reserved matters, landscape features and trees would be retained, and as the scheme would not cause significant harm to views out of the AONB, it would comply with the above criteria. Even if it were deemed to amount to major development, given the Council's lack of a 5 year HLS, there is a lack of alternative sites. On this issue, I conclude that the proximity of the AONB to the site should not be a bar to development.

#### *Coalescence*

20. The Local Plan Inspector considered, and rejected, allocating a similar site for housing at the same location. In doing so, he recognised the separate entities of the two villages but also noted that: *as an observer it appears to me that the two settlements are effectively one, and that without a map to show where the boundary lays between the two, it is difficult to recognise the division on the ground.* Although rejecting the site for other reasons, he did not do so by reason of coalescence. From my observations, including the continuum along Bath Road, I find no reason to reach a different conclusion.
21. I have noted the argument put forward by the local County Councillor and the Mankley Field Action Group that any social benefits would be diminished by the coalescence of the two villages and that the scheme would undermine the sense of community. However, this was not the view of the Council<sup>4</sup>. I find no reason why further development adjoining both villages should prevent the two continuing to function as separate entities, despite their proximity, should their residents wish them to. Indeed, additional houses would be likely to provide extra financial support for the existing services and community services within

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<sup>3</sup> Core Document (CD)17

<sup>4</sup> David Jones in XX

**APPENDIX D3 – EXTRACT OF MR JUSTICE OUSELEY JUDGEMENT 5 FEBRUARY  
2015**

CO/4082/2014

**Neutral Citation Number: [2015] EWHC 488 (Admin)**  
**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**THE ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand  
London WC2A 2LL

Friday, 6 February 2015

**B e f o r e :**

**MR JUSTICE OUSELEY**

**Between:**

**STROUD DISTRICT COUNCIL**

**Claimant**

v

**SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT**

**Defendant**

**GLADMAN DEVELOPMENTS LIMITED**

**Interested Party**

Computer-Aided Transcript of the Stenograph Notes of  
WordWave International Limited  
A Merrill Communications Company  
165 Fleet Street London EC4A 2DY  
Tel No: 020 7404 1400 Fax No: 020 7404 1424  
(Official Shorthand Writers to the Court)

**Miss J Wigley** (instructed by Stroud District Council) appeared on behalf of the **Claimant**

**The Defendant did not attend and was not represented**

**Mr P Goatley** (instructed by Irwin Mitchell) appeared on behalf of the **Interested Party**

J U D G M E N T

(Approved)

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Way Act 2000, which provides that (for example in relation to planning decisions) a planning authority, and for that matter the Secretary of State, "shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".

9. The Inspector then considered an argument in relation to another paragraph, paragraph 109, of the NPPF:

"The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes ... "

It had been argued, as he recorded it, that the site is a valued landscape "as it is valued by neighbouring residents". He continued:

"I accept that, currently, there is no agreed definition of valued as used in this paragraph. In the absence of any formal guidance on this point, I consider that to be valued would require the site to show some demonstrable physical attribute rather than just popularity. In the absence of any such designation, I find that paragraph 109 is not applicable to the appeal site. Similarly, I have studied footnote 9 to the NPPF but again note that it refers to land designated as an AONB which the appeal site is not."

10. Local Plan Policy NE8 only permitted development affecting the setting of the AONB if a number of criteria, including nature, siting and scale being in sympathy with the landscape, were satisfied. The policy has as a tailpiece the following:

"Major development will not be permitted unless it is demonstrated to be in the national interest and that there is a lack of alternative sites."

He said of this in paragraph 19:

"Although the proposed houses would undoubtedly have some impact, as detailed design and facing materials would be subject to reserved matters, landscape features and trees would be retained, and as the scheme would not cause significant harm to views out of the AONB, it would comply with the above criteria. Even if it were deemed to amount to major development, given the Council's lack of a 5 year HLS, there is a lack of alternative sites. On this issue, I conclude that the proximity of the AONB to the site should not be a bar to development."

He rejected next the coalescence argument. On sustainability, which included the question of the environmental role of the site, he said:

" ... There would be some harm to the landscape, including immediate

views, and this harm counts against the proposals."

In paragraph 28:

"Looked at in the round, I conclude that the moderate harm to the character and appearance of the area, the limited harm to the AONB, and the moderate harm (on balance) through wider accessibility difficulties, would not outweigh the economic and social benefits of new housing."

Overall, and returning to paragraph 14 of the NPPF, he concluded that the adverse impacts of granting permission would not "significantly and demonstrably outweigh the benefits" and he affirmed that in paragraph 40.

11. Miss Wigley appeared for the Council to argue four grounds. Ground 1 related to the Inspector's approach to valued landscape. Ground 2 related to the policy basis for the consideration of views towards the AONB but from outside it. Ground 3 related to the way he had described harm as moderate having found it as significant, initially at least. Ground 4 concerned the Inspector's approach to a major development in the setting of the AONB in Development Plan Policy NE8.
12. The Secretary of State did not appear, having indicated his willingness to concede that the decision should be quashed because of the way the Inspector had dealt with Policy NE8. He said he accepted that the decision should be quashed on the ground "that it is not evident on the face of the decision letter that the defendant's Inspector fully considered all elements of Local Plan Policy NE8". I take that as a reference to ground 4.
13. I deal first with ground 1. It is important to understand what the issue at the Inquiry actually was. It was not primarily about the definition of valued landscape but about the evidential basis upon which this land could be concluded to have demonstrable physical attributes. Nonetheless, it is contended that the Inspector erred in paragraph 18 because he appears to have equated valued landscape with designated landscape. There is no question but that this land has no landscape designation. It does not rank even within the landscape designation that is designed to protect the boundaries of the AONB and apparently its setting, which is NE9, a policy derived from the Structure Plan. It is not a Local Green Space within policies 75 and 76 of the NPPF. It has no designation at all. The Inspector, if he had concluded, however, that designation was the same as valued landscape, would have fallen into error. The NPPF is clear: that designation is used when designation is meant and valued is used when valued is meant and the two words are not the same.
14. The next question is whether the Inspector did in fact make the error attributed to him. There is some scope for debate, particularly in the light of the last two sentences of paragraph 18. But in the end I am satisfied that the Inspector did not make that error. In particular, the key passage is in the third sentence of paragraph 18, in which he said that the site to be valued had to show some demonstrable physical attribute rather than just