

## **Agenda Item No 4**

### **Planning and Development Board**

**13 August 2012**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 10 September 2012 at 6.30pm in the Council Chamber at the Council House.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: [www.northwarks.gov.uk/downloads/file/4037/](http://www.northwarks.gov.uk/downloads/file/4037/).
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk);
  - telephone (01827) 719222; or
  - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

**Planning Applications – Index**

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4	PAP/2012/0058	88	<b>8, Oak Drive, Hartshill,</b> Detached garage to front of property and removal/replacement of oak tree.	General
5	PAP/2012/0078 and PAP/2012/0084	127	<b>Land at South St to r/o of Atherstone Garage, 157 - 159, Long Street, Atherstone,</b> Demolition of existing buildings and erection of retirement living housing for the elderly, 46 flats, (1 & 2 bed Cat II type accommodation), communal facilities, landscaping and 22 car parking spaces with vehicle access from South St.	General
6	PAP/2012/0229	129	<b>Land adjacent to Pooley Park, Pooley Lane, Polesworth,</b> Erection of a new scout hut with associated access and outdoor activity area, along with temporary siting of portakabins until the new scout is available for use	General
7	PAP/2012/0203		<b>Scout Hut, High Street, Polesworth, Warwickshire,</b> <b>Conservation Area Consent for demolition of Scout Hut and curtilage outbuildings</b>	General
8	PAP/2012/0181		<b>Scout Hut, High Street, Polesworth, Warwickshire,</b> <b>Demolition of Scout Hut and curtilage outbuildings and erection of 4 dwellings</b>	General



## **General Development Applications**

### **(1) Application No: CON/2012/0001**

**Workshop opposite Radbrook Farm, Highfield Lane, Corley, Coventry, Warwickshire, CV7 8BJ**

**Change of use of land to a temporary gypsy and traveller site comprising two pitches, for**

### **Warwickshire County Council**

#### **Introduction**

A report acknowledging receipt of this consultation from Warwickshire County Council on an application received by them from their property services division was reported to the Board in April 2012 for information purposes only. This further report now discusses the case and recommends a response to this consultation.

The report from April 2012 is appended to this report and remains relevant to the consideration of this application. Detail on the site, the proposal, background, development plan policies and other material planning considerations remain relevant for this application and will not be repeated here.

#### **Representations**

Councillor Simpson – strongly objects to this application. He questions the medical information submitted with the application, which consists of documents from Nursing Staff and not from the Consultant in charge of the child's case.

Corley Parish Council – questions WCC's handling of this site over the two years the Gypsies have been in occupation. Based on these previous actions, although the initial inclination is to object strongly, it has no faith in WCC taking enforcement action against this breach. With great reluctance it does not raise any objections to this application but recommend conditions are imposed and enforced on any consent granted. A copy of its response to WCC dated 5 April 2012 is appended to this report.

#### **Observations**

The site lies within the Green Belt. The Government's most recent Policy guidance, "Planning Policy for Traveller Sites" of March 2012, confirms that traveller sites are inappropriate development within the Green Belt. As such there is a presumption that the proposal here to create two traveller pitches will be refused planning permission. The County Council has to consider whether there are any material planning considerations of such weight that they either individually or cumulatively provide the "very special circumstances" necessary to override this presumption. This Board should also adopt the same approach in its consideration of the application.

## Need for Traveller Pitches

The South Staffordshire and Northern Warwickshire GTAA estimates a need for 12 traveller pitches up to 2012 and a further 15 pitches up to 2026 within North Warwickshire's administrative boundary. Recently, eight traveller pitches have been granted planning permission. In addition there are the existing 17 pitches at the socially rented site in Alvecote. None of these authorised traveller sites in the Borough are located within the Green Belt.

The "Planning Policy for Traveller Sites" document states that within 12 months of the policy coming into force, local planning authorities need to demonstrate an up-to-date five-year supply of deliverable sites. If this cannot be demonstrated then this is a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The Council's Issues and Options Paper for Travellers is currently out for consultation. Through this and the resulting DPD, sites will be allocated for Travellers in line with advice given in the Government's National Planning Policy Framework and the Planning Policy for Traveller Sites document. In accordance with this Government advice, it is highly unlikely that any sites will be allocated within the Green Belt. This is a material consideration which carries significant weight.

## Lawful Use of the Land

The site in question has a lawful B8 use (as permitted under planning permission 0017/2002) and is thus classed as "brown-field" land. This permitted use involves the use of a large corrugated iron building on the site, having a footprint of some 380 square metres. The last user of the site used this building to store crash-damaged vehicles retrieved from the neighbouring motorway. Complaints were received about this occupier storing vehicles outside of the building. This B8 use has visual, highway and environmental impacts. Not only therefore is there a potential "fall-back" position here, but also these impacts will themselves affect the openness of the Green Belt when comparing the existing and proposed uses.

Both the existing use and the proposed use are inappropriate development. The proposal includes details to remove the building on the site. Corley Parish Council suggests a planning condition is imposed to cover this issue to ensure that the building is removed within three months of the date of the planning consent. The overall reduction in footprint and height of this compared with two mobile homes will substantially reduce the impact on openness of this inappropriate use which is a material consideration of some weight.

## Personal Circumstances

Both saved Core Policy 2 of the Local Plan and the NPPF clearly state that new development needs to be sited in sustainable locations. This site along Highfield Lane does not benefit from being close to a settlement with key services and is not serviced by public transport. It is therefore not a location where residential development would normally be approved. Therefore, it is necessary to weigh the personal circumstances of the present family on the site, and assess suitable alternative sites. The documentation submitted, coupled with information made available in meeting, states that the personal circumstances of this family revolve around the medical condition of one of the children. The submitted documentation explains this in detail together with outlining the consequential family background.

The clear need is for this child to have a settled base where he can receive medical attention 24-hours a day. The child along with other children on the site can attend school from this settled base. A lot of information has been submitted and the essential care required for this child is known. The documents submitted are from the Consultant Nurse who is in charge of this child's care and so the medical opinion holds weight. In view of the comment made about the "expertise" of the evidence submitted, the County's Gypsy and Traveller Service Officer has provided the details of two medical consultants who have been involved in the past with this patient's care and who are specialists in this area. If required, North Warwickshire Borough Council can seek a direct consultation with one of these consultants. However, the Council would need to pay for the cost of doing this.

The current evidence is that the child involved is unable to sleep throughout the night without a medical nurse watching over him. Clearly this could be achieved through the individual attending hospital each evening which would be a huge expense for the NHS and would be traumatic for the family. The care package currently being operated allows the child to remain with his family at home whilst being cared by a trained medical professional. It has been heard that when this care was being delivered from a public gypsy site there were fears for the safety of the medical staff as well as this child in view of the actions of other residents on the site with police reports available on the use of firearms on the site and violent incidents. The medical information concludes that a site such as this one along Highfield Lane will allow this care package to be delivered within a low risk environment and the child will have a better quality of life. In light of all of these matters it is not considered that additional consultation would be of benefit given the substantial evidence concerning the current medical care "regime".

One of the family member's has been removed from the list of occupants. Confirmation has been provided to state that neither Children's Services nor the NHS consider the removal of this family member to be of a concern for the child's safety.

Evidence is also available to show the extent of alternative sites considered by the families and the NHS. It has been suggested that his medical care could be delivered for the family with them living in a house. Gypsies and Irish Travellers are recognised as ethnic groups and are covered by the provisions in the Race Relations Act 1976. Their way of life is accepted in this legislation and so the offer of a house would not be a suitable alternative for these families.

The site at Highfield Lane will continue to be within the ownership of the County Council with the intention that these two families will be tenants on short-term leases. Corley Parish Council suggest that a personal condition should be attached to ensure that once this named child leaves the site then the land is restored to agricultural land within three months. In any event, the consent should be no more than 5 years. This appears to be a reasonable condition meeting the tests set out in Circular 11/1995. With the County Council as landowners they can ensure that such a condition is included in the lease agreement and so enforced. On the basis of all of the evidence available, it is considered that the personal circumstances of this case carry substantial weight.

## Noise and Air Quality

The Board will also need to consider advice on the technical matters that are relevant here – the noise and air quality factors. The Environmental Health Officer has stated that although the site lies in close proximity to the M6 motorway, the assessments provided with the application do not show noise and air emissions from this motorway to be prohibitive factors. He does recommend that either a 2-metre high earth bund or close board acoustic fence is used to enclose the site in a “U” or horseshoe shape to minimise noise disturbance to the residents. He also recommends that bedrooms face away from the motorway.

## **Recommendation**

That the response made by North Warwickshire Borough Council to Warwickshire County Council is as follows:

The site in question lies within the West Midlands Green Belt and so outside of any Development Boundary as identified in the North Warwickshire Local Plan 2006. The site is not considered to be in a location considered to be classed as a sustainable location as identified in the North Warwickshire Local Plan 2006. The Council’s Issues and Options Paper for Travellers is currently out for consultation. Through this and the resulting DPD, sites will be allocated for Travellers in line with advice given in the Government’s National Planning Policy Framework and the Planning Policy for Traveller Sites document. In accordance with this Government advice, it is highly unlikely that any sites will be allocated within the Green Belt. This is a material consideration which carries significant weight.

However, despite the Policy objection above, it is accepted that both the existing use and the proposed use are classed as inappropriate development. The proposal includes details to remove the building on the site. Corley Parish Council suggest a planning condition be imposed to cover this issue to ensure that the building is removed within three months of the date of the planning consent. The overall reduction in footprint and height of this compared with two mobile homes will substantially reduce the impact on openness of this inappropriate use, which is a material consideration that the Borough Council gives some weight. Coupled with this is the personal circumstance of the medical needs of the child. It is understood that the child involved is unable to sleep throughout the night without a medical nurse watching over him. Clearly this could be achieved through the individual attending hospital each evening which would be a huge expense for the NHS and would be traumatic for the family. The care package currently being operated allows the child to remain with his family at home whilst being cared by a trained medical professional. It has been heard that when this care was being delivered from a public gypsy site there were fears for the safety of the medical staff as well as this child in view of the actions of other residents on the site with police reports available on the use of firearms on the site and violent incidents. The medical information concludes that a site such as this one along Highfield Lane will allow this care package to be delivered within a low risk environment and that the child will have a better quality of life. In this case the Borough Council does accept that the personal circumstances of the child carry substantial weight.

As such, North Warwickshire Borough Council does not object to the proposal provided the following conditions are attached to any consent granted and subsequently enforced by Warwickshire County Council as both planning authority and landowner:

- 1) That the consent issued is a personal consent for the family members involved in the care of the child the subject of these medical needs only and that once this child [named] no longer occupies the site or at the end of five years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to an agricultural use.
- 2) For the avoidance of doubt, the site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (March 2012).
- 3) That within three months of the date of any consent issued the building shown on Drawing No: CORLEY-SK1 shall be dismantled and removed from the site and that all other elements associated with the B8 Use of the site are thus removed from the site;
- 4) That within three months of the date of any consent issued, a two metre high close boarded fence shall be constructed along the southern boundary of the site as it adjoins the M6 motorway.
- 5) That there shall be no more than two pitches on the site and on each of the pitches hereby approved no more than two caravans, shall be stationed at any time, of which only one caravan shall be a static caravan.
- 6) That no commercial activities shall take place on the land, including the storage of materials.
- 7) That a Landscaping Scheme is agreed and subsequently planted along the perimeter of the site and that any species failing shall be replanted in the next planting season.

## BACKGROUND PAPERS

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

Planning Application No: CON/2012/0001

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant	Application Forms, Plans and Statement(s)	28/3/12
2	Corley Parish Council	Consultation Response	5/4/12
3	S. Wilkinson	Report to Board for Information	16/4/12
4	Cllr Simpson	E mail	21/4/12
5	Environmental Health Officer	Consultation Response	2/5/12
6	Robert Leahy	E mail	23/7/12

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

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

**Consultation by Warwickshire County Council****Radbrook Workshop, Highfield Lane, Corley Ash, Corley****Change of Use of land to a temporary gypsy and traveller site comprising two pitches for****Warwickshire County Council****Introduction**

The applicant here is the County Council and it has submitted what is known as a Regulation 3 application to itself for determination. The application is made by its property "wing" as the application site is owned by the County Council. The County as Planning Authority will determine that application. Members will be aware that similar procedures apply to the Borough Council too when it owns land.

The Borough Council has been invited to submit representations as part of the consultation process. The County Council has notified the Parish Council and local residents who may respond directly to the County Council.

This report is brought to the Board at this time for information purposes only. A further report will be brought in due course with a recommended response.

**The Site**

This is a plot of land about 0.3 hectares in size on the south side of Highfield Lane between that lane and the M6 Motorway to the south, about 400 metres west of the lane's junction with Bennetts Road North and 800 metres east of its junction with the Coventry Road. There is a scatter of residential property fronting this lane including Radbrook Farm on the opposite side of the road. The site comprises a large domed corrugated steel Nissen building measuring some 350 square metres together with two mobile homes currently used by the traveller family, and an area of hard-standing. Access is directly onto the lane.

Appendix A illustrates the location of the site.

**The Proposal**

It is proposed to retain the two pitches on this site as a gypsy and traveller site. The present residents are the Doherty family who moved from the County Council's Griff traveller's site.

Appendices B, C and D illustrate the layout; the mobile homes and the large building.

The application is accompanied by a Noise Assessment given the proximity of the M6 Motorway from the site – 30 metres from the closest home to the carriageway edge, and an Air Quality Assessment for the same reason. These assessments are attached at Appendices E and F.

The application is also accompanied by evidence relating to the medical condition of one of the children on the site. This explains the particular condition; the reasons why the Griff site in Bedworth is unsuitable, and that the condition together with the nature of the special nature of the treatment has been known about for a long period of time. The medical evidence is attached at Appendix G.

### **Background**

The site was originally used for the storage of plant, machinery and materials associated with the construction of the M6 Motorway. In 2002 planning permission was granted for its use for storage purposes and this was taken up. However it then became vacant in the late 2000's. At a meeting of the County Council's Smallholdings Panel in 2009, it was agreed to use the site for a traveller family currently resident on the Griff site in Bedworth. The family had been seeking alternative accommodation for some time. The family moved onto the site shortly afterwards.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution) and policies ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG3 (Housing outside of Development Boundaries) and ECON9 (Re-use of Rural Buildings)

### **Other Material Planning Considerations**

Planning Policy for Traveller Sites – 2012

National Planning Policy Framework – 2012: Protecting Green Belt Land; Delivering a Wide Choice of High Quality Homes.

New Homes Bonus

### **Observations**

This development is inappropriate development within the Green Belt as confirmed by the recently published NPPF. As such there is a presumption that it will be refused planning permission. The County Council has to consider whether there are any material planning considerations of such weight that they either individually or cumulatively provide the “very special circumstances” necessary to override this presumption. This Board should also adopt the same approach in its consideration of the application.

There are a number of material considerations which need to be explored in this case. These are that the site currently has a lawful B8 use and is thus “brown-field” land. That use has visual, highway and environmental impacts. Not only therefore is there a potential “fall-back” position here, but these impacts will also themselves affect the openness of the Green Belt when comparing the existing and proposed uses. Secondly, there are the personal circumstances of the present family on the site, which

revolve around the medical condition of one of the children. The submitted documentation explains this in detail together with outlining the consequential family background. Thirdly, the Board will need to understand the present position in respect of the provision of traveller and gypsy sites within the Borough and the requirements up to 2026 and beyond. Fourthly the Board will have to consider the fact that this application seeks a temporary permission and therefore will need to assess how this might weigh in light of its findings in respect of the above matters.

The Board will also need to consider advice on the technical matters that are relevant here – the noise and air quality factors in particular – but also those around access arrangements. It will also have to consider the usual matters of drainage, visual appearance and the impact of the proposal on neighbour's amenity. Any one of these considerations or indeed a combination of them could affect the overall conclusion of where the final balance lies in this case.

**Recommendation**

That this report be noted at the present time

Background Papers

WCC Consultation 28/3/12

APPENDIX E

APPENDIX I  
TO CORLEY PLANNING  
APPLICATION  
DATED 6 MAR 12.  
**SBM**  
Safety Solutions Ltd

Noise Assessment  
Client: Rob Leahy, Gypsy & Traveller Service Officer,  
Warwickshire County Council,  
Address: Highfield Lane, Corley, Coventry, CV7 8VJ

## NOISE ASSESSMENT

**Travellers Site – Highfield Lane,  
Corley, Coventry, CV7 8VJ**

Report by  
S.B. Mellor, MA, MIOA, CMIOSH  
SBM Safety Solutions Ltd.

Report Date: 4<sup>th</sup> November 2011  
Ref.: E897 PPG24 report  
Site Visited: 27<sup>th</sup> – 29<sup>th</sup> October 2011  
Site Visited By: S.B. Mellor

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Ref E897, REV1 printed

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**1.0 INTRODUCTION**

At the request of Mr. R. Leahy of Warwickshire County Council, SBM Safety Solutions Ltd undertook an assessment of road noise at a Gypsy / Traveller site adjacent to the M6, Highfield Lane, Corley, CV7 8BJ. This report was commissioned in response to Warwickshire County Council's request for an assessment of transportation noise which could affect the residents of this development.

This report considers measurements made on site, the requirements of PPG24 "Planning and Noise" and other appropriate criteria, and makes recommendations as necessary. Acoustic terminology is explained at Appendix 1 of this report and the author's qualifications and experience are described in Appendix 2.

**2.0 SITE DESCRIPTION**

The development currently consists of 2 separate plots with one static home and one mobile home occupying each plot (see Figure 1). The site is in a rural location adjacent to the M6 motorway. At the time of the monitoring the main noise source was road noise from the M6. There was also occasional noise from vehicles using the road running parallel to the site – Highfield Lane.

The intervening ground surface between the M6 and the site is soft in nature (grassland). There is also an existing farm shed on the site, behind which one of the homes / mobile home plots sits. Passing cars cannot be seen from this

position but can from the other home / mobile home location, therefore this second plot was chosen for the monitoring position.

### 3.0 ASSESSMENT CRITERIA

#### 3.1 PPG24 "Planning and Noise"

When considering applications for new residential development adjacent to existing noise sources, the relevant document is PPG24 "Planning and Noise". Annex 1 of PPG24 specifies Noise Exposure Categories (NEC) in terms of the daytime (and night time)  $L_{Aeq, 16hr}$  (and  $L_{Aeq, 8hr}$ ) readings. These readings are rounded to the nearest whole number and compared with the NEC bands.

PPG24's recommendations as to how to assess mixed noise sources are complex. If no one source is dominant, then the "Mixed Source" Noise Exposure Categories can be used; these are numerically the same as the traffic noise categories above.

PPG24 defines "Mixed sources" as "*...any combination of road, rail air and industrial noise sources*". To check if any source is dominant, PPG24 states "*...the noise level from the individual sources should be determined and then combined by decibel addition... If the level of any one source then lies within 2 dB (A) of the calculated combined value, that source should be taken as the dominant one and the site assessed against the appropriate NEC for that source.*"

The relevant NEC's are detailed in Table 1.

NEC		Day (L <sub>Aeq, 16hr</sub> )	Night (L <sub>Aeq, 8hr</sub> )
"A"	Road	< 55	< 45
"B"	Road	55 – 63	45 – 57
"C"	Road	63 – 72	57 – 66
"D"	Road	> 72	> 66

**Table 1**

PPG24 provides guidance on the suitability of sites depending on the NEC as below-

- "A" For proposals in this category, noise would not normally be a controlling issue in granting planning consent.
- "B" For proposals in this category, authorities should increasingly take noise into account when determining planning applications, and require noise control measures.
- "C" For proposals in this category there is a strong presumption against granting planning permission. Where permission is given, because for example there are no alternative quieter sites available, conditions should be imposed to ensure an adequate level of insulation against external noise.
- "D" Consent should normally be refused.

### 3.2 Local Authority Noise Criteria

Local Authorities will often seek to achieve internal noise limits of 40 dB during the day and 30 dB during the night. For the purpose of the report reference will also be made to BS.8233 (see below).

#### BS 8233:1999

This standard is entitled "Sound insulation and noise reduction for buildings - Code of Practice"; at its section 7.6, it considers anonymous noise, such as that from road traffic, mechanical services or continuously running plant. An extract of Table 5 from Section 7.6 appears below:

Criterion	Typical Situation	Design Range [LAeq,T dB]	
		Good	Reasonable
Reasonable resting/sleeping conditions	Living Rooms	30	40
	Bedrooms	30	35

A footnote to this table states that "*For a reasonable standard in bedrooms at night, individual noise events (measured with F time-weighting) should not normally exceed 45 dB LAmax*".

#### 4.0 NOISE LEVEL INFORMATION

##### 4.1 Existing Noise Climate

###### Methodology

During the day and night of Thursday 27<sup>th</sup> October 2011 and extending to the morning of Saturday 29<sup>th</sup> October 2011 SBM installed noise monitoring instrumentation at the position shown in Figure 1 (approx 68m from the M6 motorway). The measurement position was at the location of the nearest mobile dwelling to the road with a clear line of sight (the other home was situated behind an existing shed) and approximated to free field conditions.

The weather conditions during the monitoring period were; light drizzle early on, then dry conditions for the remaining monitoring period with a slight breeze of no more than 2-3m/s, with cloud cover about 20-40%; the temperature was around 7-12 degrees Centigrade during the days and nights. It is not considered that the weather conditions would have influenced the results.

The sound level meter was a Cirrus type CR:821B (s/n C18361FE), and microphone system MK:438 (s/n 46637) mounted on a tripod and fitted with a windmuff. The meter calibrated correctly before and after the measurements using a Cirrus calibrator type CR:551E (s/n 039816); the instrumentation had been laboratory calibrated within the preceding 2 years.

4.2 Results and Calculations

Period measurements are shown below.

Monitoring Position Daytime

Date	Time	Run Time	Leq	Lmax	L1	L10	L50	L90	L95	Lmin
27/10/2011	19:00	01:00:00	61.5	78.9	65.5	63.7	60.9	57.5	56.4	50.3
27/10/2011	20:00	01:00:02	61.6	73.9	65.7	63.9	61.0	57.8	56.9	51.6
27/10/2011	21:00	01:00:05	61.3	74.5	65.7	63.7	60.4	57.3	56.4	53.0
27/10/2011	22:00	01:00:02	60.5	75.7	65.6	62.9	59.4	56.3	55.5	50.9
28/10/2011	07:00	01:00:05	66.3	74.4	69.6	68.0	66.1	63.7	62.9	59.1
28/10/2011	08:00	01:00:03	64.6	73.4	67.8	66.4	64.4	61.6	60.8	55.2
28/10/2011	09:00	01:00:09	61.8	73.8	66.3	64.0	61.2	58.1	57.2	53.5
28/10/2011	10:00	01:00:01	58.9	81.2	62.9	60.9	58.3	55.6	54.9	50.5
28/10/2011	11:00	01:00:02	59.8	76.4	64.7	62.2	58.9	56.1	55.3	51.9
28/10/2011	12:00	01:00:04	62.6	90.9	67.2	64.3	61.8	58.9	58.1	53.5
28/10/2011	13:00	01:00:01	63.1	84.1	67.8	64.8	62.5	59.7	58.9	54.8
28/10/2011	14:00	01:00:02	63.2	85.6	67.1	64.8	62.7	60.3	59.7	55.6
28/10/2011	15:00	01:00:03	64.4	83.6	69.7	65.6	63.6	61.3	60.6	57.0
28/10/2011	16:00	01:00:05	63.8	75.0	66.6	65.3	63.5	61.3	60.7	56.7
28/10/2011	17:00	01:00:04	64.2	77.9	66.9	65.7	64.0	61.9	61.2	57.0
28/10/2011	18:00	01:00:01	65.1	81.9	68.7	66.9	64.7	62.5	61.7	57.5
28/10/2011	19:00	01:00:02	64.0	77.0	67.2	65.6	63.6	61.5	60.9	55.8
28/10/2011	20:00	01:00:03	64.8	75.5	68.2	66.8	64.6	62.0	61.3	57.8
28/10/2011	21:00	01:00:03	62.6	77.2	66.3	64.6	62.1	59.8	59.1	54.8
28/10/2011	22:00	01:00:06	61.9	71.7	65.8	63.7	61.3	59.2	58.7	55.5
29/10/2011	07:00	01:00:02	62.5	77.3	67.7	64.6	61.6	58.7	57.9	52.4
29/10/2011	08:00	01:00:03	62.8	75.3	67.1	64.9	62.2	59.5	58.8	54.7
Total			Leq dB							
22:01:08			63.0							

Monitoring Position Night time

Date	Time	Run Time	Leq	Lmax	L1	L10	L50	L90	L95	Lmin
27/10/2011	23:00	01:00:01	58.9	74.7	64.1	61.6	57.8	54.6	53.8	48.8
28/10/2011	00:00	01:00:02	57.3	74.3	63.0	60.2	55.9	52.5	51.5	47.8
28/10/2011	01:00	01:00:04	56.7	67.9	62.9	59.6	55.3	51.4	50.4	46.6
28/10/2011	02:00	01:00:00	56.6	66.3	63.1	59.8	54.8	50.6	49.6	43.0
28/10/2011	03:00	01:00:02	57.5	67.6	63.9	60.8	55.8	51.3	50.4	45.5
28/10/2011	04:00	01:00:03	58.4	66.5	64.1	61.4	57.0	52.7	51.5	46.7
28/10/2011	05:00	01:00:02	61.3	69.1	66.2	63.9	60.3	56.1	54.9	49.9
28/10/2011	06:00	00:59:59	63.1	70.8	67.0	65.3	62.7	59.3	58.3	53.6
28/10/2011	23:00	01:00:02	61.6	69.3	65.9	63.7	61.1	58.1	57.2	52.0
29/10/2011	00:00	01:00:02	60.7	69.7	65.5	63.2	59.9	56.2	55.0	49.5
29/10/2011	01:00	01:00:02	60.3	69.1	65.9	63.1	59.1	55.3	54.2	49.5
29/10/2011	02:00	01:00:02	60.1	69.0	65.7	63.1	58.8	54.8	53.7	48.8
29/10/2011	03:00	01:00:05	59.1	67.5	64.5	61.9	58.1	54.3	53.5	48.3
29/10/2011	04:00	01:00:04	58.4	67.3	64.0	61.2	57.2	53.3	52.1	47.9
29/10/2011	05:00	01:00:03	58.4	68.2	63.8	61.0	57.3	53.5	52.5	47.3
29/10/2011	06:00	01:00:03	59.6	67.5	64.3	62.0	58.9	55.8	54.9	51.2
Total			Leq dB							
16:00:36			59.6							

A logarithmic average of the LAeq values measured during the sampling period has been used to derive the LAeq,16hr (day) value and LAeq,8hr (night). Levels to the nearest whole decibel.

Nearest affected position from noise source = **63 dB Day, 60 dB Night**

DAY: (07:00 - 23:00) LAeq, 16hour = 63 dB  
NIGHT: (23:00 - 07:00) LAeq, 8hour = 60 dB

**NEC Rating:**  
Rating Day = NEC 'B'  
Rating Night = NEC 'C'

In addition to the above, the maximum readings were recorded (see Figure 2) and it can be seen that typically the LMax readings were typically around 65 dBA with occasional higher peaks. These occasional higher peaks may be caused by e.g. emergency vehicles.

## 5.0 ASSESSMENT AND DISCUSSION

The overall rating places the site into NEC 'B' and 'C' for day / night time.

The LMax criterion of 82 dBA does not fall to be considered as it does not regularly occur during the night time period.

In Annex 2 of PPG24, the reasons for designating sites into various NEC's are explained. For daytime noise a site would be placed into NEC "C" because secondary glazing and mechanical ventilation would normally be installed into existing dwellings exposed to such noise levels.

PPG24 "Planning and Noise" Annex 6 (Table 1) explains that standard thermal glazing reduces road traffic noise by 33 dBA, and "retrofit" secondary acoustic glazing reduces this noise by 34 dBA; therefore, from PPG24, only slightly better glazing than standard thermal needs to be installed in a new property.

At the time of preparing PPG24 (September 1994) standard thermal glazing was a 12mm air gap with 4mm panes of glass; it is now 4/16/4, which will have slightly better acoustic properties due to the larger air gap, i.e. comparable with retrofit secondary glazing. It is not known if the static / mobile homes are fitted with single or double glazed windows or a combination so both typical levels of reduction are used as a comparison. It is also assumed that the glazing is the acoustical weak section of the homes. On this basis the estimated internal noise levels with windows closed would be:

#### Standard Thermal Glazing

Day	29 LAeq,16 hr [63 - 34]
Night	26 LAeq,16hr [60 - 34]
	31 LAmax [65 - 34]

#### Single Glazing

Day	35 LAeq,16 hr [63 - 28]
Night	32 LAeq,16hr [60 - 28]
	37 LAmax [65 - 28]

It can be seen that the above internal noise levels meet the "Good/Reasonable" standards from BS.8233.

## 6.0 CONCLUSIONS AND RECOMMENDATIONS

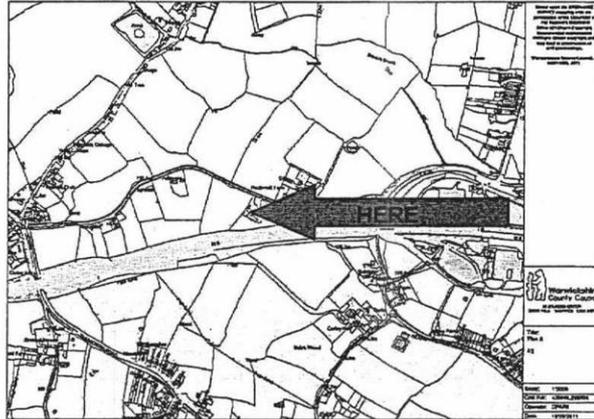
Existing road noise from the M6 motorway places the site into NEC C from PPG24. PPG24 does not offer guidance concerning mobile homes although two of the homes on site are static. Standard single glazing and appropriate ventilation can achieve the internal noise targets from BS.8233. The estimated internal noise levels with both single and double glazing would meet the "Good/Reasonable" standards from BS.8233.

The Highways Noise Payments and Movable Homes (England) Regulations 2000 (amended 2001) specify that an arithmetically averaged L10 (18-hour) of 68dB(A) would trigger a noise payment for an eligible movable home. From the results above, the  $L_{A10}$  (18 hour) level when arithmetically averaged over the monitoring period (06.00 – 24.00 hours) equate to 65dB (A). It could be concluded then that the government would not regard this level as being unreasonable.

One of the mobile home / static home plots is screened by an existing farm building. Additional screening is also an option for achieving further attenuation. Close boarded fencing of adequate length (possible courtyard layout - extended along the sides of the site), suitable height and density, located either side of the existing building may help to reduce noise levels. Generally the denser and therefore heavier the barrier, the more effective it will be at attenuating noise. Expected levels of attenuation from screens and barriers ( $10\text{kg m}^{-2}$ ) will typically be between 10 – 15 dBA. The road traffic would have to be out of the line of sight from the receptor positions and as close to the receptors as possible. If these additional noise reductions could be achieved then this would place the site into NEC A or B.

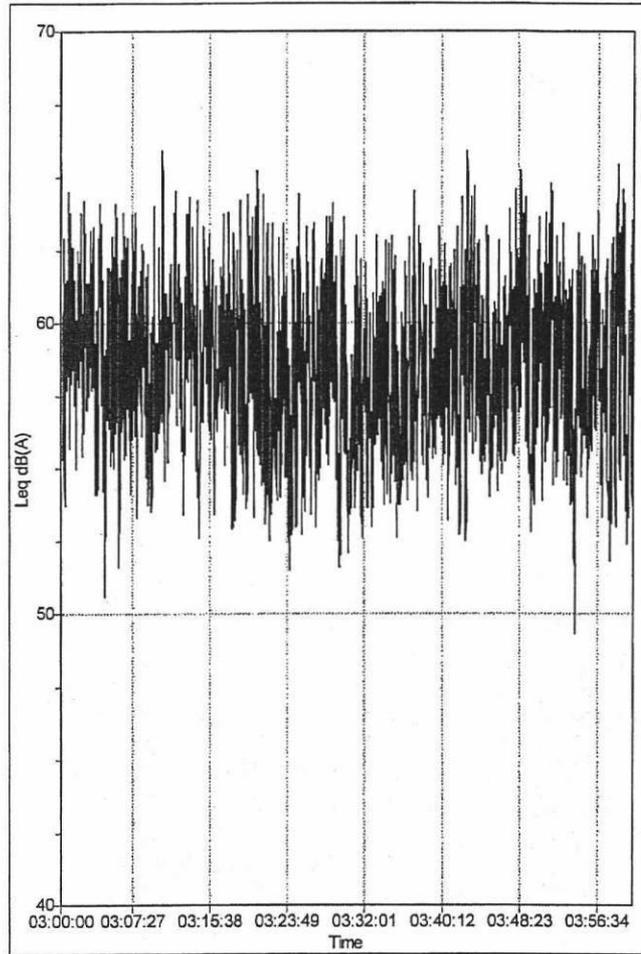
For mobile homes they may also be positioned so that bedrooms face away from the source of noise where possible where the home is suitably compartmented.

Figure 1: Site Location Plan, "from Warwickshire County Council" (Monitoring Position Highlighted)



Source – Google Earth

Figure 2: 1 hour dB Lmax



**APPENDIX 1  
EXPLANATION OF ACOUSTIC TERMS**

The dB or the decibel is the unit of noise. The number of decibels or the level, is measured using a sound level meter. It is common for the sound level meter to filter or 'weight' the incoming sound so as to mimic the frequency response of the human ear. Such measurements are designated dB(A).

A doubling of the sound is perceived, by most people, when the level has increased by 10 dB(A). The least discernible difference is 2 dB(A). Thus most people cannot distinguish between, say 30 and 31 dB(A).

If a noise varies over time then the **equivalent continuous level, or LAeq**, is the notional constant level of noise which would contain the same amount of acoustic energy as the time varying noise.

The following table gives an indication of the comparative loudness of various noises expressed in terms of the A weighted scale:

Source of noise	dB(A)	Nature of Noise
Inside Quiet bedroom at night	30	Very Quiet
Quiet office	40	
Rural background noise	45	
Normal conversational level	60	
Busy restaurant	65	
Typewriter @ 1m	73	
Inside suburban electric train	76	
Alarm clock ringing @ .5m	80	
Hand clap @ 1m	80	
HGV accelerating @ 6m	92	Very Loud

**APPENDIX 2  
QUALIFICATIONS AND EXPERIENCE OF S.B.MELLOR**

My full name is Steven Brian Mellor. I am the principal consultant at the firm of SBM Safety Solutions Ltd, a consultancy company that specialises in health, safety and environmental services including noise assessment and control.

I hold a Master's degree in Health, Safety and Environmental Law, British Occupational Health Society (BOHS) M104 certificate in Noise and Vibration and Institute of Acoustics Certificate of Competence in Environmental Noise Measurement (Derby University), plus Diploma in Acoustics and Noise Control (Bristol University). I am member of the professional body for noise and vibration specialists, the Institute of Acoustics, MIOA.

I have some 11 years experience of dealing with problems caused by noise and vibration, both regarding noise and vibration in the environment, the workplace and the home. The firm of SBM Safety Solutions Ltd. was formed 8 years ago. During that time we have advised many groups including employers, residents and developers about the problems of noise and vibration in the workplace and environment.

**APPENDIX 3**  
Site Photographs



**Highfield Lane, Corley:  
Air Quality Assessment**

Report Ref: AQ0239

Date: November 2011

**Air Quality Assessment & Monitoring**

Highfield Lane, Corley

Air Quality Assessment

Report Ref: AQ0239



## DOCUMENT CONTROL & DISCLAIMER

**Title:**

Highfield Lane, Corley:  
Air Quality Assessment

**Report Ref:**

AQ0239

**Date Issued:**

November 2011

**Disclaimer:**

SBM Safety Solutions Ltd completed this Report on the basis of a defined programme of work and terms and conditions agreed with the Client. All reasonable skill and care has been used in producing this report, taking into account the project objectives, the agreed scope of work, prevailing site conditions and the degree of manpower and resources allocated to the project.

SBM Safety Solutions Ltd accepts no responsibility to any parties whatsoever, following the issue of the Report, for any matters arising outside the agreed scope of the work.

This Report is issued in confidence to the Client and SBM Safety Solutions Ltd has no responsibility to any third parties to whom this Report may be circulated, in part or in full, and any such parties rely on the contents of the report solely at their own risk.

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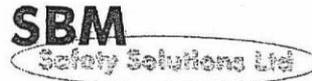
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## 1 INTRODUCTION

### 1.1 Scope

SBM Safety Solutions Ltd were instructed to undertake an air quality assessment for Rob Leahy (Warwickshire County Council) based on the potential impacts of local traffic emissions on a proposed travellers site along Highfield Lane in Corley, West Midlands.

The assessment methodology used for this assessment is based on the Design Manual for Roads and Bridges (DMRB)<sup>1</sup> screening method. This methodology applies to the assessment of the impact on air quality from vehicle emissions.

In addition to this, the potential impact on local air quality from demolition and construction activities at the site has been assessed.

### 1.2 Site Description

The proposed traveller's site lies within North Warwickshire Borough Council. The Council has declared an Air Quality Management Area (AQMA) but the proposed development is 10 kilometres to the east of this designation.

The site is bordered to the east, south and west by open farmland, and to the north Highfield Lane. The M6 motorway also lies to the south of the development site.

### 1.3 Local Road Network

The potential impact of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) emissions from traffic using M6 between junctions 3 and 3A will form the focus of this assessment. Roads with less than 10,000 Annual Average Daily Traffic (AADT) flows typically have a minimal impact on local air quality. As such, traffic flows along minor roads within 200 metres of the proposed development, such as Highfield Lane, have not been considered for these reasons.

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<sup>1</sup> Design Manual for Roads and Bridges, Volume 11, Section 3, Part 1 – HA207/07, Highways Agency, May 2007

## 2 POLLUTANTS & LEGISLATION

### 2.1 Pollutant Overview

In most urban areas of the UK, traffic generated pollutants have become the most common pollutants. These are nitrogen dioxide (NO<sub>2</sub>), fine particulates (PM<sub>10</sub>), carbon monoxide (CO), 1,3-butadiene and benzene, as well as carbon dioxide (CO<sub>2</sub>). This air quality assessment focuses on NO<sub>2</sub> and PM<sub>10</sub>, as these pollutants are least likely to meet their Air Quality Strategy objectives near roads. Table 1 provides an overview of NO<sub>2</sub> and PM<sub>10</sub>.

Table 1 – Overview of NO<sub>2</sub> and PM<sub>10</sub>

Pollutant	Properties	Anthropogenic Sources	Natural Sources	Potential Effects
Particles (PM <sub>10</sub> )	Tiny particulates of solid or liquid nature suspended in the air	Road transport; Power generation plants; Production processes e.g. windblown dust	Soil erosion; Volcanoes; Forest fires; Sea salt crystals	Asthma; Lung cancer; Cardiovascular problems
Nitrogen Dioxide (NO <sub>2</sub> )	Reddish-brown coloured gas with a distinct odour	Road transport; Power generation plants; Fossil fuels – extraction & distribution; Petroleum refining	No natural sources, although nitric oxide (NO) can form in soils	Pulmonary edema; Various environmental impacts e.g. acid rain

### 2.2 Air Quality Strategy

The UK Government and the devolved administrations published the latest Air Quality Strategy for England, Scotland, Wales and Northern Ireland on 17 July 2007<sup>2</sup>. The Strategy provides an over-arching strategic framework for air quality management in the UK by way of the following:

- setting out a way forward for work and planning on air quality issues;
- setting out the air quality standards and objectives to be achieved;
- introducing a new policy framework for tackling fine particles; and
- identifying potential new national policy measures which modelling indicates could give further health benefits and move closer towards meeting the Strategy's objectives.

<sup>2</sup> The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, Department for Environment, Food and Rural Affairs in partnership with the Scottish Executive, Welsh Assembly Government and Department of the Environment Northern Ireland, July 2007

With regards to this assessment, the Air Quality Strategy contains national air quality standards and objectives established by the Government to protect human health. The objectives for nitrogen dioxide and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) have been set, along with seven other pollutants (benzene, 1,3-butadiene, carbon monoxide, lead, PAHs, sulphur dioxide and ozone). Those which are limit values required by EU Daughter Directives on Air Quality have been transposed into UK law through the Air Quality Standards Regulations 2007 which came into force on 15th February 2007. Table 2 provides the UK Air Quality Objectives for NO<sub>2</sub> and PM<sub>10</sub>.

Table 2 – UK Air Quality Objectives for Nitrogen Dioxide and Particulate Matter

Pollutant	Objective	Concentration measured as	Date to be achieved by and maintained thereafter
Particulates (PM <sub>10</sub> )	50µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24 hour mean	31 December 2004
	40µg/m <sup>3</sup>	Annual mean	31 December 2004
Nitrogen Dioxide (NO <sub>2</sub> )	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1 hour mean	31 December 2005
	40µg/m <sup>3</sup>	Annual mean	31 December 2005

Objectives for PM<sub>2.5</sub> have also been introduced by the UK Government and the Devolved Administrations, but these are not included in Regulations. As such, this assessment has not considered the impact on PM<sub>2.5</sub>.

### 2.3 Local Air Quality Management

Part IV of the Environment Act 1995 requires local authorities to review and assess existing air quality within their boundaries, as well as predict future air quality as part of an ongoing Review and Assessment process. The current timetable for Review and Assessment (rounds 4, 5 and 6) requires every local authority to report to Defra up to and including 2017, with the different elements repeated over a three year cycle. The elements required to be undertaken as part of the Review and Assessment process are as follows:

- **Updating and Screening Assessment (USA)** – the first step in the Review and Assessment process. The main objective of the USA is to identify those matters that have changed since the last Review and Assessment, which might lead to a risk of an air quality objective being exceeded. Using a checklist format, the USA covers assessment of new monitoring data, new objectives, new sources or significant

## Highfield Lane, Corley

Air Quality Assessment

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changes to existing sources (either locally or in neighbouring authorities) and other local changes that might affect air quality. All local authorities in the United Kingdom should have completed a USA by April 2009 with the next USA due by April 2012.

- **Detailed Assessment** – where the USA has identified a risk that an air quality objective will be exceeded at a location with relevant public exposure, the local authority will be required to undertake a Detailed Assessment. The main objective of the Detailed Assessment is to identify with reasonable certainty whether or not a likely exceedence will occur. Such conclusions should be sufficiently detailed to allow the designation or amendment of any necessary Air Quality Management Areas (AQMAS). Should a local authority be required to undertake a Detailed Assessment based on the outcome of their USA, it should be completed within 12 months of being initiated.
- **Progress Reports** – undertaken to maintain continuity from year to year, as part of the reporting process. As such, Progress Reports are required in those years when a USA is not being completed. The last deadline for the completion of a Progress Report was 30<sup>th</sup> April 2011.
- **Further Assessments** – supplement data provided in the Detailed Assessment. As such, it should aim to confirm the exceedence of the objectives as well as define what improvement in air quality and corresponding reduction in emissions is required to attain the objectives. In order to better assist in the development of an Air Quality Action Plan, the Further Assessment should also provide information on source contributions. A Further Assessment is required within 12 months of an AQMA being declared.

### 2.4 North Warwickshire Borough Council

The Council completed a Progress Report in April 2010. The report concluded that there was no need to proceed to a Detailed Assessment for any pollutant. Based on updated monitoring data the report also concluded that there was no need for any altered or additional monitoring, nor was there a need to amend the AQMA in any way.

### 3 PLANNING POLICY & GUIDANCE

#### 3.1 National Planning Policy & Guidance

##### 3.1.1 Planning Policy Statements

On a national level, air quality can be a material consideration in planning decisions. Planning Policy Statement 23 (PPS23) *Planning and Pollution Control*<sup>3</sup> clearly defines the role of air quality and air quality assessment in the context of planning. It states that the “existing, and likely future, air quality in the area, including any Air Quality Management Areas or other areas where air quality is likely to be poor” should be considered in the preparation of development plan documents and may also be material in the consideration of individual planning applications where pollution considerations arise. Furthermore, PPS23 goes on to state that “more weight will generally need to be given to air quality considerations, for example, where a development would have a significant impact on air quality inside, or adjacent to, an AQMA. But air quality considerations can also be important even where existing levels of air pollution are not sufficient to justify AQMA designation”.

Air Quality Policy Guidance relating to Local Air Quality Management<sup>4</sup> states that the “planning and air quality functions of local authorities should be carried out in close cooperation”, referring particularly to PPS23 and its role of facilitating planning for good quality sustainable development that takes appropriate account of pollution control issues.

##### 3.1.2 Environmental Protection UK

In 2006, the National Society for Clean Air and Environmental Protection (NSCA) issued a guidance document with regards to assisting both developers and planning authorities on air quality issues<sup>5</sup>. In April 2010, this guidance was updated by Environmental Protection UK (formerly known as the National Society for Clean Air and Environmental Protection)<sup>6</sup>.

The updated guidance provides a set of criteria used to determine whether a development will have a significant impact on air quality. If the Proposed development results in a significant change in air quality or results in a change of relevant exposure to air quality then it is reasonable to expect an air quality assessment to be undertaken. The report describes

<sup>3</sup> Planning Policy Statement 23: Planning and Pollution Control, Office of the Deputy Prime Minister (ODPM), November 2004

<sup>4</sup> Part IV of the Environment Act 1995, Local Air Quality Management Policy Guidance (PG09), Defra, February 2009

<sup>5</sup> Development Control: Planning for Air Quality, An Updated guidance from NSCA on dealing with air quality concerns within the development control process, NSCA, 2006

<sup>6</sup> Development Control: Planning For Air Quality (2010 Update), Updated guidance from Environmental Protection UK on dealing with air quality concerns within the development control process, Environmental Protection UK, April 2010

how, in all cases, professional judgement is required when deciding if an air quality assessment is necessary, as it is not possible to apply an exact and precise set of criteria to all development proposal situations.

### 3.1.3 The Air Quality Expert Group

The Air Quality Expert Group (AQEG) is an advisory group that provides independent scientific advice on air quality. AQEG published *Air Quality and Climate Change: A UK Perspective*<sup>7</sup> in 2007. The report recognises the potential for both local and global air quality improvements. Local authorities will be looking towards reductions in both and developers should take this into account throughout the design, construction and operational phases of a development, bearing in mind any potential trade-offs between global and local air quality improvements.

## 3.2 Local Planning Policy

### 3.2.1 North Warwickshire Borough Council

The Planning and Compulsory Purchase Act 2004 introduced significant changes to the planning system. It provided details for replacing the Local Plan, Unitary Development Plan (UDP) and Structure Plan policies with a Local Development Framework (LDF). The LDF consists of a portfolio of local development documents (LDDs), made up from Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).

As stated in the Councils Progress Report, air quality has been incorporated into North Warwickshire Borough Council's planning policy in the form of the Local Plan, most notably the saved policy "ENV9".

The Council is currently working towards the adoption of an LDF.

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<sup>7</sup> Air Quality Expert Group (AQEG) report – Air quality and climate change: a UK perspective, published for the Department for Environment, Food and Rural Affairs, Scottish Executive, Welsh Assembly Government and Department of the Environment in Northern Ireland, 2007

## 4 ASSESSMENT METHODOLOGY

### 4.1 Construction Phase

Dust is a major environmental concern associated with construction activities. Residents living in close proximity to such a site can potentially be affected by site dust up to 1 km from the source, although continual or severe concerns about dust sources are most likely to be experienced near to dust sources, generally within 100 metres. In general, large dust particles (greater than 30  $\mu\text{m}$ ) make up the greatest proportion of dust emitted from construction sites and will largely deposit within 100 m of sources. Intermediate sized particles (10-30  $\mu\text{m}$ ) are likely to travel up to 250-500 m. Smaller particles (less than 10  $\mu\text{m}$ ), which make up a small proportion of the dust emitted, can travel up to 1km from sources<sup>8</sup>.

To assess the impacts associated with dust and particulate matter releases during the construction phase of the development a qualitative and generic assessment has been undertaken, using guidance published by the Building Research Establishment (BRE)<sup>9</sup> and the Greater London Authority (GLA)<sup>10</sup>. Despite focusing on the Greater London area, the guidance published by the GLA represents best practice for the control of dust and emissions from construction and demolition activities and can therefore be applied across the UK.

The assessment will make reference to the site's location in relation to sensitive receptors, the planned process, site characteristics, material handling procedures and prevailing winds.

### 4.2 Operational Phase

#### 4.2.1 The Design Manual for Roads and Bridges (DMRB)

The Design Manual for Roads and Bridges (DMRB)<sup>1</sup> contains a methodology for undertaking local air quality assessments of the impact of vehicle emissions. In order to undertake the screening methodology, the following basic requirements are essential:

- Annual average daily traffic (AADT) flow data, including percentage HGVs;
- Average vehicle speeds; and
- Background concentrations for key pollutants.

<sup>8</sup> Minerals Policy Statement (MPS) 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England, Office of the Deputy Prime Minister, 2005

<sup>9</sup> Control of dust from construction and demolition activities, BRE, 2003

<sup>10</sup> The control of dust and emissions from construction and demolition – Best Practice Guidance, produced in partnership by London Councils and the Greater London Authority, November 2006

This methodology states that only sensitive receptors (e.g. residential properties, schools, hospitals etc) within 200m of the road(s) of concern need to be considered in an impact assessment.

The latest version of the DMRB model (July 2007) has been used for this assessment. As this is not an advanced model, local meteorological conditions or topography are not incorporated.

A future year has been chosen (2013) for the assessment, along with the baseline year (2010). The future year represents the assumed first full year of occupation following completion of the development. Two scenarios have been adopted as part of the assessment. These are as follows:

- **Scenario 1** – existing levels of air quality / model verification (2010); and
- **Scenario 2** – future impact of traffic emissions on the proposed development i.e. introduction of new exposure (2013).

Predicted concentrations will be compared to the Air Quality Strategy objectives.

Following recent evidence that shows the proportion of primary NO<sub>2</sub> in vehicle exhaust has increased<sup>11</sup>, the relationship between NO<sub>x</sub> and NO<sub>2</sub> at the roadside has changed from that currently used in the DMRB model. As such, a new NO<sub>x</sub> to NO<sub>2</sub> calculator has been devised<sup>12</sup>. This new calculator has been used to determine NO<sub>2</sub> concentrations for this assessment, based on predicted NO<sub>x</sub> concentrations using the DMRB model. Furthermore, DMRB model validation work carried out by the Highways Agency has indicated that the model may significantly under predict concentrations of NO<sub>2</sub> alongside urban city-centre roads classified as “street canyons”. A street canyon may be defined as a relatively narrow street with buildings on both sides, where the height of the buildings is generally greater than the width of the road. Street canyons have not been considered as part of this assessment as the development and modelled road network do not meet this criterion.

#### 4.2.2 Traffic Data

Baseline traffic flows along the M6 is available from the Department for Transport (DfT)<sup>13</sup>. The baseline data from the DfT (2010), including the percentage Heavy Duty Vehicles (HDVs) has been projected to 2013. Projection of traffic data has been undertaken using growth factors specific to Northampton, obtained from TEMPRO<sup>14</sup> and National Road Traffic Forecasts (NRTF)<sup>15</sup>. TEMPRO is a program that provides projections of growth over time for use in local and regional transport models. It presents projections of growth in planning

<sup>11</sup> Trends in Primary Nitrogen Dioxide in the UK, Air Quality Expert Group, 2007

<sup>12</sup> <http://www.airquality.co.uk/laqm/tools.php>

<sup>13</sup> <http://www.dft.gov.uk/matrix/>

<sup>14</sup> Temprom (Trip End Model Presentation Program) version 6 , dataset v5.4 Department for Transport

<sup>15</sup> National Road Traffic Forecasts (Great Britain) 1997, Department for Transport

data and car ownership and the resultant growth in trip-making by different modes of transport.

#### 4.2.3 Emissions Data

Recent analyses of historical monitoring data have identified a disparity between the measured concentrations and the projected decline in concentrations associated with the emissions forecasts<sup>16</sup>. As such, there is little evidence of a consistent downward trend in either NO<sub>x</sub> or NO<sub>2</sub> concentrations that would be suggested by emission inventory estimates. As stated by Defra, *"the precise reason for this disparity is not fully understood, and is currently under investigation, but it is thought to be related to the actual on-road performance of diesel road vehicles when compared with calculations based on the Euro standards. Preliminary studies suggest the following:*

- *NO<sub>x</sub> emissions from petrol vehicles appear to be in line with current projections and have decreased by 96% since the introduction of the 3 way catalysts in 1993;*
- *NO<sub>x</sub> emissions from diesel cars, under urban driving conditions, do not appear to have declined substantially, up to and including Euro 5. There is limited evidence that the same pattern may occur for motorway driving conditions; and*
- *NO<sub>x</sub> emissions from HGV vehicles equipped with SCR reduction are much higher than expected when driving at low speeds.*

*On this basis, it might also be expected that the forecast reductions in background NO<sub>x</sub> and NO<sub>2</sub> concentrations associated with the road traffic component are optimistic".*

Since there is currently "no robust evidence upon which to base any revised road traffic emissions projections", the predicted impacts of vehicle emissions has utilised vehicle emission rates for 2010. The modelled future year will account for increases in traffic flows along the M6 but vehicle emissions for this year will be the same as those modelled in the baseline year (2010). In the event that future vehicle emissions do decrease, predicted concentrations reported within this assessment will be worst case.

#### 4.2.4 Background Concentrations

Background NO<sub>2</sub> and PM<sub>10</sub> concentrations have been obtained from the National Air Quality Archive UK Background Air Pollution Maps<sup>17</sup>. These 1 km x 1 km grid resolution maps are derived from a base year of 2008 (for NO<sub>x</sub>, NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> only), which are then projected to future years.

<sup>16</sup> Local Air Quality Management Helpdesk, September 2010, <http://laqm.defra.gov.uk/faqs/general.html>

<sup>17</sup> UK Air Quality Archive, <http://www.airquality.co.uk/laqm/tools.php?tool=background08>

#### 4.2.5 Model Verification

The Council undertakes diffusion tube monitoring (NO<sub>2</sub>) at a number of roadside locations across the Borough. However, there is no monitoring undertaken adjacent to the M6 in Corley. As such, it has not been possible to verify the modelled results.

#### 4.2.6 Receptor Location

The DMRB method calculates the pollutant concentrations due to local road traffic and adds the background concentrations to predict the total pollutant concentration at selected receptor locations. It has not been possible to model the exact location (or façades) of the individual units within the traveller's site. As such, in order to assess the potential impact of traffic emissions a transect has been drawn across the development site. The transect starts at a distance of 50 metres from the M6, representing the closest point where a unit may be located. Beyond this point, predicted concentrations have been modelled at intervals of 10 metres, up to a distance of 130 metres from the M6 i.e. the boundary with Highfield Lane.

The distance of the receptors to the modelled road is provided in Table 3. Distances are measured to the centre of the M6.

Table 3 – Receptor Locations Relative to Modelled Road Network

Receptor ID	Distance to the M6 (metres)
1	50
2	60
3	70
4	80
5	90
6	100
7	110
8	120
9	130

### 4.3 Significance Criteria

#### 4.3.1 Construction Phase

The significance of the development during the construction phase has been determined using the guidance published by the GLA, which represents best practice for the control of dust and emissions from construction and demolition activities (see Section 4.1).

#### 4.3.2 Operational Phase

The significance of the air quality assessment will be determined by comparing the predicted results to the Air Pollution Exposure Criteria (APEC) detailed in the *Air Quality and Planning Guidance* written by the London Air Pollution Planning and the Local Environment (APPLE) working group<sup>18</sup>. The Air Pollution Exposure Criteria is considered appropriate to describe the significance of the impacts predicted, together with an indication as to the level of mitigation required in order for the development to be approved. The APEC table is provided below.

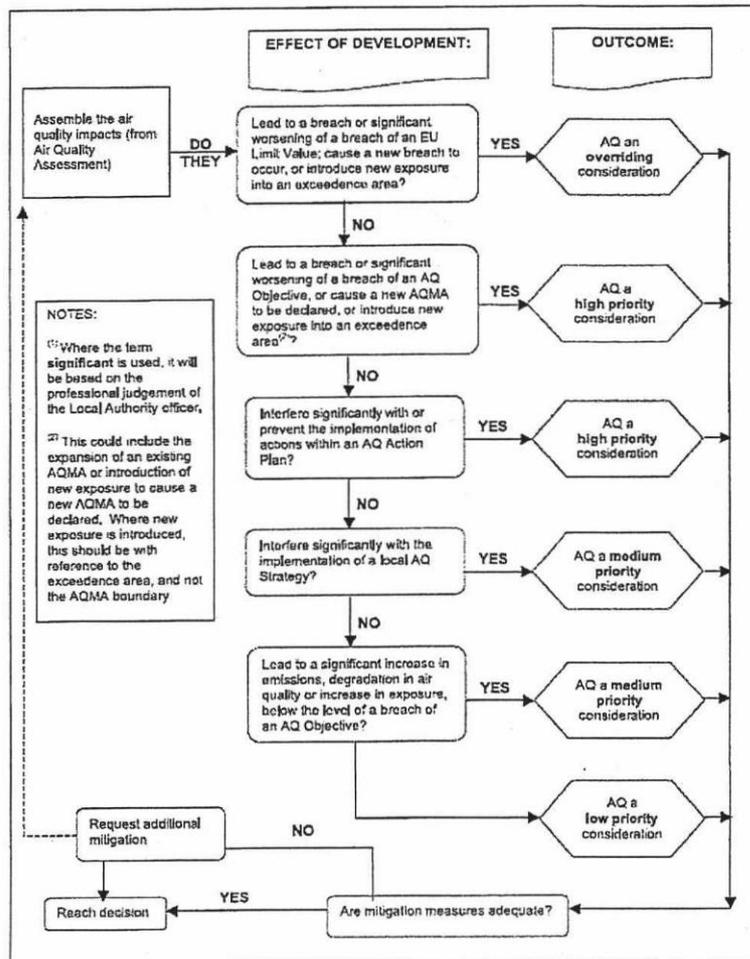
Table 4 – Air Pollution Exposure Criteria (APEC)

APEC Category	NO <sub>x</sub>	PM <sub>10</sub>	Recommendations
A	>5% below national annual mean objective	>5% below national annual mean objective >1-day less than national 24-hour objective	No air quality grounds for refusal; however mitigation of any emissions should be considered.
B	Between 5% below or above national annual mean objective	Between 5% above or below national annual mean objective Between 1-day above or below national 24-hour objective	May not be sufficient air quality grounds for refusal, however appropriate mitigation must be considered
C	>5% above national annual mean objective	>5% above national annual mean objective >1-day more than national 24-hour objective	Refusal on air quality grounds should be anticipated, unless the Local Authority has a specific policy enabling such land use and ensure best endeavours to reduce exposure are incorporated

<sup>18</sup> Air Quality and Planning Guidance, written by the London Air Pollution Planning and the Local Environment (APPLE) working group, January 2007

Furthermore, the guidance released by Environmental Protection UK also provides steps for a Local Authority to follow in order to assess the significance of air quality impacts of a development proposal. This procedure, shown in Figure 1, has also been applied to the modelled results.

Figure 1 – Assessing the Significance of Air Quality Impacts of a Development Proposal



## 5 INPUT DATA

### 5.1 Traffic Data

Annual Average Daily Traffic flows (AADT) for the M6 between junctions 3 and 3A from the DfT is provided in Table 5. The proportion HDV is also provided. The vehicle flow rates provided for 2010 have been projected forward for 2013 using the forecasts described in Section 4.2.2. These are also provided in Table 5. It was assumed that the proportion of HDV traffic in 2013 will remain unchanged.

Table 5 – Annual Average Daily Traffic Flows and Percentage HDV for Selected Roads

Road / Link	2010	2013
Toll End Road	AADT = 120,448 %HDV = 16.1%	AADT = 132,880 %HDV = 16.1%

The annual average modelled speed (70 mph / 113 kph) has been derived from the speed limit along the M6.

### 5.2 Background Concentrations and Monitoring Data

Background concentrations of NO<sub>2</sub> and PM<sub>10</sub>, derived from the National Air Quality Archive UK Background Air Pollution Maps from a baseline year of 2008, are provided in Table 6.

Table 6 – Background NO<sub>2</sub> and PM<sub>10</sub> Concentrations

Pollutant	2010	2013
NO <sub>2</sub>	22.7	19.0
PM <sub>10</sub>	18.5	17.9

## 6 AIR QUALITY ASSESSMENT

### 6.1 Impact from Construction Activities

Given the nature of the traveller's site, the likelihood of a dust nuisance occurring is considered low due to type of construction that is likely to take place at the site. However, the exact scope and layout of the site is not known at this stage. As such, a worst case approach has been adopted for the assessment of impacts from construction.

The key potential construction air quality emission sources from the proposed development are as follows:

- Construction vehicle movement: vehicles moving in and around the site emitting exhaust particulate and re-suspending loose material on the road;
- Excavation/demolition activities;
- Material transfer: spillage from transferring material around the site, wind picking up dust from material stock piles, particulate lifted from open container vehicles by the wind generated from the vehicle movement; and
- Passing vehicles: Material tracked out on the wheels of site traffic and re-suspended by passing traffic.

The closest residential receptor to the proposed development lies approximately 50 metres to the northeast. The predominant wind direction is south-westerly and therefore any dust is likely to be blown north eastwards. As such, given the proximity of the residential receptors to the northeast of the site some degree of dust impact is possible at this location if the dust is not properly mitigated.

## 6.2 Impact of Vehicle Emissions

### 6.2.1 Nitrogen Dioxide (2010 and 2013)

Predicted annual mean concentrations for NO<sub>2</sub> in 2010 and 2013 are provided in Table 7. As mentioned in Section 4.2.1, NO<sub>2</sub> concentrations have been calculated from the predicted NO<sub>x</sub> concentrations using the latest NO<sub>x</sub>-NO<sub>2</sub> conversion spreadsheet available from the Air Quality Archive.

Table 7 – Predicted NO<sub>2</sub> Concentrations, Annual Mean (µg/m<sup>3</sup>)

Receptor	NO <sub>2</sub> (2010)	NO <sub>2</sub> (2013)
1	36.9	34.9
2	34.1	31.7
3	31.8	29.2
4	30.0	27.1
5	28.5	25.4
6	27.2	24.0
7	26.2	22.9
8	25.5	22.1
9	24.9	21.5
<b>Objective</b>	<b>40</b>	

The predicted concentration of NO<sub>2</sub> in 2010 and 2013 do not exceed the annual mean objective at any of the modelled receptors. Using the Air Pollution Exposure Criteria (APEC) described in Table 4, the predicted concentrations fall within APEC Category A, meaning that there are "no air quality [NO<sub>2</sub>] grounds for the refusal of the development, however mitigation of emissions may still be considered".

Nitrogen dioxide also has an hourly objective of 200 µg/m<sup>3</sup> not to be exceeded more than 18 times in one year. However, the hourly mean concentration is not calculated directly by the DMRB method. This is as a result of an evaluation of continuous monitoring data from across the UK that revealed that the relationship between the annual mean and hourly mean NO<sub>2</sub> concentrations was very weak. Nonetheless, research undertaken in 2003<sup>19</sup> has

<sup>19</sup> Analysis of Relationship between 1-Hour and Annual Mean Nitrogen Dioxide at UK Roadside and Kerbside Monitoring Sites, Laxen and Marner, 2003

indicated that the hourly NO<sub>2</sub> objective is unlikely to be exceeded at a roadside location where the annual mean NO<sub>2</sub> concentration is less than 60 µg/m<sup>3</sup>. Given that predicted NO<sub>2</sub> concentrations in 2009 and 2013 are well below 60 µg/m<sup>3</sup> at all the modelled receptors, the short term objective for NO<sub>2</sub> is unlikely to be exceeded.

Furthermore, using the flow chart presented in Figure 1, air quality (NO<sub>2</sub>) is a "low priority consideration" based on the predicted concentrations at the proposed development.

**6.2.2 Particulate Matter (2010 and 2013)**

Predicted annual mean concentrations for PM<sub>10</sub> in 2010 and 2013 are provided in Table 8. The number of 24-hour exceedences is also provided.

**Table 8 – Predicted PM<sub>10</sub> Concentrations (µg/m<sup>3</sup>)**

Receptor	Annual Mean (2010)	24-hour Mean Exceedences (2010)	Annual Mean (2013)	24-hour Mean Exceedences (2013)
1	21.7	5.8	21.2	5.1
2	21.0	4.8	20.5	4.1
3	20.5	4.0	20.0	3.4
4	20.1	3.8	19.5	2.9
5	19.7	3.1	19.2	2.5
6	19.5	2.8	18.9	2.2
7	19.3	2.5	18.7	2.0
8	19.1	2.4	18.5	1.8
9	19.0	2.3	18.4	1.7
<b>Objective</b>	<b>40</b>	<b>35 times a year</b>	<b>40</b>	<b>35 times a year</b>

The DMRB predictions for annual mean PM<sub>10</sub> concentrations for 2010 and 2013 indicate that the annual mean objective (40 µg/m<sup>3</sup>) would be achieved at all the modelled receptor locations. For both years, the predicted results fall within APEC Category A, meaning there are "no air quality [PM<sub>10</sub>] grounds for the refusal of the development, however, mitigation of emissions may still be considered".

Furthermore, using the flow chart presented in Figure 1, air quality (PM10) is a "low priority consideration" based on the predicted concentrations at the proposed development.

## 7 CONCLUSIONS AND RECOMMENDATIONS

### 7.1 Impact from Construction Activities

A qualitative assessment of dust levels associated with the proposed development has been carried out. The qualitative assessment shows that although dust is likely to occur from site activities, this can be reduced through appropriate mitigation measures. Implementation of the following Best Practice Measures based on a low risk site will help reduce the impact of the construction activities to an acceptable level:

#### Site Planning:

- Erect solid barriers to site boundary;
- No bonfires; and
- Plan site layout – machinery and dust causing activities should be located away from sensitive receptors.

#### Construction Traffic:

- All vehicles to switch off engines – no idling vehicles;
- Effective vehicle cleaning and specific wheel-washing on leaving site;
- All loads entering and leaving site to be covered;
- No site runoff of water or mud; and
- All non road mobile machinery (NRMM) to use ultra low sulphur tax-exempt diesel (ULSD) where available.

#### Site Activities:

- Minimise dust generating activities;
- Use water as dust suppressant where applicable; and
- Enclose stockpiles or keep them securely sheeted.

With the above mitigation measures enforced, the likelihood of nuisance dust episodes occurring at nearby receptors are considered low. Notwithstanding this, the developer should take into account the potential impact of air quality and dust on occupational exposure standards (in order to minimise worker exposure) and breaches of air quality objectives that may occur outside the site boundary. Monitoring is not recommended at this stage, however, continuous visual assessment of the site should be undertaken and a complaints log maintained in order to determine the origin of a particular dust nuisance. Keeping an accurate and up to date complaints log will isolate particular site activities to a nuisance dust episode and help prevent it from reoccurring in the future.

## 7.2 Impact of Vehicle Emissions

Predicted concentrations of NO<sub>2</sub> at the proposed development site are below the annual mean air quality objective in the baseline year (2010) and the assumed first full year of occupation (2013) at all modelled receptors. Based on the Air Pollution Exposure Criteria (APEC) provided in Table 4, predicted concentrations for NO<sub>2</sub> in 2010 and 2013 at these receptors fall within APEC Category A, which states that there are "no air quality [NO<sub>2</sub>] grounds for refusal, however mitigation of any emissions should be considered".

Predicted concentrations of PM<sub>10</sub> do not exceed the relevant air quality objectives in 2010 or 2013 at any of the modelled locations. Based on the Air Pollution Exposure Criteria (APEC) provided in Table 4, predicted concentrations for PM<sub>10</sub> in 2010 and 2013 at these receptors fall within APEC Category A, which states that there are "no air quality [PM<sub>10</sub>] grounds for refusal, however mitigation of any emissions should be considered".

## 7.3 Overall Conclusion

Modelled NO<sub>2</sub> and PM<sub>10</sub> concentrations are not predicted to exceed the relevant air quality objectives at any of the proposed receptors in the baseline year (2010) or the assumed first full year of occupation (2013). As such, based on the results of this assessment, it is considered that the site is suitable for development.

APPENDIX 2  
TO CORLEY PLANNING  
APPLICATION  
DATED 6 MAR 12

### Brief History

#### Griff Caravan Site

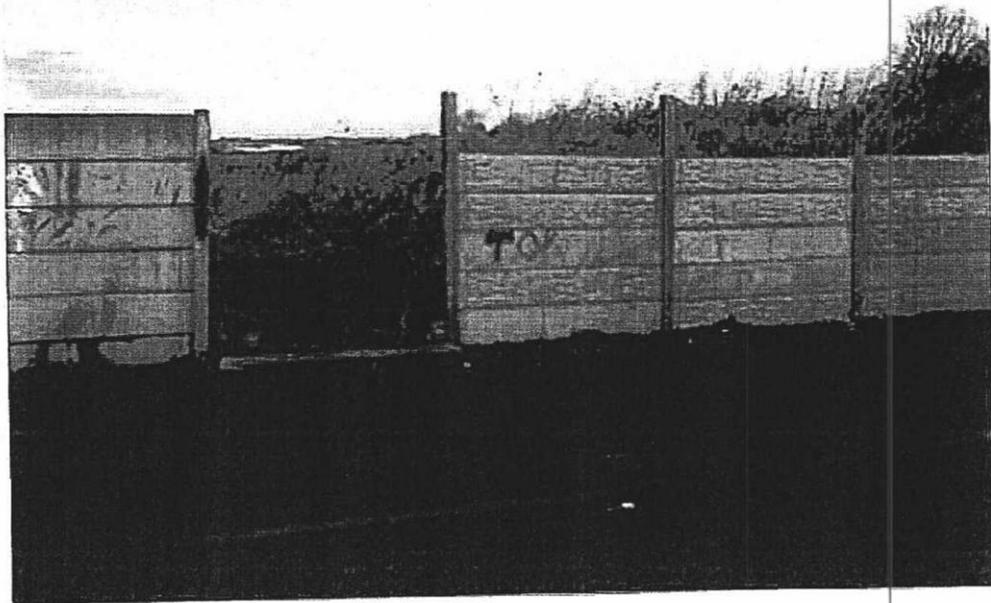
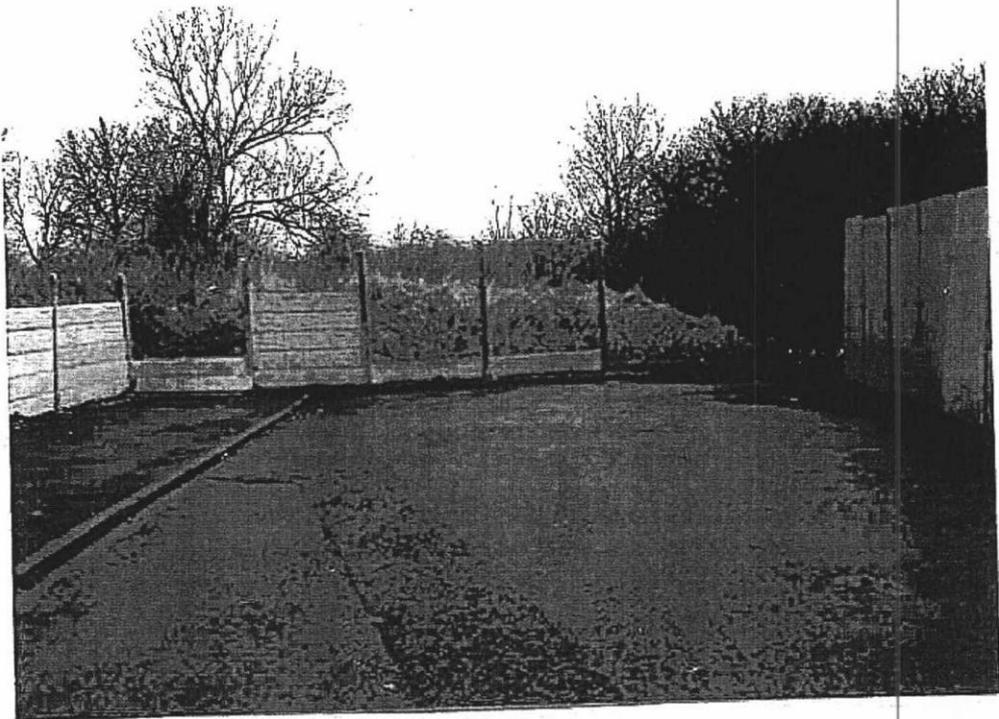
The site was established in August 1979 and was managed by Nuneaton and Bedworth Borough Council until April 2002. Twenty one amenity blocks were built connected to a foul drainage system. The access road from the B4113 was constructed and crude site road and pitches were formed.

The site had, prior to April 2002, been without a warden and as a result wanton damage and the dumping of rubbish had taken place, both on the site itself and adjoining land being a Landfill site owned by Messrs Onyx. There was damage to the concrete wall to the southern and western walls during January 2001.

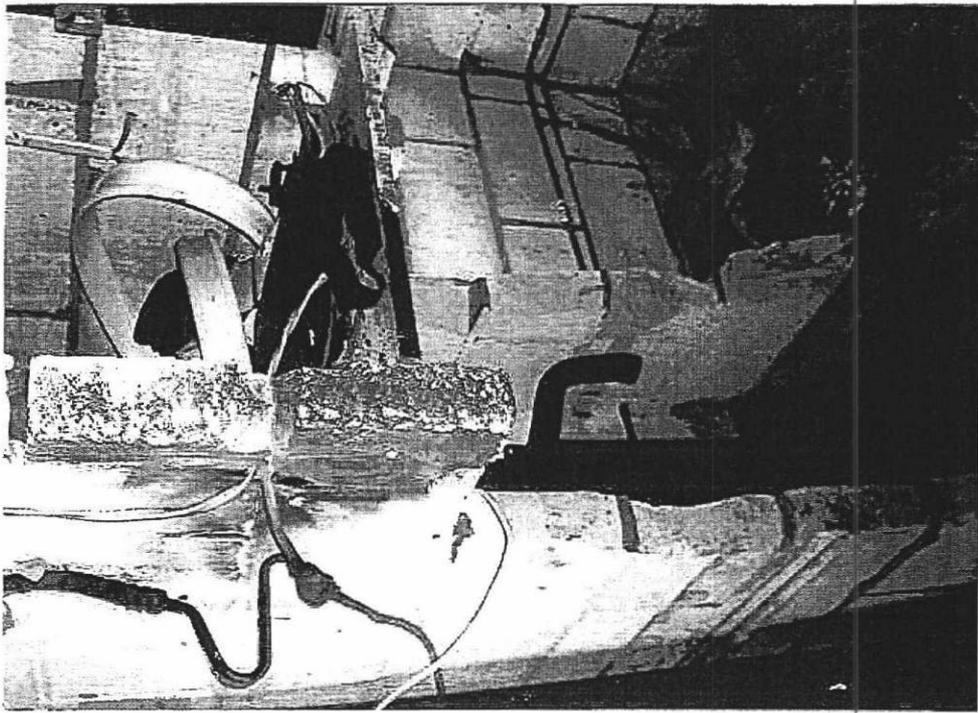
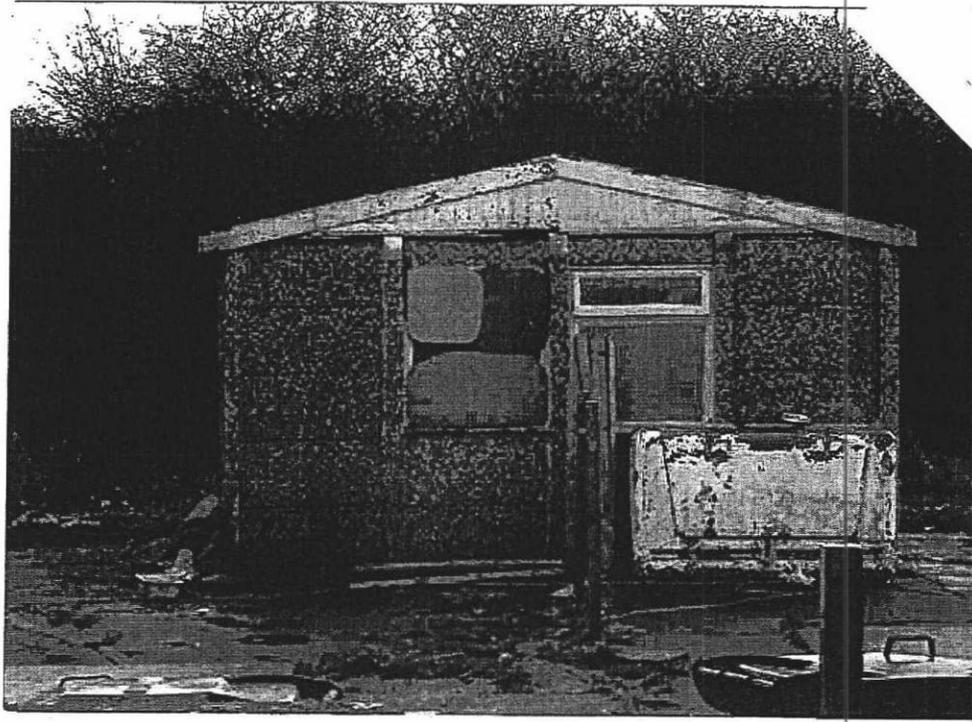
Management was carried out by the lease holder from February 2002 to February 2007 and during this time no maintenance had been carried out. If the residents had not been willing to carry out minor repairs and pay for sewage clearance the site would not be fit to place any type of caravan

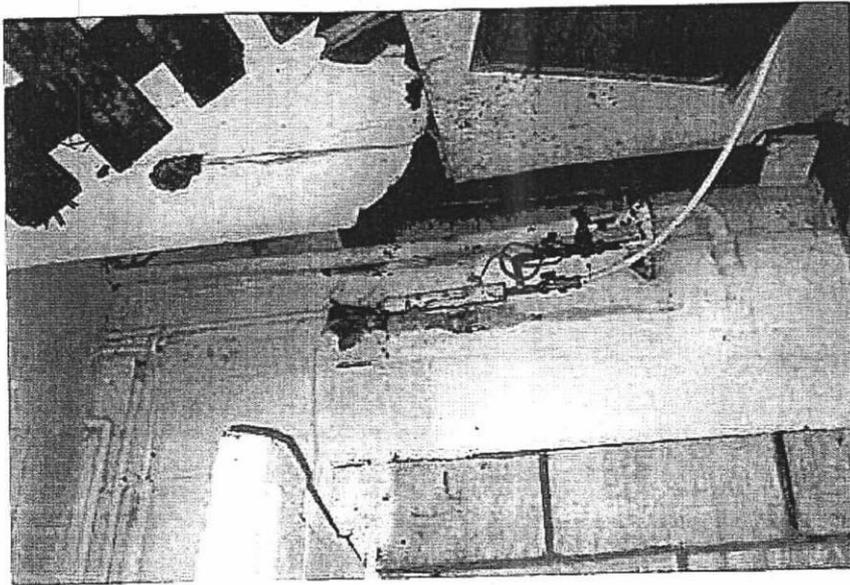
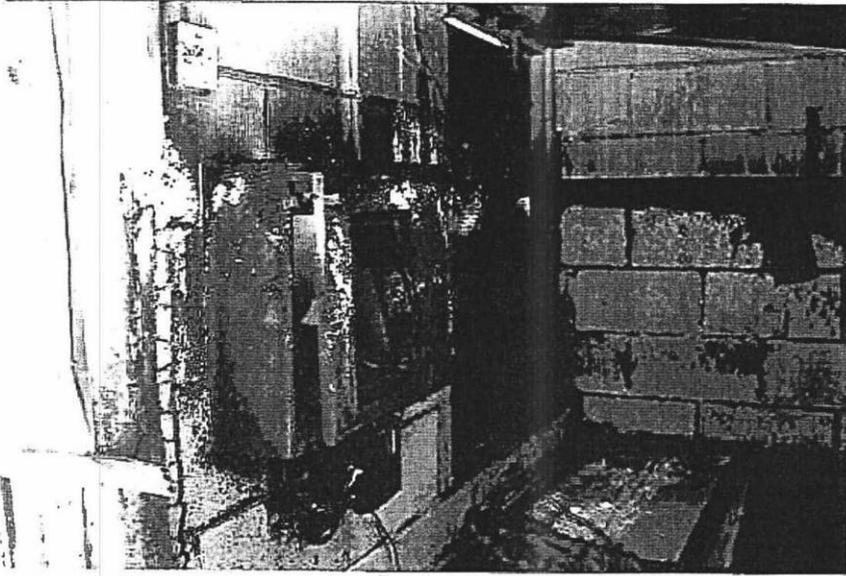
Warwickshire County Council took over management responsibility for the Griff Caravan Site in February 2007, due to the poor condition and the failure by the lease holder to pay the lease fee. Major Health and Safety issues (the site is currently unfit for human occupation) emerged in the early months of management that required the development of a significant programme of emergency maintenance works. 8 out of 22 site utility blocks have been closed on Health and Safety (Structural grounds). Temporary mobile homes were installed on the site to replace these blocks and ensure we complied with our statutory obligations as landlord. The remaining blocks required extensive works to bring them up to a satisfactory level for occupation (toilets, sinks, baths, electrical and water supplies). Significant electrical works were required to reach safety standards and vermin control to rid the site of a major rat infestation. **A near-death incident of the son of one of the resident families was being blamed in part by the family on the state of the site.** It was immediately obvious that the facilities were in a poor condition and that the only cost effective solution was complete redevelopment.

Having obtained funding from CLG and County Council a project was put in place to rebuild the site which was completed in November 2011.

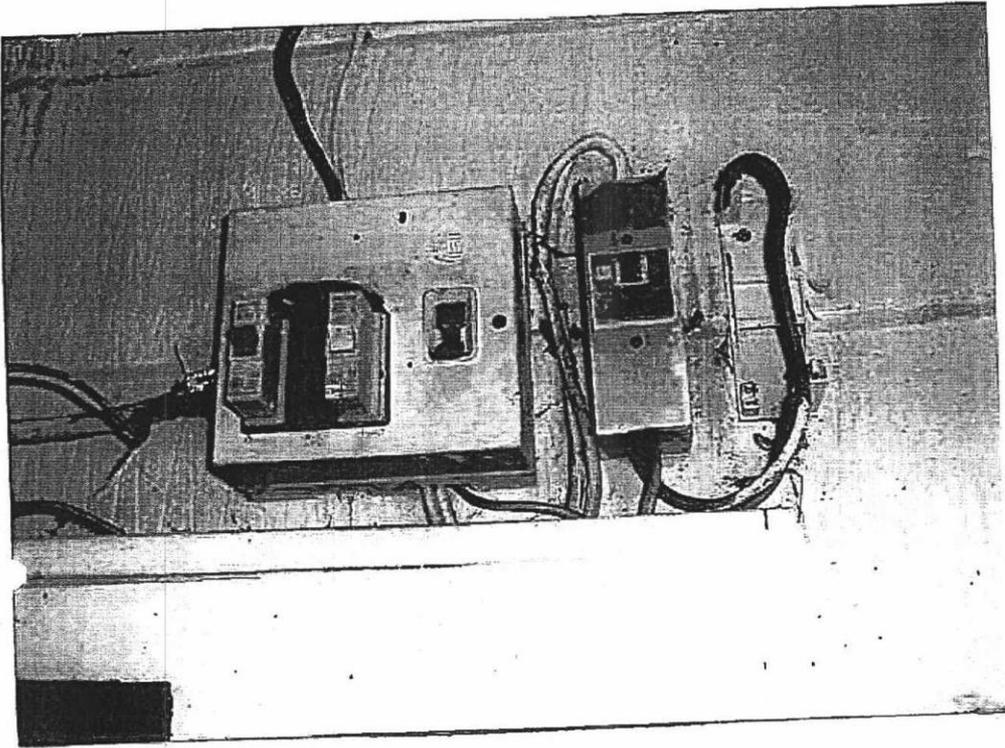














APPENDIX 3  
TO CORLEY PLANNING  
APPLICATION  
DATED 6 MAR 12



Community Services

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To whom it may concern

**Re: Patrick Doherty. DoB 06.07.00. 21 Griff Caravan Site, Coventry Road. Nuneaton. Warwickshire. CV10 7PE.**

Patrick has a condition called Central Hypoventilation Syndrome. This syndrome sadly cannot be cured nor will Patrick grow out of the condition. The consequences of Central Hypoventilation Syndrome are that Patrick has no respiratory drive when asleep or unconscious.

**Sleeping.**

During sleep Patrick is ventilated with a home ventilator and is cared for 1:1 by a highly trained NHS worker. To deliver safe care including training and staff facilities the minimum space required is width 3600 mm x 3685 mm length plus storage area of 1500 mm x 2000 mm. Without 1:1 supervision and ventilation Patrick would die.

**Unconsciousness.**

During unconsciousness Patrick would not breathe and would die without ventilation. At school and on school transport, Patrick has a 1:1 carer trained in resuscitation and bag and mask ventilation.

**The Griff Site.**

The Griff site is an unsuitable place for Patrick to be safely cared for. The main risks come from:-

- Inadequate space to safely care for Patrick in his current home.
- Risks to staff travelling to the home at night.
- Difficulties around ambulances finding and entering the Griff Site safely.
- We have currently had to suspend training due to space issues without speedy resumption Patrick's care package will collapse.
- The Griff site has numerous opportunities for accidents leading to unconsciousness, as Patrick becomes older these risks increase and supervision gets harder. The building works proposed will significantly increase these risks during construction. Past experience of the Griff site suggests even after the build dumping on and damage to the site will soon increase the potential risks for accidents again.
- The site has a significant link with alcohol abuse. Drinking to excess would almost certainly lead to unconsciousness and if unspotted death for Patrick.

*'Your Health, Our Concern'*

Summary.

Patrick has a life threatening condition but due to the dedication of his family, NHS care team and school he has a great quality of life. The Griff site threatens the stability of his home situation and the NHS care team. The site has numerous risks associated with it which could damage residents health via an accident or developing health risking behaviour, for most children on the site this is a manageable risk for Patrick these risks are life threatening.

I would ask that these concerns are if at all possible acted upon by helping the family to locate to a safer pitch where they can bring Patrick up in a culturally appropriate way and maintain his safety.

Regards

Mr David Widdas  
Consultant Nurse  
Children with Complex Care Needs  
NHS Warwickshire

**Report into the Medical Housing Requirements of  
Patrick Doherty DoB:06/07/00.**

**Context.**

Patrick has a very rare medical condition called Central Hypoventilation Syndrome. This syndrome means he does not breathe when he is asleep or unconscious. The condition also means even minor chest infections can necessitate admission to a specialist children's unit.

To live, Patrick requires artificial ventilation via a ventilator when asleep or unconscious. To safely give life sustaining ventilation a highly trained carer needs to provide one to one supervision when Patrick is asleep or unconscious.

Patrick was discharged home into the care of his parents supported by a seven night N.H.S care package in 2002. He now attends mainstream school with a one to one care package supported by the N.H.S and the L.A.

**Accommodation.**

Patrick and his family are travellers and wish to maintain their culture and heritage. Early planning for discharge included investigation of housing options. The family worked with N.H.S occupational therapists to design their caravan. Within the constraints of the pitch size a caravan design was agreed, commissioned and purchased by the Doherty's. The room size was a significant compromise but due to Patrick still being in a cot the room was just about adequate. Storage of all medical supplies is done at a local N.H.S. clinic due to lack of space.

Since discharge Patrick has grown and now has a full size bed. Health and safety requirements now require overnight carers to be provided with specialist seating. Patrick when unwell has to be transferred by stretcher from his bed to the ambulance (this is to accommodate Patrick his ventilator and batteries.)

In 2006 a multi-agency review meeting took place where it was agreed that within 2 years the current accommodation would be unsuitable for Patrick's needs. John Hardman represented the Council. Patrick's father, John and colleagues from the council have worked together to identify a place for a bigger home. In June 2008 following up concerns from care staff, Patrick's room was risk assessed again and it was decided that the practice of doubling staff up for training was unsafe in the space available, as Patrick's needs could not be safely met with 2 staff in his room, training was discontinued. The care package will cease as and when current carers leave. When this happens Patrick's parents will be faced by an unmanageable 24 hour care burden. Patrick's safety and long term home placement will then be in jeopardy.

#### **Space required for home ventilation.**

Home ventilation is a complex medical procedure. There are significant risks in home ventilation, parents and staff need to be ready to respond to emergencies at all times. All staff and parents are trained in hand ventilation, resuscitation and emergency routines during equipment failure. All children require two ventilators with back up batteries to be set up and ready. There is a requirement for complex monitoring equipment with back up systems in place. Patrick also requires oxygen when he is unwell.

We recommend that beds are positioned so they are accessible at both sides with adequate space to enable effective resuscitation (this is no longer possible in Patrick's room). Since Patrick was discharged home, 3 other children have been discharged into Warwickshire requiring life sustaining overnight ventilation they have all had extensive extensions on their council homes to make them suitable for this type of care. A minimum safe space for care would be 3600mm x 3700mm clear space around the bed. This is taken from research undertaken for N.H.S Estates in 2005. Space for storage for the supplies Patrick requires would be approximately 1500mm x 2000mm (this equipment is currently stored in a local N.H.S clinic requiring regular deliveries by staff.)

Overnight staff require specialist seating and a position where they can observe and care for Patrick directly. An occupied seat needs 1200mm (NHS Estates 2005). To enable training and updating of staff two occupied chairs need to be allowed for. Staff need access to a kettle, fridge as they cannot leave the child at any time. Toilet facilities are required nearby (preferably separate from family toilets and not next to a family bedroom so as to avoid disruption).

#### **Future needs.**

As Patrick becomes older carers within his bedroom will become inappropriate. The other children in Warwickshire who have had adaptations have had observation windows or glass doors added to the design to allow carers to observe from outside the room, this necessitates a vacant room next to the child's room with a clear line of site to the child. Patrick is now 8 years old and already becoming disturbed by the intrusion of carers in his room.

#### **Griff site.**

The Griff site has proved a significant challenge to delivering care. Nuneaton Police were consulted on staff safety prior to discharge and advised against staff being on the Griff site overnight. Staff have expressed reservations but the welcome of the Doherty family has enabled care to continue on the site. Letters concerning essential medical appointments rarely reach the Doherty's. N.H.S equipment destined for the Doherty's has been signed for by other Griff residents and never reappeared.

#### **Doherty family.**

Home ventilation and overnight care puts unimaginable stress on families and staff (Ludvigsen & Morrison 2003, Noyes & Lewis 2005, Noyes & Lewis et al 2005). Cramped care environments compound this stress. Staff turnover and high levels of conflict are common in this type of care package. It is of note that the Doherty family have won high praise from our care team and despite very difficult environmental problems there has never been conflict between the family and the care team

**Proposal by Rob Leahy.**

I have reviewed Rob Leahy's proposal for a new van that would fit on the new pitch after refurbishment. Unfortunately the proposal offers little medical advantage over the current dwelling. The requirements outlined above are not met by this design, there is some increase in space but not the required dimensions outlined above. Stretcher access would not be possible making ambulance recovery difficult when on going ventilation and oxygen administration are required.

**Conclusion.**

The current environment is unsustainable. The proposals put forward for the Griff site redevelopment do little to change this position. The success of the care package so far is testament to the Doherty family's ability to adapt and work with support staff. The inability of the N.H.S to train new staff in this environment will put unimaginable care burden on the family increasing the risks to Patrick and his long term ability to live at home with his family.

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Noyes Jane and Lewis Mary et al .2005. **National Service Framework for Children, Young People and Maternity Services Long Term Ventilation.** Department of Health and Barnardos.

CHILDREN, YOUNG PEOPLE & FAMILIES

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To whom it may concern

10 February 2011

I am writing to raise your attention to a very difficult situation which I am hoping that you may be able to support us with.

I have been working with the Doherty family since January 2001 in relation to their youngest child Patrick (DOB 06/07/00) who was born with Congenital Central Hyperventilation Syndrome, also known as Ondine's Curse, which means that his life is dependent on BIPAP Ventilation when asleep. This meant that Patrick spent the first 18 months of his life in Birmingham Children's Hospital until he was discharged to the care of his family on 27/12/01 where he has effectively remained. The health support package with this family has been incredible and they have managed to secure a group of trained waking night carers to ensure that someone stays awake with Patrick at his home every night to monitor his ventilator which, if it slipped, would result in his death within just 2 minutes.

What has complicated this case has been the fact that the Doherty family are travellers who had moved to The Griff Site temporarily in 2000 and would have moved on had it not been for the fact that their son Patrick requires the essential localised health support to keep him alive. The family have come from Ireland and 2 brothers married 2 sisters from long standing gipsy families and have continued to travel and support each other and their children ever since. This has meant that the discharge package for Patrick meant that a family who would ordinarily have been used to their privacy has worked extensively with us initially in receiving training whilst Patrick was in hospital to ensure that they were adept at the medical competencies required to keep him alive, then in collaborating with health, Social Services and Occupational Therapy in planning a mobile home (which the family then

funded) to ensure that their home would house Patrick's specialist equipment and the waking night service necessary to discharge him back to their care. We did counter some prejudice at this time from unexpected quarters who believed that the only solution for this family would be to shun their heritage and live for the first time in a house.

The support package has continued to be successful. Patrick is now 8 and is thriving at home and attends the local Catholic School, along with his older brother Isaac. They have a baby sister Nicole. Patrick's Aunt, Uncle and cousins continue to live next door and the families help to support each other, including managing to take all of the children away on holiday this year without health support as the adults took it in turns staying awake to mind Patrick. Many of the original core group of waking night carers who were recruited 7 years ago remain on rota to support Patrick during the night despite the fact that this means accessing a site with many problems and an underlying current of menace and threat. The carers retain a professional and friendly relationship with the family despite the fact that with Patrick and his family growing, the room within the mobile home is becoming very limited. Health are finding it hard to recruit further health workers as they need to be trained in situ in Patrick's bedroom and there just simply isn't enough room. The council are now looking to redevelop the Griff Site which will mean further upheaval for the family in the interim.

It has always been the wish of the Doherty family to purchase their own land which would now need to be in easy distance of George Eliot Hospital and the school at which the boys have settled. This wish is now becoming even more crucial with the changes already described making a move a very desired and pressing ambition. Mr Doherty has been liaising extensively with both the town and county council in an attempt to locate some council land which he could purchase but to no avail as no land is readily available. He has repeatedly said that he does not want his family to squat on council land and wants to follow an appropriate and legal route to meet the needs of his family. Whenever Mr Doherty attempts to purchase land privately, the offers are always refused when the seller realises that they are selling to a gipsy family, such is the prejudice that this oppressed group face. This is unfortunate as if sellers were to meet the family they would realise that any myths or concerns based on the minority of travellers do not apply here. This family's home at the Griff site has been purchased by the family specifically to meet the needs of that family and has been maintained to an impeccable standard. The land around Mr Doherty and his brother's home has been developed and maintained at the cost of the families and stands out from the rest of the site due to the high standards attained. The mobile homes are actually very beautiful and look to all effects like bungalows as the wheels are covered. The family has worked cooperatively and sensitively with all agencies involved in keeping Patrick alive and well and the waking night carers have shared the family home with them over the past 6 years without problem.

The reason why I am writing to you, is that Mr Doherty would like the opportunity to buy (or lease on a long term contract) some currently vacant land at Corley adjoining

the motorway. He would like to purchase 2 mobile homes for his brother and his family and move onto the land long term. He would ensure that the land was well developed and maintained at his expense in consultation with your wishes and that no other travellers moved on. He has stated that he would have it written up in any contract that if the family's circumstances changed at any time and they decided to move on then they would sell the site directly back to the council that there could be a claw back clause in the terms and conditions if you needed access to the site for planning permission for building. This family just needs the opportunity to live within the vicinity and according to their heritage and that piece of land would offer that potential. Its location is ideal as it is within easy travelling distance of the hospital and both primary and secondary Catholic schools and could be easily accessed by waking night staff and emergency services when required.

I would be very pleased if you could consider this proposal. I have worked with this family for a number of years now and have found them to be pleasant, quiet people who keep themselves to themselves and are totally committed to the welfare of their children. They have had a difficult time as a result of Patrick's very unique disability and are finding it even more difficult to sort things out as a result of the discrimination they face due to their heritage. Please do not hesitate to contact me should you want to discuss any of these issues in more depth or if you have any suggestions which you feel would help.

Yours sincerely

.....  
*Gill White*

Team Leader, Social Care  
Integrated Disability Services - North

Copy to: Robert Leahy  
Isaac Doherty  
David Widdas



**Warwickshire  
County Council**

Children, Young People and Families

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5 April 2011

Dear Mr Leahy

In response to your referral to the Integrated Disability Service for this child, I am writing to confirm the IDS Social Care position.

This child and his family has been known to IDS for quite some time. Patrick has a very complex disability and he requires consistent, regular and intimate care. This department has previously assessed the parents and are fully satisfied that Mr and Mrs Doherty have very capable skills to meet the demands of their child's care. There is no evidence or concern that warrants any Social Care intervention. The IDS is completely satisfied that, alongside Warwickshire NHS support, Patrick's care provided by his parents at home is of a high and consistent quality. Mr and Mrs Doherty are extremely competent parents. Away from his parents, the Local Authority provides nursing support within the school setting.

I have discussed this case with Continuing Care Nursing Manager, David Widdas, and fully agree and support the nursing teams' view that any change of home address would not be in Patrick's best interest.

Patrick receives very intimate and life-supporting nursing care within the family home from both his parents and trained nursing staff. This allows parents to have a break from delivering this care themselves and an opportunity to focus on other family member needs.

I understand the current location of the family home is a separate location away from other families and homes. This is an ideal setting as it provides Patrick with a quiet, clean and safe environment that does not exacerbate his disability.



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Warwickshire*

Considering any move to The Griff site (or any other more populated site) would be a poorer choice for this child to be expected to reside in. I understand this site has a variety of families living in close proximity. There is little control from outsiders entering the site and Continuing Care Nursing personal safety could be compromised.

An Integrated Disability Social Worker has visited the family recently and, again, confirms that the current living arrangements for this young man offers an environment that is stable, safe and compatible to providing a non-disruptive atmosphere where his very complex medical needs are met.

I advise Warwickshire County Council to support this family to remain in situ until Patrick's disability and care needs improves to such a degree that the current level of home-based medical care is reduced considerably or no longer required.

Yours sincerely



David DeMay  
Service Development Manager – Social Care  
Integrated Disability Service

Copies to:

Mr and Mrs Doherty  
David Widdas – Continuing Care Nursing Manager  
SW File



## Planning Application Reference – NWB/12CC008

### Radbrook Workshop, Highfield Lane, Corley

Mr Grace,

Please find below Corley Parish Council's response to the above planning application – for the avoidance of doubt the Parish Council's response is based on the high level of feedback from residents of Corley regarding the continued unauthorised encampment on this site.

It is important, when considering this planning application that you are fully aware of the background to this case as it does have a material effect on how we have responded.

#### Background

Warwickshire County Council's handling of this situation from the beginning has been lamentable based on the following facts.

- A WCC Gypsy & Traveller Service Officer showed the land to the family who now occupy this land without ANY consultation with the Parish Council or the local community
- The site was broken into (gates were closed and padlocked) by those now encamped on the site when unauthorised occupation commenced
- WCC, at a Public Meeting in Corley Village Hall (almost two years ago), confirmed and committed that the family would be moved off the land once the alternative site at the Griff was completed – a commitment which was later not fulfilled
- At a meeting in Dan Byles office (our local MP) in July 2011 WCC said they were going to seek temporary planning permission for this site but it has taken over eight months to get to this point – an absolute disgrace
- The family in question call themselves travellers – the very fact that they want to stay for what is likely to be an indefinite period makes this nonsense. The Parish Council clearly has sympathy with any family with a sick child but it would make entire sense to move the family to a house where local medical services would be much more on hand than the present location
- WCC has only communicated what has been going on during this protracted period when emails have been sent asking what was on earth was going on. WCC has a duty of care to residents and has failed badly over this issue

The above facts put the Parish Council in an invidious position when trying to provide a response to this planning application and its implications. Our initial inclination is to object strongly to this planning application and trust that WCC would then take enforcement action to remove the families who are occupying this land. However given what has gone before Corley Parish Council has absolutely no faith in WCC and therefore the occupation of the land would continue for an unspecified timeframe without any monitoring and eviction proceedings and residents would be rightly extremely frustrated and angry.

The land in question is Green Belt and as such should be returned to this state just as soon as possible. There are local farmers who would likely wish to rent the land off WCC and thus not only ensure the land is used for what it is intended but also give WCC an ongoing revenue stream.

It is therefore with GREAT reluctance that Corley Parish Council will not raise objections to this planning application. However this response is only if the stated conditions of continued unauthorised occupation are FULLY complied with, regularly monitored and any deviation result in the families being evicted immediately.

These conditions are (after some prompting and correction from ourselves!!) contained in your document 'Planning Statement and Design Access Statement'. The key conditions that the Parish Council insist on are as follows.

- The occupation of the site is only for the named individuals in the document
- The occupation of the site will cease when Patrick Doherty is no longer present (for whatever reason) on the site
- The occupation of the site is for residential purposes only – no commercial activities shall take place on the site including the storage of any materials
- The Nissan hut on site will be demolished within three months of the planning application being approved
- The Doherty family will pay a reasonable rent to WCC for the use of the land and also pay all other council tax and utility bills that apply
- No other development of the site is allowed – anything other than what has been specified will be deemed as a breach and eviction action will follow
- WCC will regularly inspect (and have the right of access) the site to ensure the above conditions are being adhered to. It would seem reasonable to expect a monthly inspection and any deviations should be notified to the Parish Council with WCC's steps to resolve or evict the family
- The Doherty family sign a legally binding contract with the above conditions in so that there can be no argument if the agreement is broken what the remedial action is i.e. eviction

In addition to the above the specific conditions relating to the right to occupy and overall timescales need to be tightened as follows.

- Were the document states (document point 2) 'The site shall only be occupied by Mr Isaac Doherty and Mrs Lisa Doherty and/or Mr Stephen Doherty and Mrs Rebecca Doherty and their children, while Patrick Doherty son of Isaac and Lisa Doherty resides on site' – this should be amend to a) specify the children are as named on Page 1 of the document and b) to state that once Patrick Doherty no longer resides on the site that this planning permission will cease with immediate effect.

In these circumstances the Parish Council would expect the site to be vacated and return to Green Belt within a maximum of three months of this condition arriving.

- Were the document states (document point 5) 'Within five years from the date of this permission the use approved by this permission shall cease etc' – this should be amended to state - Within five years from the date of this permission, or sooner dependent on the circumstances regarding point 2 above, the use approved by this permission shall cease etc'.

Nothing less than a legally binding, watertight contract will satisfy Corley Parish Council that WCC are taking their responsibilities seriously and at least the unauthorised encampment (which was clearly started by WCC's irresponsible action in showing the land to the Travellers) will be put on a basis which can be monitored and at some stage in the future brought to an end.

The Parish Council would also request clarification and potential remedial action on another aspect of this site if this planning application is approved. The supply of water to the site currently relies on residents adjacent to the site allowing the water to be obtained from their supply. Whilst not specifically a planning issue if the temporary planning permission is passed this anomaly should be corrected so that a separate water supply and meter is installed to the site. The Parish Council would also request clarification on the sanitary arrangements on the site. Is it correct that a septic tank has been installed?? If this is the case, and if temporary planning is approved, the Parish Council want assurances that no excess effluent is allowed to drain away into the surrounding fields or ditches.

**Corley Parish Council**  
**5<sup>th</sup> April 2012**

**(2) Application no: CON/2012/0007**

**De Mulder and Sons Ltd, Mancetter Road, Hartshill**

**Proposed New Extension to north-west corner of main processing building for**

**De Mulder and Sons Ltd**

### **The Site**

These premises are on the north side of the Mancetter Road located between the main west coast railway line and the Coventry Canal. This Animal Products processing plant comprises a variety of buildings, plant, chimneys and equipment together with service and parking yards. The site of the current application is within the centre of this complex as can be seen from the location plan at Appendix A.

### **The Proposal**

It is proposed to extend the main processing building on the site by some 600 square metres representing a 21 % increase in footprint. The proposed eaves and ridge line (12 metres) would match the existing, as would the facing materials – brick and cladding. There would also be two new chimneys – each 22 metres tall. Two existing 14 metre chimneys however would be removed. The attached plans at Appendix B provide proposed elevations.

### **Background**

The extension is required to accommodate the move towards processing both high and low grade levels of the two existing products – namely meal and tallow. The site is currently permitted by the Environment Agency to process a maximum of 250,000 tonnes of animal by-products a year. This would not alter with this proposal as the intention is to increase the variety of products arising from the incoming waste. As a consequence of this diversification, two separate processing lines are required with their own respective plant and equipment. It is said that there is insufficient space in the existing building to accommodate the two new lines.

Members have already been consulted on a proposed new tallow farm arising from the Company's diversification programme – see the Board's June agenda for a little more background on this. No objection was raised in principle to these works.

### **Development Plan**

Saved policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities), ENV13 (Building Design)

Saved Policies of the Waste Local Plan for Warwickshire – Policy 1 (General Land Use)

## **Other Material Planning Considerations**

The National Planning Policy Framework 2012

PPS10 – Planning for Sustainable Waste Management

Warwickshire Waste Development Framework (Preferred Options and Policies) – CS2 (The Spatial Waste Planning Strategy), DM1 (Protection of the Natural and Built Environment), DM2 (Managing Health and Amenity Impacts), DM4 (Design of New Facilities)

## **Observations**

The site clearly has a lawful use for the processing of animal by-products and the Company wishes to expand and diversify like any other commercial concern. Moreover the thrust of national and Development Plan policy is to support and to encourage the business sector where that is appropriate and sustainable. This is such a location. The proposed extension is not substantial compared with the scale of the “host” building and when seen in the context of the whole site, it is well sited without adverse impacts outside of the existing range of buildings. The proposed chimneys would stand proud of the building, but there are other taller structures here already and there is an operational reason for their presence and their height, and others would be removed. There is thus no objection in principle to this development.

The issue that is always at the forefront of all development proposals is that of the likelihood of increased odour emissions. The Borough’s Environmental Health Officer has been consulted directly by the County Council on this application and he will forward his observations in due course. If they are available by the time of the meeting, then they will be relayed verbally to the Board.

The second issue is whether the diversification will lead to additional HGV movements. Clearly the existing Permit caps the amount of product imported into the site, but with a greater variety of product leaving the site, there is a possibility that this would give rise to additional traffic generation. The County should be satisfied that access and highway arrangements are acceptable.

## **Recommendation**

That the Council does not object in principle to this development subject to it firstly being satisfied that there would be no greater odour pollution than at present, and that secondly, it being satisfied that that there would be no greater traffic impact.

## BACKGROUND PAPERS

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

Planning Application No: CON/2012/0007

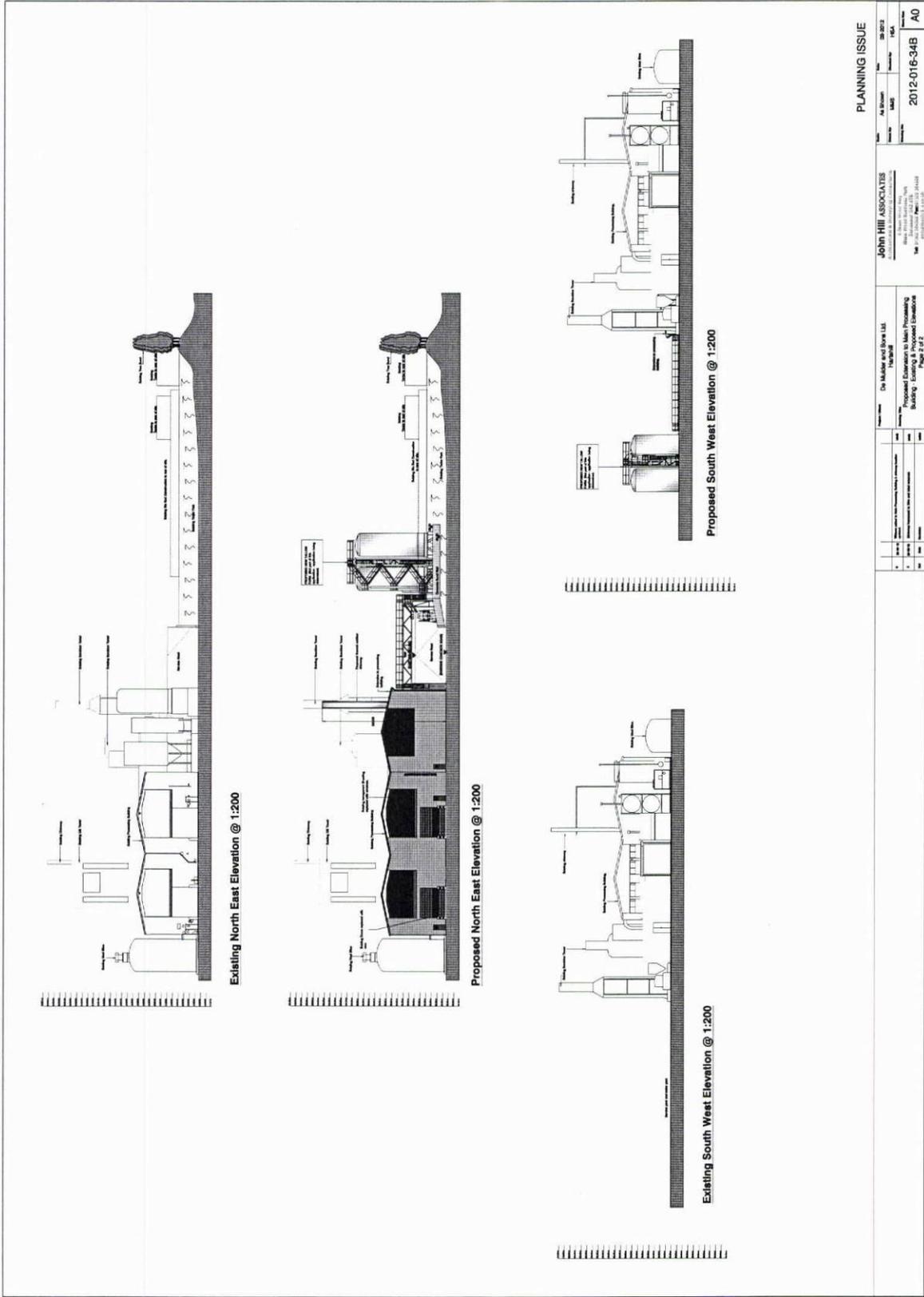
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation letter	5/7/12

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

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



<b>John Hill ASSOCIATES LTD</b> Architecture & Surveying Consultants 8 Swan Wood Way, Elmwood Park, Exminster, Devon, TQ14 3JH Tel: 01392 364488 Fax: 01392 364488 email: johnhill@johnhill.co.uk		Date: 11/12/10 Issue No: MMS Drawing No: 12-016-35 Date: 02/04/12 Issue No: JON
Project Name: <b>De Mulder and Sons Ltd,          Hartshill</b>	Drawing No: <b>Proposed Extension to Main Processing          Building - Location Plan 1 of 2</b>	Scale: 1:1000



PLANNING ISSUE		John Hill Associates		Date	
Issue No.	01-2012	Issue No.	01-2012	Issue No.	01-2012
Issue Title	2012-0116-34B	Issue Title	2012-0116-34B	Issue Title	2012-0116-34B
Issue Date	2012-01-16	Issue Date	2012-01-16	Issue Date	2012-01-16
Issue Author	John Hill Associates	Issue Author	John Hill Associates	Issue Author	John Hill Associates
Issue Reviewer	John Hill Associates	Issue Reviewer	John Hill Associates	Issue Reviewer	John Hill Associates
Issue Status	Approved	Issue Status	Approved	Issue Status	Approved
Issue Description	The Proposed Extension to the Existing Building - Existing & Proposed Elevations				
Issue Reference	Page 2 of 2				

### **(3) Application No: CON/2012/0010**

**Tamworth Motorway Service Area, Green Lane, Tamworth, B77 5PS**

#### **50 metre temporary wind mast**

#### **Consultation from Tamworth Borough Council**

##### **Introduction**

The Council has been invited to comment on this application given it is a neighbouring authority and the impacts arising from the development will not be confined to Tamworth Borough. The matter has been reported to Board at the discretion of the Head of Development Control, in light of continued interest in wind turbine and wind farm development both within the Borough and close to it.

##### **The Site**

The proposed siting is within the M42 junction 10 service station adjacent to the hotel. There is substantial planting around the service station, with semi-mature to mature tree planting throughout. To the north and west lie industrial units within the Tamworth Borough, with residential development beyond these. There is further industry to the south-west beyond which is further residential development. The A5 and M42 surround the site, with relatively flat farmland to the east and south. Birch Coppice and the associated mound lie to the south-east, with Dordon to the east and Birchmoor to the north east. Appendix A shows the site and context in more detail.

The landscape in this area is generally flat, meaning that there are long distance views of the site. However there is a clear and obvious urban influence in this area, with the industrial buildings within Tamworth and Birch Coppice have a distinct impact on the landscape character here. The A5 and M42 have a further urbanising effect. The residential estates within Tamworth and the settlements of Dordon and Polesworth further add to the human influence on this landscape.

##### **The Proposal**

It is proposed to erect a 50 metre wind mast for a temporary period of up to 18 months.

##### **Background**

This proposal is linked to a recent application for a single 67 metre wind turbine at the service station. This was refused in March 2012 and the applicant has indicated they intend to appeal that decision. It is also of a similar nature to the recently refused meteorological mast at Austrey.

The application has been submitted to Tamworth Borough Council given the proposed siting is within that Borough – different to the proposed turbine. This is due to the need for guy wires which would compromise the flow of vehicles around the site.

## **Development Plan**

The North Warwickshire Local Plan 2006 is not relevant here, as the site lies within another district's administrative boundary, as well as being outside of Warwickshire and the West Midlands.

## **Other Material Planning Considerations**

The National Planning Policy Framework (NPPF).

## **Consultations**

As this authority is not the determining authority – only a consultee – no further consultations have been made.

## **Observations**

It is understood that officers at Tamworth Borough Council, in assessing this application, have consulted the necessary authorities. As such, it is not proposed to discuss technical considerations further as those consultees will raise any conflicts and comments. However it is not clear as to whether Parish Councils in North Warwickshire and immediate neighbours close to the site have been consulted. It is thus recommended that the Council's representation includes a recommendation to ensure such consultation is carried out.

It is acknowledged that Members have raised concern as to the pace at which wind energy applications are being made, but this is not considered a planning reason upon which to raise objection or comment. The visual impact however can be. Before discussion of this matter, Members are reminded that assessment must be based on the actual proposal presented – a mast and not a wind turbine. The Board's determination should thus address the planning merits of that proposed mast, and not speculate as future applications should be determined on their own merits at the appropriate time.

### **a) Landscape Character**

The proposal will be visible at varying distances and from a number of locations. It must be remembered that given the slim nature of its design and obstructions within that line of sight, the greater the distance the more it 'disappears' into the surrounding landscape. The mast is slimmer than a turbine tower. It is also shorter than the previously proposed turbine. Importantly it has no "rotation" to attract attention to it. Long distance views will thus be very difficult. Conversely whilst more visible when closer, the angle of viewing means that it will be mostly seen against the predominant grey, white and pale blue of the sky and not in the context of wider landscape character.

Medium distance views are generally along transport corridors. Consequently views from within the built up areas of housing to the north, west and south-west, and that in Dordon very much depend on the orientation of dwellings and them being upon a rise in the terrain. This means that *unobstructed* views are tightly limited. The western edge of Dordon leads onto open and flat farmland across to the M42 meaning that views from this edge, Birch Coppice and Birchmoor are generally unrestricted across these wide panoramas. Members' attention is drawn to the context outlined here.

As noted with the previous turbine application, this site is not within Green Belt, it is not a National Park or an Area of Outstanding Natural Beauty. It is not within or on the fringe of a designated estate or other protected amenity. This is significant in assessing the importance of this landscape and how harm arising from the proposal should be weighted.

In terms landscape character, the site falls adjacent to the ‘Tamworth Urban Fringe Farmlands’. The Landscape Character Assessment<sup>1</sup> describes this area as “*indistinct and variable*”. The M42 motorway has a dominant presence, and the A5 further adds to this. The large scale industrial buildings at Tamworth and Birch Coppice have a significant urbanising influence here; along with the settlements of Dordon and Tamworth. The spoil heap at Birch Coppice is particularly large and a visual detractor too. The farmland in the immediate area is generally devoid of hedgerows, with tree cover in this area low, such that mitigation of the urban influences is negligible. There are no regional or national footpath routes in this area, although local footpaths and bridleways do allow aspects beyond the highways.

The key here is whether the impacts are unacceptable to the degree which it runs against the objectives of planning policy, and it is that which must be established if an objection is to be lodged. Hence, whilst this area of North Warwickshire is strictly rural, the urban influences mentioned above are significant influences on detracting from any true feeling of ‘rural’. Those urban features already impact on the rural setting here and it is not considered that this proposal would undermine or change this character, with the mast appearing as a component of the landscape. Indeed the “sail” mast at Birchmoor is clearly prominent in this landscape along with other masts beyond Tamworth. As such, it is not considered there is *unacceptable* harm to the intrinsic qualities of the existing landscape, with the proposal invoking little change on the Character Area. It is thus recommended that no objection be raised in respect of the impact on Landscape Character.

## **b) Visual Amenity**

Notwithstanding the lack of formal landscape designation or recognition, it is accepted that visual amenity is valued locally by its residents and representatives. This is reflected in the NPPF, which recognises that the “*intrinsic character and beauty of the countryside*” is a material planning consideration. The key issue here before Members is to decide what the visual impact of the mast will be and then to assess whether that is acceptable given its temporary nature and other considerations.

The mast will be a slim line feature – some 20 centimetres in diameter and of galvanised steel. Elevations and an example photograph are at Appendix B. It is not as tall as the transmitters at Hopwas and Sutton, and it will not have the bespoke design appearance of the Birchmoor “sail” mast. Visual prominence is mitigated by a number of factors – the design of the mast as described above; that it will largely be seen against the backdrop of the sky and surrounding industrial buildings; and that it will be partially obscured by trees around the site. It is acknowledged that its visual presence will still be “felt” however – certainly at close to medium distance. As a consequence it is considered that the mast would not harmonise with the immediate and wider setting for the simple fact it is not a dwelling or industrial building, and there is thus a conflict with the thrust of design policy. However, Members are also

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<sup>1</sup> [North Warwickshire Landscape Character Assessment 2010](#)

encouraged to consider that the original Birch Coppice proposals had the same point of conflict, and instead of similar mass this proposal merely has height. The issue is how adverse that impact will be and whether it is *unacceptable*.

This consideration is to look at the reason for this application – namely as a monitoring mast to assess the meteorological wind conditions. It was made explicit earlier that it was not material to determine the application as if it were a single turbine. The purpose behind the application however is clear. As a consequence it is material and of significant weight that our Local Plan and the NPPF supports renewable energy schemes in principle. The use of monitoring masts in order to provide meteorological data in order to establish the suitability of a site for future wind turbines is a regular occurrence. Members are reminded of permissions given for such masts at Lea Marston and Dosthill, both of which lie within the Green Belt and are 70 metres tall – 20 metres taller than proposed here. The principle of approving such masts is thus acknowledged by the Council. It is thus of significant weight that there is support for this “category” of application in principle in both national and local planning policy.

Members also might wish to reflect on the use of temporary permissions. One of the reasons accepted by Government for the use of conditions limiting the “life” of a planning permission is so that a use can be monitored in order to establish and to understand its impacts. This then provides the evidence base for future applications for permanent use. The situation here can be considered as being similar – in order to assess the visual impact of a structure at this location over time.

In conclusion it is not considered that there will be a significant visual impact arising from the mast. This is particularly because of the design of the mast and its short term duration; the differing long, medium and short distance views; and because there would be no irrecoverable loss of visual amenity or character. However that is not to say that there will be no impact. Overall it is considered that the impact will be moderately adverse, but short term. It is thus recommended that no objection be raised in respect of the visual impact.

## **Recommendation**

- (1) The Council raises no objection to the proposal, recommending that the application be determined in accordance with Tamworth Borough Council's Development Plan and with regard to the NPPF and any other material considerations.
  
- (2) The Council draws attention to the need to consult with Parish Councils, residents and other relevant parties within North Warwickshire.

## BACKGROUND PAPERS

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

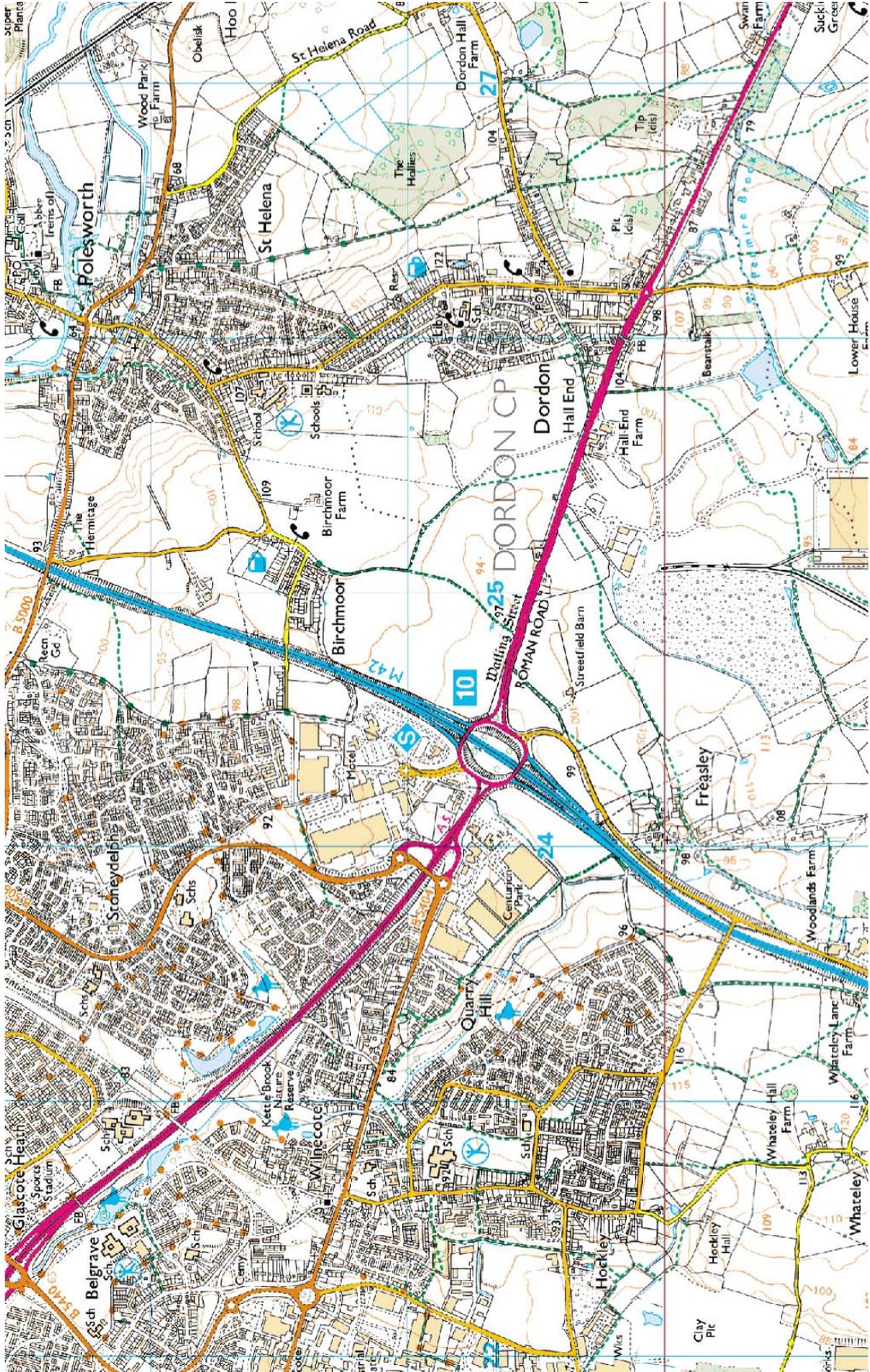
Planning Application No: CON/2012/0010

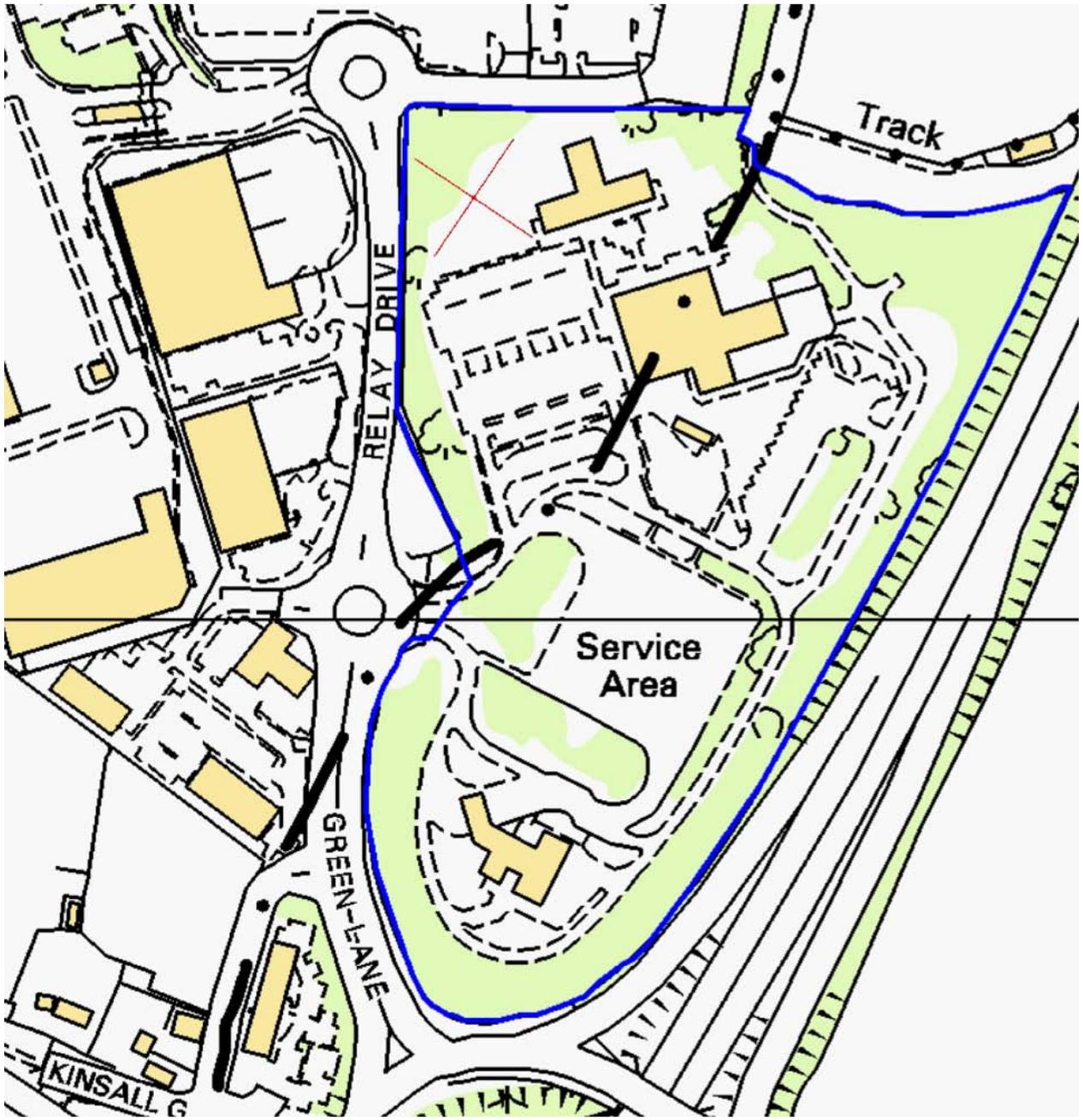
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Tamworth Borough Council	Consultation	31/07/2012

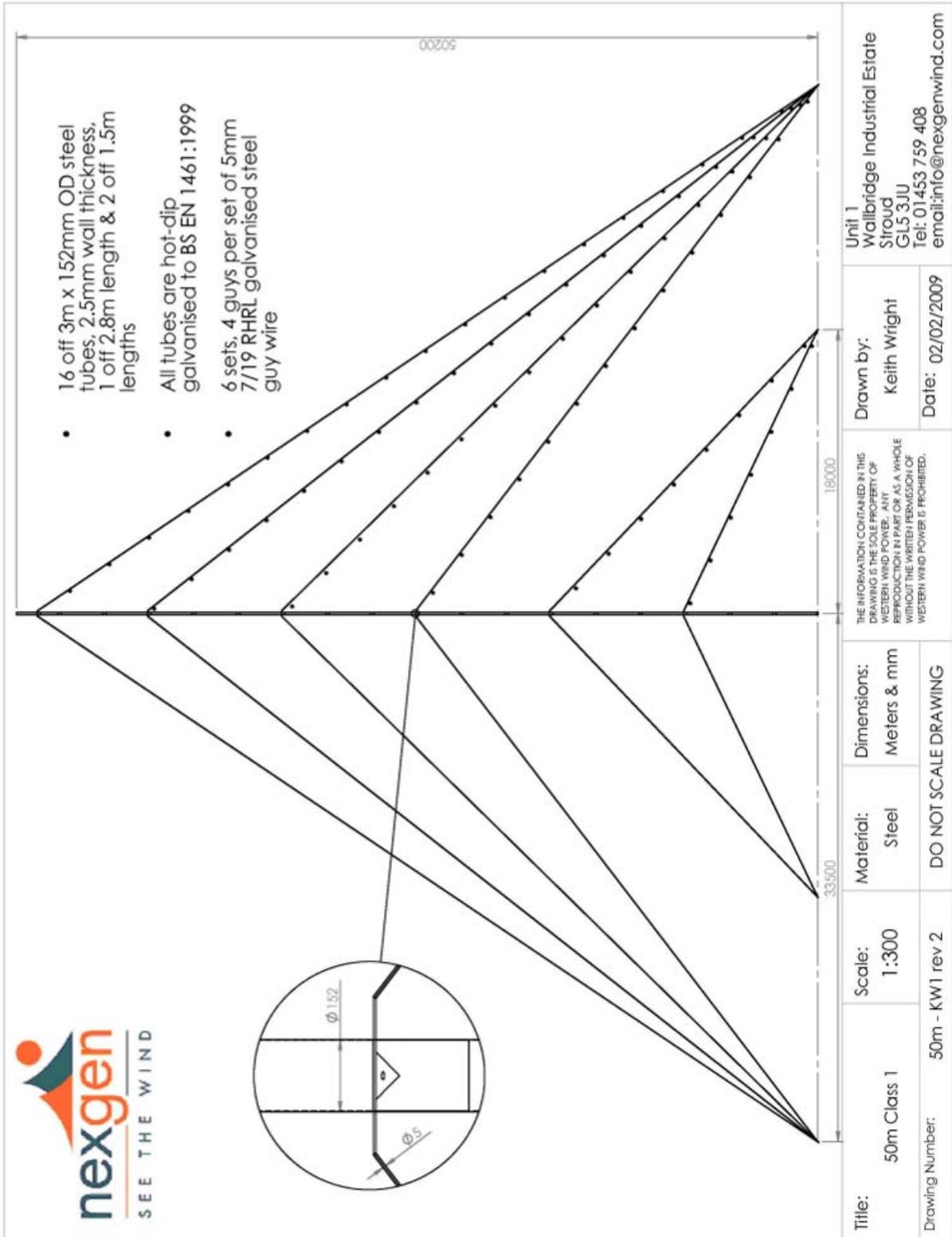
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

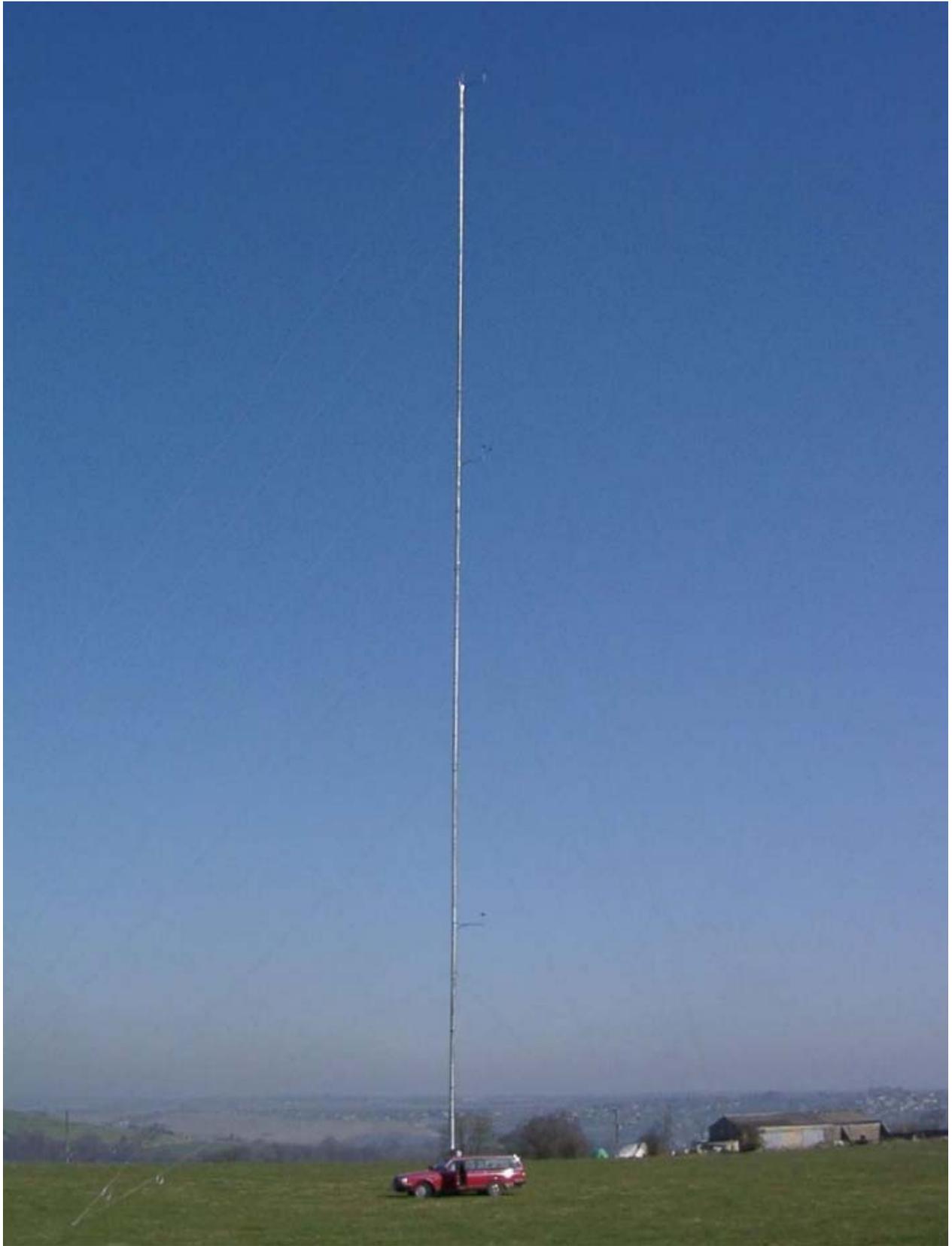
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

# APPENDIX A









**Example mast**