

# PLANNING COMMITTEE

Minutes of the meeting held on Thursday 22 September 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Kinson, Mrs Knight, and Windybank.

## 477. DECLARATIONS OF INTEREST

Minute Number 478 – Coventry Airport, Land Adjacent to South Apron, Siskin Parkway West, Middlemarch Business Park, Coventry

Councillor Ashford declared a personal interest in this item because he worked for Parcelforce.

## 478. COVENTRY AIRPORT, LAND ADJACENT TO SOUTH APRON, SISKIN PARKWAY WEST, MIDDLEMARCH BUSINESS PARK, COVENTRY.

The Committee considered a report from the Head of Planning and Engineering which advised them of Planning Application W2004/1939 (referred to as application B) and sought their views on the Council's position to be taken at the inquiry into the appeal in respect of the application. The report also sought to revisit the Committee's views on the Council's position to be taken at the forthcoming inquiry in the appeal in respect of planning application W2003/0473 (referred to as application A); and in addition sought approval for a request to be submitted to the Planning Inspectorate to conjoin the two appeals and hold a single inquiry.

Application A (W2003/0473) was for the construction of airport passenger terminal (2,935 square metres) and associated car park (680 spaces), access roads and infrastructure.

Application B (W2004/1939) was for the construction of a passenger terminal (10,250 square metres), associated car parking (3,825 spaces), expansion of the apron for the parking of aircraft (15,875 square metres), and, the construction of new and improved access arrangements to Airport South from Siskin Parkway West.

Application 'A' as described above was refused planning permission by the Planning Committee on 11 September 2004 on five grounds related to surface access, noise, air quality, ecology and cultural heritage. This decision was appealed by the applicant on 11 October 2004 and an Inquiry has been arranged by the Planning Inspectorate to consider the appeal starting on 10 January 2006.

Following the decision of the Planning Committee on 11 September 2004, the applicant submitted a second planning application (Application B). This application was lodged with the Council in October 2004 and was formally amended in June 2005. This application and accompanying documentation, including an Environmental Statement, had been the subject of consultation with the public and statutory consultees.

## **PLANNING COMMITTEE MINUTES continued**

On 9 September 2005, the applicant advised the Council that they were to submit an appeal to the First Secretary of State against the Council's failure to determine Application 'B'. This procedure was open to any applicant who might appeal in circumstances where an application had not been determined during the statutory period or any such longer period of time that the applicant was prepared to agree.

The Council could no longer therefore determine Application 'B'. It would now be the subject of an Inquiry with the decision made by the relevant Secretaries of State for Planning and Transport. The Head of Planning and Engineering informed the Committee that the Inspectorate had now confirmed that the inquiries into both applications A and B would be conjoined and heard together at the inquiry to commence on the 10 January next year. The Council must take a position on Application 'B' in order to inform its position at this Inquiry. The report provided details of this application and an assessment of the application against the planning policy context within which it would be determined by the Secretaries of State.

### **Application 'A'**

Members recalled considering a report at the Planning Committee of the 4 July 2005 in relation to the 'interim' passenger facility development currently in use. Members resolved:

1. That the package of control, mitigation and compensation measures offered by the appellant was reasonable for this scale of operation and therefore the development was considered in accordance with the requirements of the development plan.
2. That the Inquiry be informed that, subject to a formal obligation in respect of the package of measures as proposed and the imposition of appropriate planning conditions, the Council would consider it appropriate for planning permission to be granted for the development by the Secretaries of State.
3. That in respect of the forthcoming Inquiry into the refusal of planning permission for a permanent terminal (Application 'A'), the same package of measures varied where necessary to respond to the relative scale of impact would provide adequate mitigation to meet the concerns of the Council in respect of the environmental effects.
4. That officers/consultants negotiate on the above basis and report back to Members in due course on the extent to which a package of measures that accords with the above resolution has been achieved.

Points 1 and 2 addressed matters in relation to the 'interim' passenger facility which would be before the Secretaries of State for their determination anticipated early next year. With regard to points 3 and 4, those negotiations have been ongoing in the context of discussions regarding Application 'B'. The outcome of those negotiations was presented within the draft Heads of Terms attached to the report. Therefore in considering its position on Application 'B', Members would also need to revisit the position they adopted on Application 'A' in September 2004 in light of the package of measures to control, mitigate and compensate for the environmental impacts of the development of a passenger terminal now offered by the applicant. The report addressed this issue within the context of Application 'B'.

## **PLANNING COMMITTEE MINUTES continued**

The Head of Planning and Engineering informed the meeting that as the appeals had now been conjoined, it would not be necessary to submit the request contained in the third recommendation, which was accordingly withdrawn.

Councillor Hammon addressed the Committee as Ward Councillor on this matter.

The Head of Planning and Engineering recommended:

“1. That the Council’s position in respect of the Inquiry into the appeal against non determination of Application ‘B’ (ref: W2004/1939) is that the development is considered in accordance with the development plan subject to:

(a) the draft Heads of Terms containing the package of control, mitigation and compensation measures offered by the applicant being converted into a formal obligation and the imposition of appropriate conditions to be attached to any grant of planning permission; and

(b) the relevant highway authorities (Warwickshire County Council and Coventry City Council) and Highways Agency being satisfied with regard to the surface access impacts of the development and surface access mitigation measures offered by the applicant; and

2. That the Council consider in respect of the appeal against refusal of Application ‘A’ (ref: W2003/0473) that the draft Heads of Terms offered by the applicant in respect of Application ‘B’ (ref: W2004/1939) controls, mitigates and compensates for the environmental impacts of the development in accordance with the development plan”.

The Head of Planning and Engineering recommendations were proposed and duly seconded. However on being put to the vote the proposal was lost.

### **479. ADJOURNMENT OF MEETING**

After advice from the Head of Legal Services the Chair adjourned the consideration of the Coventry Airport Item and the meeting of the Planning Committee held on Thursday 22 September 2005 to Wednesday 28 September 2005 at 6.00 pm.

(The meeting ended at 8.00pm)

### **RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING**

Minutes of the adjourned Planning Committee meeting held on Wednesday 28 September 2005 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Kinson, Mrs Knight, and Windybank.

**PLANNING COMMITTEE MINUTES continued**

**480. COVENTRY AIRPORT, LAND ADJACENT TO SOUTH APRON, SISKIN PARKWAY WEST, MIDDLEMARCH BUSINESS PARK, COVENTRY.**

Continuation of Minute number 478. The Chair welcomed everybody back to the meeting and outlined the current position and the Head of Planning & Engineering reiterated the current formal position of the Council in respect of the applications.

The Chair then proposed that following advice from the Head of Legal Services that the Committee should consider going into private session to receive legal advice following information which had arisen in respect of this application during the day. This was duly seconded

**RESOLVED** that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph 12, as set out below, of Schedule 12A of the Local Government Act 1972.

Paragraph 12 of Schedule 12A of the Local Government Act 1972 reads as follow: 'Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

- (a) any legal proceedings by or against the authority, or
- (b) the determination of any matter affecting the authority, (whether, in either case, proceedings have been commenced or are in contemplation).'

For convenience the Committee retired to the Chairman's room and received legal advice from the Head of Legal Services and the Head of Planning & Engineering with regard to the report.

The Committee then returned to the Council Chamber.

The following was proposed and duly seconded:

'In respect of the forthcoming enquiry this Council does not consider the proposed mitigation and compensation package enables the development to be considered in accordance with the Development Plan. The Council's principal concern in this respect relates to the impact of noise. The Council considers that the level of compensation and mitigation in respect of noise is inadequate to make the development comply with the Development Plan in that it does not provide sufficient restraint upon the impact of noise from flights on the local community, particularly during the night time period.'

However, on being put to the vote, the proposal was lost.

**PLANNING COMMITTEE MINUTES continued**

A further proposal was made and it was

**RESOLVED** that

- (1) the Council's position in respect of the Inquiry into the appeal against non determination of Application 'B' (ref: W2004/1939) is that the development is considered in accordance with the development plan subject to:
  - (a) the draft Heads of Terms containing the package of control, mitigation and compensation measures offered by the applicant being converted into a formal obligation and the imposition of appropriate conditions to be attached to any grant of planning permission; and
  - (b) the relevant highway authorities (Warwickshire County Council and Coventry City Council) and Highways Agency being satisfied with regard to the surface access impacts of the development and surface access mitigation measures offered by the applicant;
- (2) the Council consider in respect of the appeal against refusal of Application 'A' (ref: W2003/0473) that the draft Heads of Terms offered by the applicant in respect of Application 'B' (ref: W2004/1939) controls, mitigates and compensates for the environmental impacts of the development in accordance with the development plan;
- (3) except (with regard to both 1 and 2 above) in respect of the provision of public transport to the facility where the Council considers that the level of public transport included in the draft Heads of Terms agreement, principally in respect of the proposed bus service fails to meet the requirements of the Development Plan, principally policy T11 of the Regional Spatial Strategy.

**481. GARY STEPHENS**

The Committee passed their thanks to Gary Stephens of the Planning Department, who was attending his last meeting, for all his work while he has been at the authority especially his work on Coventry Airport and the Local Plan, as they felt that all members had gained from his advice during his time here and wished him all the best for the future.

(The meeting ended at 7.20 pm)