

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 31 March 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair); Councillors Mrs Compton, Copping, Crowther, Ms De Lara Bond, Guest, MacKay, Tamlin and Windybank.

(Councillor Crowther substituted for Councillor Ashford and Councillor Tamlin substituted for Councillor Smith)

1042. DECLARATIONS OF INTEREST

Minute Number 1043 - Coventry Airport, Land Adjacent to South Apron, Siskin Parkway West, Middlemarch Business Park, Coventry

Councillor MacKay declared a personal prejudicial interest in this item because he was Ward Councillor and had been known to express his opinions on this matter, but did not leave the room as he wished to speak as Ward Councillor on this matter.

Councillor Windybank informed the meeting that he had represented Kenilworth Town Council on the Coventry Airport Consultative Committee. However, he had taken advice and felt that he did not have an interest to declare in this item because he had not attended a meeting of that Committee for over a year and had never been party to any discussions on these matters.

Minute Number 1044 - Warwick District Council Deport, Ansell Road, Warwick

Councillors Mrs Compton, Copping, Crowther, Ms De Lara Bond, Evans, Guest, MacKay, Tamlin and Windybank all declared personal interests in this item because it was Warwick District Council Land.

Minute Number 1053 - Land at 3 Bridge Street Barford

Councillor Tamlin declared a personal prejudicial interest in this item because the tree was visible from his house.

Minute Number 1054 - NFU National Agricultural Centre Stoneleigh Park.

Councillor MacKay declared a personal interest in this item because a member of the NFU Executive was known to him.

Minute Number 1054 - W20030821/965LB Link Cottage Church Road Baginton

Councillor MacKay declared a personal interest in this item because he was Ward Councillor.

Minute Number 1054 - W20040129 12 Mill Hill Baginton

Councillor MacKay declared a personal interest in this item because he was Ward Councillor.

PLANNING COMMITTEE (Continued)

Minute Number 1054 - W20040270 Sheriffs Holly Walk Baginton

Councillor MacKay declared a personal interest in this item because he was Ward Councillor.

Councillor Windybank declared a personal interest in this item because the applicant was known to him.

Minute Number 1054 - W20040344/404LB Queen and Castle Green Kenilworth

Councillor Windybank declared a personal and prejudicial interest in this item because he was a share holder.

1043. 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 on alterations to the runway overrun area, construction of new buildings, engineering works including internal access road and importation of materials for hard standing areas and use of part of the airport for the storage of new cars. The Head of Planning and Engineering presented the report to Members. In his presentation he explained that the report was an update on progress in relation to development at Coventry Airport. At the commencement of the presentation he drew attention to a number of additional papers and letters that had been placed before Members for their consideration at Committee. These were:

- (a) A copy of the screening opinion sent to Jones Day (acting for Coventry Airport).
- (b) Letter of 25th March from Jones Day
- (c) Letters of 30th March from Jones Day
- (d) A copy of the reply of the Head of Planning and Engineering to Jones Day of 31st March.
- (e) Copy of the TRL report addressing the issue of piers and satellites.
- (f) Copy of a letter from the CAA regarding material on the runway end safety area.
- (g) Letter from Jones Day dated 31st March in response to the Head of Planning and Engineering's letter of same date.
- (h) Revised recommendation in respect of action 1.2

The Head of Planning and Engineering explained that the original issues one and two, the construction of new buildings and importation of brick rubble material were now combined in a single issue. This would be addressed together with a second issue in relation to the runway end safety area with the

PLANNING COMMITTEE (Continued)

third issue being that of storage of vehicles and car parking on the North side of the airport.

A series of slides showing plans and site photographs was displayed and explained. He then considered each area in turn as follows:

Issue One – Temporary Passenger Terminal and Associated Works

The Head of Planning and Engineering reminded Members of his previous advice that the area of the element of building (A) known as Area A1 had been measured at just below 500 sq metres by external measurement. In relation to elements A2, A3 and A4 the Council's attention was drawn to the conclusions in paragraph 29 of the TRL report which indicated that on a functional basis TRL had concluded that these elements may be piers. He drew Members attention to the reference in the Jones Day letter of 25th March to an informal conversation between himself and a representative of the airport on the outcome of the assessment by TRL. He indicated that a conversation had taken place and that the report had now been passed to Jones Day for their consideration.

Member's attention was drawn to the TRL report conclusion that all three additional structures may be regarded as piers but also to the fact that there was no conclusive definition or definitive statement of what constituted a pier. In his view a distinction could and should be drawn between additional area A1 and the two additional structures. With its physical form being different and its function likely to be different, the consequence would be that it would not satisfy all the conditions identified in paragraph 29 of the TRL report. He remained sceptical in relation to area A2 at least, which he informed Members should be considered part of the terminal area. This would increase the area of the floor space on the terminal beyond the 500 square metre limit for the exercise of permitted development rights and therefore required it to secure express planning permission.

The Head of Planning and Engineering drew Members attention to the fact that permitted development rights under Class A of Part 18 of the GPDO apply subject to the condition that the relevant airport operator consults the Local Planning Authority before carrying out development. In this present case notification was only given of proposals which were not subsequently pursued i.e. the earlier proposals which do not conform with the present development. Members were advised that the earlier notifications could not therefore be relied upon to support the present proposals being permitted development under Part 18.

In relation to Environmental Impact Assessment, Members were advised that both quantitative and qualitative tests needed to be applied. Nevertheless, it had been a consistent view that regardless of the extent to which the proposal was compressed on site, it would have a significant environmental effect. In relation to this he drew Members' attention to the screening opinion issued to Jones Day which explained the basis for this conclusion.

PLANNING COMMITTEE (Continued)

Because of the changing nature of the operations, the approach agreed by Members previously had been to ask the Secretary of State to exercise his power under Regulation 4(A) to consider whether the development would have a significant environmental effect. However, it was made clear that the Council was still considering whether the area involved exceeded the one hectare threshold.

Further consideration of a plan provided by the airport and an assessment of the position on site had then led to a conclusion that the area of works, which, as understood in accordance with the regulations are to include not just the extent of completed development but the wider extent of works, material and equipment storage associated with a proposal, is well over a hectare. In the light of this and considering the terminal facility as a whole the Head of Planning and Engineering informed Members that he had concluded that the development was schedule 2 development. In accordance with his delegated powers a screening opinion (copy before the Members) that the development required EA in that it had a significant impact on the environment had been issued. Member's attention was drawn to the plan attached to the letter to Jones Day of 31st March indicating an assessment of the area of works in accordance with the definition contained within the relevant regulations.

It was pointed out to Members that in responding to the exploration of this issue the airport had not addressed the environmental impact aspect but has sought to justify the development on the basis that it is marginally below specific thresholds.

Members were advised that as a result of this conclusion and the issue of the screening opinion no permitted development rights exist for the development undertaken which is therefore unauthorized. In the light of this conclusion the Secretary of State had been requested to defer the earlier request for a screening opinion. This had been agreed by the Government Office.

Members were advised that the covering letter to Jones Day with the screening opinion requested an undertaking be given that the buildings not be brought into use as a passenger terminal. It also requested the submission of a planning application and an environmental statement or as an alternative to provide a timetable for the early removal of works.

The Head of Planning and Engineering referred to the options set out in the report and the revised recommendation 1.2 that had been circulated to Members at the Committee.

Issue Two – Runway End Safety Area

In relation to the runway end safety area the Head of Planning and Engineering reminded Members that the necessary assurances on the operation of the RESA had been secured from WMIAL in their letter of 8th March and the turning areas had been removed. The airport had offered the positioning of frangible markers to differentiate the area in physical terms but the CAA were not able to find such an approach acceptable – a letter from the CAA confirming this was attached. Confirmation had also been received from the CAA that the surface material was satisfactory for RESA use. The letter was

PLANNING COMMITTEE (Continued)

circulated to Members. It was recommended that the proposed action be revised to that of maintaining a watching brief on use of this area.

Issue Three – Car Parking on the North side of the Airport

The issue of car parking on the north side was addressed and Members attention was drawn to the three areas proposed to be used for parking in association with the airport operation. Members were informed that it was the intention of the Airport to operate a bus shuttle service between the North side parking areas and the South side operation. It was recommended that a watching brief be maintained on use in this area.

Further Consideration

The Head of Planning and Engineering read out the revised recommendation 1.2 and advised Members that if their discussion raised legal issues it may be necessary to go into private session. He also referred to timescale issues and indicated that if the recommendations were agreed Officers would act to progress the recommendations as fast as possible but that they each had process stages within them which would need to be adhered to.

Following representations from Councillor MacKay, the Ward Member the Committee went into confidential session to receive legal advice from the Head of Legal Services.

RESOLVED that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting by reason of the reason of the likely disclosure of exempt information within paragraph 12 of Schedule 12A of the Local Government Act 1972.

The Committee considered all the information presented to it and received advice from the Officers on various legal matters.

Following the consideration of the legal advice the public and press were invited back into the meeting. Following further discussion, members considered the revised recommendations before them.

RESOLVED that

- 1) the following be agreed in respect of the erection of a passenger terminal & associated works
 - a) the issue of a Screening Opinion that the development requires an Environmental Impact Assessment and that the development should be the subject of a planning application accompanied by an Environmental Statement, be noted;

PLANNING COMMITTEE (Continued)

- b) enforcement notices be issued in respect of, the construction of a passenger terminal and the unauthorised development of a passenger terminal and associated facilities;
 - c) the notices require the cessation of the use of the passenger terminal facilities within 7 days and the removal of the unauthorised buildings within 28 days of the notice taking effect;
 - d) proceedings for an injunction be instituted in the High Court to secure cessation of the use of the passenger terminal facilities should such use continue
- 2) a watching brief be maintained on the use of the overrun area of the runway by aircraft operating at Coventry Airport and the officers report to a future meeting of this Committee as appropriate
 - 3) a watching brief be maintained on the car parking usage on the north side of the airport and the officers report to a future meeting of this Committee as appropriate.

(Councillor MacKay addressed the Committee as Ward Councillor)

1044. WARWICK DISTRICT COUNCIL DEPOT, ANSELL ROAD WARWICK

The Committee considered an application, from George Wimpey, for the erection of 106 flats in 2, 3, and 4 storey blocks, bin and cycle stores.

The proposal was considered, by the Head of Planning & Engineering to comply with the following policies:

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

Distance Separation (Supplementary Planning Guidance)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING COMMITTEE (Continued)

Saltisford Warwick Planning Brief, February 2001. The brief anticipates employment uses for this land.

RESOLVED that planning application W20021912 be GRANTED, as amended, subject to conditions on large scale design details (including bin and cycle stores, railings), materials, landscaping, boundary treatment, treatment of footpath boundaries, archaeological investigation, highways conditions (including visibility splays, provision and use of cycleway/path and emergency access to Cape Road, and upgrading of the Ansell Way/Saltisford traffic signals), provision of fire hydrants, land contamination remediation conditions, provision of foul and surface water sewers, and Environment Agency requirements, after completion of a legal agreement to secure affordable housing and sustainable transport welcome packs.

1045. 1A WARWICK NEW ROAD, LEAMINGTON SPA

The Committee considered an application from Milcel Limited, for the erection of 2 no. 3 and 4 storey detached apartment buildings comprising a total of 12 no. self contained apartments after the demolition of the existing dwelling.

This application *had* been deferred for consideration by the Committee on 9 March to allow a site visit to take place.

The Head of Planning and Engineering had recommended that the application be granted, as amended, subject to conditions on car parking, drainage, materials, large-scale architectural details, footpath and boundary treatment details, landscaping and protection of trees, because he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

However the Committee were of the opinion that the proposal was overdevelopment, excessive density and mass with a detrimental impact on a

PLANNING COMMITTEE (Continued)

sensitive part of the Conservation Area and unneighbourly by reason of increased disturbance.

RESOLVED that planning application W20031940 be refused because the proposal is overdevelopment, excessive density and mass with a detrimental impact on a sensitive part of the Conservation Area and unneighbourly by reason of increased disturbance.

(Councillor Gifford addressed the Committee as Ward Councillor)

1046. LAND ADJACENT TO 63 COMMON LANE, KENILWORTH

The Committee considered an application, from Warwick Place Limited, for the demolition of a garage and erection of a two storey house.

This application had *been* deferred for consideration by the Committee on 9 March to allow a site visit to take place.

The Head of Planning and Engineering had recommended that the application be granted, as amended, subject to sample materials and turning space conditions, because be considered it complied with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

However the Committee were of the opinion that the application was overdevelopment and had a detrimental impact on the amenities of the existing and future adjacent neighbours.

RESOLVED that planning application W20040143 be refused because the application was overdevelopment and had a detrimental impact on the amenities of the existing and future adjacent neighbours.

1047. 471 TACHBROOK ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application, from Mr M Chambers, for the change of use of the existing outbuildings to class B1 Business use.

RESOLVED that planning application W20040032 be deferred for consideration to allow a site visit to take place as the Committee felt it would be of significant benefit to them when determining the application.

(Councillor Kirton addressed the Committee as Ward Councillor)

PLANNING COMMITTEE (Continued)

1048. 61 – 63 WARWICK ROAD, KENILWORTH

The Committee considered an application, from, Mr S Insall, for the conversion of 2 dwellings into bed and breakfast guest house, incorporating new rear kitchen extension and new block in rear garden, following demolition of redundant building.

RESOLVED that planning application W20040206 be deferred for consideration to allow a site visit to take place as the Committee felt it would be of significant benefit to them when determining the application.

(Councillor Mrs Blacklock addressed the Committee as Ward Councillor)

1049. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Wednesday, 31 March to Thursday 1 April 2004 at 6.00 pm.

(The meeting ended at 10.05 pm.)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday, 1 April 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair); Councillors Mrs Compton, Crowther, Ms De-Lara-Bond, MacKay, Tamlin and Windybank.

(Councillor Crowther substituted for Councillor Ashford and Councillor Tamlin substituted for Councillor Smith)

Apologies for absence were received from Councillors Copping and Guest.

1050. NFU NATIONAL AGRICULTURAL CENTRE, STONELEIGH PARK, STONELEIGH

The Committee considered an application by the National Farmers Union for the erection of a new office building and associated external works.

The proposal was considered, by the Head of Planning & Engineering, to comply with the following policies:

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)
(DW) EMP9 - National Agricultural Centre, Stoneleigh (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) C2 - Diversification of the Rural Economy (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

PLANNING COMMITTEE (Continued)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) ENV18 - Historic Parks and Gardens (Warwick District Local Plan 1995)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP13 - Protecting Historic Parks and Gardens (Warwick District 1996 - 2011 First Deposit Version)
SSP2 - Major Developed Sites (Warwick District 1996 - 2011 First Deposit Version)
SSP3 - Stoneleigh Park (Warwick District 1996 - 2011 First Deposit Version)
RAP7 - Directing New Employment (Warwick District 1996 - 2011 First Deposit Version)

The NAC and its future were the subject of a draft policy produced in 2003 and reported to Planning Committee on 18 June 2003. The Brief set out proposals for the Open Countryside Initiative which was approved for the purposes of public consultation. Subsequently, the ideas set out in that Brief have come to form part of the emerging local plan.

RESOLVED that planning application W20040349 be GRANTED, subject to conditions on use, materials, landscaping (including long-term upkeep), details of disposal of foul and surface water, storage of oil and chemicals, provision of oil interceptor, bat and bird notes; after completion of a legal agreement on use and green travel and reference to the Secretary of State as a departure from the development plan.

1051. SOUTH LEAMINGTON ALLOTMENT SITE, MONTGOMERY ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application, from A C Lloyd (Builders) Ltd for the erection of a detached 3 storey block of 12 no, apartments with associated parking for 14 no. vehicles.

The application had been deferred at the meeting of 9 march to allow for negotiation.

The proposal was considered, by the Head of Planning & Engineering, to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

PLANNING COMMITTEE (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Distance Separation (Supplementary Planning Guidance)

RESOLVED that planning application W20031813 be GRANTED, as amended, subject to a Section 106 Agreement for the payment of a commuted sum for education and library facilities and conditions regarding access, car/cycle parking, full and amended boundary treatment details, materials, tree protection and refuse storage.

(Councillor Kirton addressed the Committee as Ward Councillor)

1052. LAND ADJACENT TO 122 ROUNCIL LANE, WOODCOTE, KENILWORTH

The Committee considered an application, from Mr T Roberts, for the substitute of house type and relocation of garden boundary.

The proposal was considered, by the Head of Planning & Engineering, to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RESOLVED that planning application W20040342 be GRANTED, as amended, subject to conditions on materials, landscaping, reducing the width of the driveway, removal of PD rights fronting the private driveway and highway construction note.

1053. LAND AT 3 BRIDGE STREET BARFORD

The Committee considered the confirmation of a Tree Preservation Order on an oak tree.

RESOLVED that Tree Preservation order 257 be confirmed.

1054. PLANNING APPLICATIONS

The Committee considered a list of planning applications.

RESOLVED that the planning applications as detailed at appendix "E" be agreed.

(The meeting ended at 9.25 p.m.)