

**Planning Committee:** 10 September 2019

**Item Number:** 5

**Application No:** [W 19 / 0559](#)

**Town/Parish Council:** Baginton

**Case Officer:** Helena Obremski

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**Registration Date:** 15/04/19

**Expiry Date:** 15/07/19

**Hangar 5, Coventry Airport, Coventry Road, Baginton, Coventry, CV3 4PB**

Proposed change of use of Hangar 5 and associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis). FOR Coventry Airport Limited

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This application was deferred by Councillors from the August Planning Committee meeting because of a lack of information relating to the impact of the development on air quality. This application was originally presented to Committee due to the number of objections and an objection from the Parish Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

This application seeks planning permission for the proposed change of use of Hangar 5 and its associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis use class) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis use class).

An additional access would be provided from an existing internal road which is within the boundary of the Coventry Airport site. Other than this, there are no physical alterations to the application property or wider site.

Following on from the committee meeting, advice from the Council's Environmental Health Officers relating to air quality has been sought by Officers. The applicant has also provided a technical note relating to the impact of the development on air quality from an independent consultancy.

The applicant has also provided details of the proposed fencing and therefore the relevant condition requiring these details before its installation has been removed.

**THE SITE AND ITS LOCATION**

The application relates to one of the existing hangar buildings (number 5) within

the Coventry Airport site, with access from Coventry Road. The site is situated within the Green Belt.

The site contains a large hangar with a yard to the front, side and rear, and is adjoined by another hangar to the south east. There are residential properties to the south west of the main section of the site, some of which are in relatively close proximity to the access to the site.

### **RELEVANT PLANNING HISTORY**

There have been a number of planning applications relating to the application site and wider Coventry Airport. However, those which are considered to be relevant are:

#### *Application Site:*

W/05/1831 - planning permission granted for the formation of a 6 metre wide vehicular access road to Northern perimeter of site; creation of car parking areas to serve Hangar 5 and Shackleton House and erection of security boundary fencing.

#### *Wider Site:*

W/89/0484 - planning permission granted for the erection of 2 units to provide maintenance/freight storage, packaging, distribution and offices for helicopter operations with parking for 27 vehicles.

W/90/0065 - planning permission granted for the erection of a new airport terminal building, other operational buildings and additional buildings primarily for airport related uses, construction of vehicular and pedestrian accesses.

W9/1008 - planning permission granted for the relocation of airport hanger, with maintenance bay, offices and a club; provision of car parking area and a concrete apron.

W/96/0454 - planning permission granted for the erection of single and two storey buildings for parcel sorting and distribution, each having ancillary offices, motor transport workshop, hardstandings, parking, landscaping, fencing and security buildings.

W/15/1597 - planning permission granted for the change of use from storage and distribution (Use Class B8) to general industrial (Use Class B2).

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- MS2 - Major Sites in the Green Belt (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

## **SUMMARY OF REPRESENTATIONS**

### **Baginton Parish Council:** Objection,

- A number of planning constraints exist in relation to the use of the buildings and other structures on the airport, one of which restricts uses to aviation and associated activities only. Another restricts operational hours in order to protect Baginton and its residents.
- The proposed change of use will result in direct conflict with these restrictions and introduce unacceptable noise and pollution for local residents.
- The change of use would set a precedent for further changes of use, turning the whole area into a 24 hour industrial estate with the only access through Baginton Village.

### **Councillor Bush:** Objection,

- The change of use is to permit non-aeronautical related operations to be sited on the airport. These operations could be re-located to other more practical sites where there is no impact on the village.
- The proposal will have an increased detrimental impact on residential amenity, which will be focused behind Oak Close with HGV traffic in and out of the yard as well as general yard work which includes stopping and starting of wagons, shunting, loading and unloading and manoeuvring all of which will impact the area.
- The proposed access road for Hanger 5 will eventually access the proposed New Link road via a new junction behind Oak Close, this junction has been raised as an issue as part of the Zone A Gateway planning applications. Due to the projected volumes of traffic on the link road together with the siting of a replacement car park also behind Oak Close and traffic accessing and exiting the airport via this junction, being required to turn right across oncoming traffic. No solution has been identified within this application.
- This proposal has no noise or air quality assessment associated with it and the Link Road assessments are non-existent. These should be provided for this area.

### **Councillor Redford and Council Wright:** Joint objection:

- The airport is located within the Green Belt and the application does not fulfil any of the "special case" requirements defined in paragraphs 143-147 of the NPPF.
- The change of use would be damaging to the area and community.
- Increase in traffic, particularly HGV movements potentially 24 hours a day, 365 days a year.
- Increase in noise, pollution and degradation of the current roads.
- Increased risk of incursion on restrictive roads around Baginton and surrounding villages, representing road safety hazards.
- Allowing the change of use would set a harmful precedent.

**Environmental Protection:** No objection.

**WCC Highways:** No objection.

**Public Responses:** 20 Objections:

- Impact on neighbouring residential amenity (increase in traffic including HGVs, pollution, noise & light disturbance);
- detrimental impact on property prices;
- the access for HGVs is unsuitable; the village has already been spoilt by other agreed developments;
- impact on wildlife;
- impact on local community;
- an alternative access should be considered;
- impact on health of nearby residents;
- the overall economic benefits are questionable;
- reference to application W/05/1831 is irrelevant;
- queries need for an EIA and air quality assessment.

**Coventry and Warwickshire Local Enterprise Partnership (CWLEP):**

Support, will secure local employment and enable the continuing development and growth of a successful small business. We have worked with the businesses and with other stakeholder's to secure their continuity of the operations and assist with the search for new premises. This has not been an easy process mainly because of a shortage of suitable premises, the special requirements of some companies such as In Transit Ltd and the rising costs of buying or leasing any premises in one of the most buoyant local economies in the country. The business involved with this application has a workforce largely drawn from the local area and would find it difficult to relocate far from its current operating base. The proposed change of use of the existing hanger to the proposed transport related uses is located in an area of long established commercial activity and provides the opportunity to secure the continuation of this business.

**ASSESSMENT**

The principle of the development

*Change of Use*

There have been objections from the Parish Council, Local Councillors and members of the public that the change of use would set a precedent for further changes of use, turning the whole area into a 24 hour industrial estate with the

only access through Baginton Village and that there are restrictions across limiting the use to activities associated with the airport only.

A Section 106 agreement was included with the permission for the neighbouring "Parcelforce site", which includes restrictions on the part of the airport to the rear of Oak Close to airport related operations (W/94/0454), of which the yard area of Hangar 5 falls within the restrictions. Previous permissions relating to some of the hangars on the wider site also limited the use by conditions to operations associated with air freight handling and distribution or airport related purposes only (W/90/0065 and W/93/1008). These conditions were attached because the site was located within the Green Belt and the Council wished to maintain controls over the site and as not to conflict with the structure plan.

However, any restrictions in a Section 106 Agreement or by condition do not dictate that a future planning application should be refused. The Council is obliged to consider each application on its own merits. This includes considering whether the building and land should be reserved for aviation purposes.

Local Plan policy EC3 states that outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses other than use as employment land will not be permitted unless certain criteria can be met. However, there are no policies contained within the Local Plan or the Baginton and Bubbenhall Neighbourhood Development Plan (BBNDP) which stipulate that the application site must remain for aviation purposes. Therefore, whilst the comments above are noted, there is no material planning reason to insist that the site should remain associated with airport activities in principle.

The existing use (air freight storage and distribution and aircraft maintenance hub) whilst sui generis, is akin to an employment use (B1, B2, B8) in terms of the types of activities carried out within the site. The proposed use would also be sui generis, a haulage yard, including HGV storage and maintenance and road freight storage and distribution. This is also considered to be similar to the traditional employment uses and similar in general terms to the existing use. It is therefore not considered that the proposed change of use would result in a loss of employment land. The change of use is considered to be acceptable in principle.

*Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified*

Local Councillors state that the airport is located within the Green Belt and the application does not fulfil any of the "special case" requirements defined in paragraphs 143-147 of the NPPF.

However, the proposals do not require any external alterations to the premises. Consequently the proposed use would have no greater impact on the openness of the Green Belt than the existing use. Paragraph 146 of the NPPF recognises that appropriate development within the Green Belt would include "the re-use of buildings provided that the buildings are of permanent and substantial construction". The proposed change of use would represent the re-use of an existing building with the Green Belt, which is clearly of permanent and substantial

construction. The proposal is therefore considered to be in accordance with the Local Plan and NPPF relating to the impact on the Green Belt.

#### Impact on the character and appearance of the area

There are no external changes proposed to the hangar. There would be the provision of an additional access, including a new fence. Details of the fencing have been provided and in the context of the application site and wider airport, this security fence would be acceptable.

The application site cannot be viewed from public vantage points and the proposed physical alterations to the site as part of this scheme are minor and acceptable in terms of the impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

#### Car parking and highway safety

Local Councillors consider that the proposed access road for Hanger 5 will eventually access the proposed New Link road via a new junction behind Oak Close, and this junction has been raised as an issue as part of the Zone A Gateway planning applications. Due to the projected volumes of traffic on the link road together with the siting of a replacement car park also behind Oak Close and traffic accessing and exiting the airport via this junction being required to turn right across oncoming traffic, Councillors express concerns relating to highway safety. Councillors also raise concerns relating to the degradation of the current roads and increased risk of incursion on restrictive roads around Baginton and surrounding villages, representing road safety hazards. Members of the public consider that the access for HGVs is unsuitable and that an alternative access should be considered.

WCC Highways were consulted regarding the proposal and note that the application is supported by a Transport Statement which confirms that the proposal will not increase the number of HGV trips on the Highway Network as they will be re-distributed from the existing site further south on Coventry Road. Given that the existing facility is to be demolished as part of wider development proposals, the Highway Authority has no reason to dispute this. Furthermore, although a number of objections have been made relating to the proposed access arrangements, the current proposal is temporary and will be replaced at a point in the future when the Gateway South proposals are completed. WCC Highways have no objection to the proposed change of use on this basis.

The Vehicle Parking Standards do not specify the parking requirement for sui generis use and should be determined on an individual basis. As stated above, the proposed use is not likely to generate an increased number of trips to the site and in terms of the existing and proposed uses, these are fairly similar in terms of the parking demands for the site. It is therefore not considered that the proposed change of use is likely to generate an increased demand for parking within the site, which has ample parking around the existing building.

WCC Highways have identified that there would be no additional traffic as a result of the change of use, and no detrimental impact on highway safety. There is also

adequate parking on site, and the proposal is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3 and BBNDP policy G4.

#### Impact on nearby residential amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

There have been objections from members of the public, the Parish Council and Local Councillors that the proposed use would have a detrimental impact on neighbouring residential amenity in terms of noise from HGVs, general yard work (including stopping and starting of wagons, shunting, loading and unloading and manoeuvring), the hours of use, light disturbance and increased levels of pollution for local residents. Members of the public also consider that the proposal would have a detrimental impact on the health of nearby residents and that an air quality assessment should have been provided. Local Councillors note that the proposal has no noise or air quality assessment associated with it and the Link Road assessments are non-existent.

Environmental Health Officers had concerns that it had not been demonstrated that the proposed use would not generate increased levels of disturbance for nearby residential properties. Therefore, a noise assessment was requested and provided by the applicant. The noise report assessed the potential noise impacts on existing residential properties arising from the proposed change of use. The assessment has considered the noise impacts with and without the proposed link road and bund from Gateway South. The report has identified that the proposed change of use is unlikely to have an adverse noise impact with the Gateway South and link road in place, however, the report acknowledges that this could take up to three years for completion.

Without the bund and road link in place, the proposed change of use has been identified as having a low noise impact with some minor exceptions. The report identifies that some night time L<sub>Amax</sub> noise incidents would exceed the recommended 60dB L<sub>Amax</sub> (45dB L<sub>Amax</sub> indoors) up to 11 times during a typical night time. The WHO recommends that no more than 10 to 15 incidents above this level should be exceeded to ensure a good night's sleep. The assessment identifies that the majority of these incidents would occur between 06:00 and 07:00. Noise exceedances have also been identified during the sensitivity test at times of low background sound levels. The maximum exceedance above background level is +3dB which would equate to an audible change in sound levels but may not necessarily cause adverse noise impacts. Considering these impacts in the context that the proposed development is a change of use from a similar operation and is located in an existing area of commercial activity, the noise impacts from the proposed development would not be dissimilar to the existing planning permissions.

Environmental Health Officers conclude that for these reasons, it is not possible to sustain an objection on the grounds of noise. They however recommend that the applicant expedites the creation of the bund at the access road to the development site in order to minimise any adverse noise impacts to local residents in the shortest possible time. Whilst this advice can be passed onto the applicant,

it is not possible to control when the bund is delivered as part of this planning application.

Environmental Health Officers raise no concerns relating to the hours of use, lighting or pollution. This is an existing commercial site where lighting is already installed. Owing to the distance between the main part of the application site and the neighbouring residential properties it is not considered that additional lighting would be materially harmful to neighbouring residential amenity. Any lights from vehicles would be along an existing service road.

The proposal is therefore considered to have an acceptable impact on nearby residential properties and is considered to be in accordance with Local Plan policy BE3.

### Ecology

Members of the public consider that there would be a detrimental impact on wildlife as a result of the proposed change of use. However, there are no ecological issues identified as part of the proposal.

The proposed change of use is considered to be in accordance with Local Plan policy NE2 and BBNDP plan policy G2.

### Other matters

Coventry Airport have not raised any airport safeguarding concerns.

Local Councillors and members of the public consider that the proposal would be damaging to the area and community. However, for the above reasons, Officers have no evidence to suggest that this would be the case.

Members of the public have raised concerns relating to the detrimental impact of the change of use on property prices. However, this is not a material planning consideration and cannot be assessed as part of the application.

Members of the public state that the village has already been spoilt by other agreed developments. However, each application has to be dealt with on its own merits.

Members of the public also consider that the overall economic benefits are questionable. However, as identified above, Officers have no material reason to refuse the application.

Members of the public have questioned whether an Environmental Impact Assessment (EIA) should have been provided in support of the application. However, this change of use does not meet any of the thresholds required for the provision of an EIA.

### Air Quality

As stated above, the proposed change of use is unlikely to increase vehicular trips



to the site, and therefore an assessment on the impact of the proposed development on air quality would be unreasonable to request from the applicant.

It is noted that at the previous committee meeting, Councillors expressed concerns that Environmental Health Officers had not commented on the impact of the proposed development on air quality. Officers have consulted with Environmental Protection, who have expressly stated that they have no objection to the proposed change of use based on air quality grounds. They state that the development would be relocating an existing business, so no additional vehicle emissions would be generated. They acknowledge that objectors have concerns regarding locating the traffic closer to residential properties, however, they point out that there would already be HGV movements associated with the existing access road and previous storage and distribution unit operator. Environmental Protection also note that air quality modelling was conducted for the earthwork bund and access road being constructed as part of the Gateway South development which did not indicate an adverse air quality impact on existing residential properties.

The applicant has also provided a technical note relating to the impact of the change of use on air quality. This concludes that as none of the EPUK and IAQM guidance criteria are met, there is no requirement to carry out a detailed air quality assessment for the potential impact of the relocation of Hangar 5 development on the local area. Any impact associated with the relocation is considered to have no likely significant effects on local air quality in the interim period before the link road to Gateway South is constructed.

The Technical note goes on to explain that the air quality Chapter of the Environmental Statement (ES) for the Gateway South development considered the air quality impacts of the whole scheme including the new link road from the Whitley South development to Gateway South. It is understood that the flows provided to assess the air quality impact of the new link road included the existing traffic to Hangar 5 and other airport buildings which were previously accessed via the western airport access. Furthermore, it should be noted that the flows associated with the proposed use of Hangar 5 are very small in relation to the development traffic. Consequently, even if they were not included, adding them in would make no material difference to the previously predicted impacts. The air quality ES Chapter indicated that the development was expected to have a minimal impact on pollution concentrations at nearby receptors. Overall, this impact was predicted to be negligible. Furthermore, the development was expected to comply with all relevant air quality policy and was determined to be acceptable in terms of the impact on and sensitivity to local air quality.

For these reasons, Officers have no reason to conclude that the proposals would result in a detrimental impact on air quality.

### **SUMMARY/CONCLUSION**

The proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals are unlikely to have an unacceptable impact on neighbouring residential amenity, air quality or highway safety. Therefore it is recommended that planning permission is granted.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing AV/17/04/06 submitted on 3rd April 2019 and "Fencing and Environmental Barriers" submitted on 15th August 2019, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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