

Planning Committee Report	
Planning Ref:	FUL/2017/3169
Site:	Allesley Park Walled Garden, Allesley Hall Drive
Ward:	Whoberley
Applicant:	Allesley Park Walled Garden Group
Proposal:	Proposed erection of garden pavilion
Case Officer:	Pooja Kumar

SUMMARY

Full planning permission is sought for the erection of a garden pavilion within the Walled Garden at Allesley Park. The proposed pavilion would provide the voluntary and community groups using the Walled Garden with a storage area, shelter and room for horticultural training. The pavilion would be used as an ancillary space to the Walled Garden and would not significantly increase the number of users of the site.

KEY FACTS

Reason for report to committee:	Representations from more than 5 properties
Current use of site:	Walled Garden – used by local community groups
Proposed use of site:	Walled Garden – used by local community groups

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon the character or visual appearance of the site and local area.
- The proposal will not adversely impact upon the highways safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: CO1, DE1 and HE2 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The proposed development relates to the erection of a detached garden pavilion. The pavilion would be located to the north-west corner of the Walled Garden at Allesley Park, adjacent, but not attached to the brick wall which bounds the site.

The pavilion would be constructed of a brick plinth with tern coated stainless steel walling and roof with windows and roof lights. The building would have a footprint measuring 7m by 4m it has a mono-pitched roof with a ridge height of 3.9 metres (4.1 metres including the chimney). The pavilion would be accessed from its southern elevation through glazed sliding doors.

The proposed pavilion would have a functional use to provide the voluntary and community groups that use the Walled Garden with a storage area along with a shelter and training room for horticulture amongst other things. The pavilion would be used as an ancillary space to the Walled Garden and would not increase the number of users of the site.

SITE DESCRIPTION

The application site is a walled garden to the south-east of Allesley Park. Neither the garden nor wall are listed, but there are nationally listed and locally listed buildings in the vicinity. The site is a well-maintained garden with a variety of planting which includes shrubs, flowers, potted plants and mature and semi-mature trees. The wall around the garden is just over 4 metres in height, built of a mix of red brick with tile top. The gardens historic use can be linked to Allesley Hall, and as such, there are historic elements to the wall itself comprising of gaps and arched openings. The site is accessed through Allesley Park by public footpaths with the nearest car parking being the public car park on Allesley Hall Drive.

PLANNING HISTORY

There is no relevant planning history.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy CO1: New or improved social community and leisure premises

Policy DS3: Sustainable Development Policy

Policy DE1 Ensuring High Quality Design

Policy HE2: Conservation and Heritage Assets

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City

CONSULTATION

No objections received from:

Conservation/Archaeology (CCC)

Trees (CCC)

No objections subject to informatives received from:
Ecology (CCC)

At the time of writing the report, no comments have been received from the following CCC consultees:

Parks and Leisure
Landscape & Green Spaces

Immediate neighbours and local councillors have been notified; and a site notice was displayed on site on 24/01/2018.

8 Letters of objection have been received raising the following material planning considerations:

- a) Proposal is not in the best interest of the park;
- b) The materials proposed for the building are not in keeping with a walled garden and the colour is unknown;
- c) The proposed building is not needed, there are available buildings nearby;
- d) Long opening hours resulting in concern over noise;
- e) Future long term maintenance;
- f) Fear of crime;
- g) Impact on archaeological remains;
- h) Drainage provision;
- i) Impact on wall; and
- j) The application has not been publicised appropriately.

4 letters of objection have been received, raising the following non-material planning considerations:

- k) Permission should be sought from the Ilffe family and there is a restrictive covenant stating no building to be erected in the walled garden;
- l) Health and safety concerns as there are no hand washing facilities within the proposed pavilion and a freestanding stove which could cause a fire;
- m) What will happen when the building is no longer required by the volunteers who are on a 12 month lease;
- n) Concern over quality of information on submitted plans;
- o) In 2012 a survey was conducted to determine the future of the walled garden and 56% respondents said they do not want a permanent shelter;

4 Letters of support have been received raising the following material planning considerations:

- a) Proposal will provide a good asset for the walled garden; and
- b) The building is modest in its size.

Councillor Bally Singh submitted no formal comments, but requested officers to look into the concerns over the publicity of the application.

APPRAISAL

The main issues in determining this application are principle of development, the impact upon the character of the area and heritage assets, the impact upon neighbouring amenity, highway considerations and ecology.

Principle

Paragraph 57 of the NPPF recognises the importance of proactive planning in respect of good and inclusive design for all development including public spaces. Paragraph 70 goes on to identify the provision of social, recreational and cultural facilities as being vital.

The Coventry Local Plan was adopted on 7th December 2017. In line with the NPPF, policies DE1 and CO1 of the Local Plan relate to good design and new community facilities. Policy CO1 supports the development of new and improved social, community and leisure premises on the basis that development proposals are appropriately located, scale and intended catchment, accessibility and compatibility with other plan policies. Policy DE1 states that development proposals shall be well

designed and amongst other things, should consider local distinctiveness and identity and preserve or enhance local character and setting of the historic built environment.

The proposed development is for the erection of a pavilion within the Walled Garden to aid the volunteer groups using and maintaining the same area. In respect of the overall intended use, location and siting it is considered that the proposal would be appropriate in principle in respect of its siting.

The principle of the erection of a garden pavilion for use by community and voluntary groups is considered to be acceptable in principle subject to complying with other development plan policies, which is further discussed below.

Impact on character of the area and Heritage Assets

The application site is a Walled Garden, typical in its appearance of the Edwardian period. The garden is well maintained and landscaped with pathways and areas designated for landscaping and planting. As stated above, the walled garden, nor the wall itself are listed; however there are listed and locally listed buildings in the local area.

The proposed building is considered to be modest in its size and scale. Its siting in the north-west corner of the site would minimise the impact on the Walled Garden itself and as it would only be partially visible from outside of the Walled Garden there would be little or no impact on the character of the wider area. The size and scale of the building is considered to be appropriate for its intended use and the site.

The proposed materials of the pavilion are intended to be a mix of tern coated steel, brick and glazing. Some objectors have raised concerns on the visual impact of the proposed pavilion on the Walled Garden. The garden is not listed and the nearest listed (locally and nationally) buildings would be Allesley Hall to the north-east, The Dovecotes to the east of the site and Castle Mound to the south. Although these sites are nearby, none of them are within the walled garden. The building although not a fully glazed pavilion, would be functional in its appearance and details of the exact materials and colours can be subject to condition that said the principle of the proposed materials is considered to be acceptable and not detrimental on the character and appearance of the site. The Conservation Officer has raised no objections to the proposed development. The pavilion would not result in harm to the character and visual appearance to the site and nearby listed buildings; and therefore would be in accordance with policy HE2 of the Coventry Local Plan.

Objections have been received stating that the site is of Archaeological interest and that the proposal would have detrimental impact in this respect. Coventry Council's Conservation and Archaeological Officer has been consulted on the current application and has raised no objection to the proposed development in respect of Conservation and Archaeology.

Overall, the proposed development is considered to be well designed; modest in its appearance and; would preserve the character of the site and wider area in accordance with policy DE1 of the Coventry Local Plan.

Impact on neighbouring amenity

The plans submitted demonstrate the proposed pavilion would be located within the north-west corner of the site and would not be visible from outside the application site due to the limited height of the proposed building. In respect of overlooking, loss of privacy, loss of light and overbearing impact the proposed development is considered not to result in any harm to the residential amenity of nearby residents. Currently users of the Walled Garden can use the area where the building is to be located and therefore the provision of the building would not create any greater or lesser harm to residential amenity.

Some objectors have raised concerns over the proposed hours of use and noise complaints which have been received previously from local residents. The proposed development does not intend to change the hours of use of the Walled Garden. The Walled Garden is currently used until 7pm and

it is intended to continue to remain the same. As such, it is considered that there would be no adverse impact on the residential amenity of nearby residents.

Highway considerations

The proposed development is not considered to result in any significant increase in the amount of trips to and from the Walled Garden. The users of the walled garden would be the ones who predominantly use the proposed pavilion and any additional users would be limited to visitors of the same. As such, the proposed development is considered not to result in any detriment to the local highways network and the proposal would accord with policy AC1 of the Coventry Local Plan.

Ecology

The County Ecologist has raised no objection to the scheme subject to the imposition of informatives for nesting birds, amphibians, reptiles and hedgehogs.

Other

As outlined above there are a number of objections received for the proposed development. Some of the concerns identified relate to health and safety, use of a stove and lack of washing facilities. In addition to this some objectors have advised there is no need for the building. These matters are not material planning considerations.

In addition, it has been advised that there is a restrictive covenant on site which does not allow the erection of a building. Again this is not a material consideration and the granting of planning permission does not remove any restrictive covenants.

Concerns over the publicity of the application have been raised. A site notice was display on the notice board along the footpath near the Walled Garden on 24/01/2018, and letters of notification were sent to local residents, parish council, councillors and voluntary groups in line with our consultation process.

It is noted that some objectors have raised concerns in respect of the lack of drainage provision for the site. The site is located in flood zone 1 and has an area of less than 1 hectare. The floor space of the proposed pavilion would measure 32m² and therefore in this instance Coventry City Council's Flood Risk and Drainage Officers were not consulted on the application due to the minor size and scale of development proposed. Section 12 of the application form advises that surface water would be disposed of by a soakaway which is considered appropriate for the scale of development proposed.

Objections have been raised on the potential for crime as a result of the erection of a building within the Walled Garden. The proposed pavilion is relatively modest in respect of size and scale and would not be visually prominent from outside of the site. On Officer's site visit it was prevalent that the Walled Garden is kept locked when not in use and the wall of the garden itself is approximately 4 metres in height which makes it difficult to enter the site when none of the volunteers are using the Walled Garden. As such, in respect of crime, the proposed development would not increase the risk of crime within the site due to its siting and size and furthermore the existing security of the site.

CONCLUSION

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon character and appearance of the site, neighbour amenity, highway safety and ecology. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, DE1, OC1 and HE2 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS/REASON

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents Site Location Plan; Heritage statement; Proposed South Elevation; Proposed West Elevation; Proposed North Elevation; Proposed East Elevation; Proposed Foundation and Roof Structure Plan; Proposed Roof Plan; Proposed Section; Proposed Ground Floor Plan, and; Proposed Elevations (All).

Reason: *For the avoidance of doubt and in the interests of proper planning.*

3. Prior to the commencement of development samples of the materials to be used in the external finishes of the proposed pavilion must be made available on site for inspection and approved in writing by the local planning authority.

Reason: *To protect the visual amenity of the site in accordance with Policies DE1 of the Coventry Development Plan 2001.*

[Site Location Plan](#)

[Proposed plan elevations](#)

[Proposed ground floor plan](#)

[Proposed section](#)

[Roof plan](#)

[Proposed foundation & roof structure plan](#)

[North elevation](#)

[Proposed south elevation](#)

[Proposed west elevation](#)

