

Planning Committee Report	
Planning Ref:	FUL/2019/1923
Site:	1A Brandon Lane
Ward:	Binley and Willenhall
Proposal:	Change of use of land to extend existing car park and to provide outdoor amenity space (retrospective)
Case Officer:	Anne Lynch

SUMMARY

This is a revised application for an extension of an existing car parking area and the creation of an outdoor seating area in the Green Belt with associated boundary enclosures, all of which are retrospective.

BACKGROUND

A previous application seeking to retain the unauthorised works was refused in 2018 and dismissed at appeal in April this year. This revised application seeks to overcome the previous reasons for refusal and sets out what the applicants believe to be very special circumstances to outweigh any harm to the Green Belt.

KEY FACTS

Reason for report to committee:	Councillor John Mutton supports the application and has requested that the application be considered by Planning Committee if officers are recommending refusal.
Current use of site:	Previously Green Belt with dense tree planting
Previous number of car parking spaces:	35
Parking provision with extended area:	43

RECOMMENDATION

Planning committee are recommended to refuse planning permission.

REASON FOR DECISION

- The proposal is unacceptable in principle.
- The works are inappropriate development in the Green Belt and the applicant has failed to demonstrate very special circumstances to outweigh the harm to the Green Belt.
- The proposals are contrary to Policy GB1 of the Coventry Local Plan 2016, together with the aims and objectives of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

This is a retrospective application for enclosure and change of use of Green Belt land to the rear of the site to form an extended car park area and staff seating area for use by The Penderels Trust.

The rear boundary palisade fence has been repositioned to enclose land which previously formed part of a landscaped buffer screening the Green Belt land from the commercial and residential development adjacent; and a further fence has been erected inside the palisade fencing to the north western corner of the site at the rear of the residential properties. The repositioned palisade fence runs alongside the low level picket fence that was erected by Highways England around their area of balancing ponds and bund.

The enclosed land forms an extended car park area to provide 8 new car park spaces on a gravel surface. Two car parking spaces within the original hard surfaced parking area have been lost to provide access to this extended area.

A further area alongside the extended car park has been laid out with wood-chipped surfacing to provide an external area for staff with outdoor seating in the form of benches and tables.

A substantial amount of vegetation has been removed to enable the above developments.

SITE DESCRIPTION

The application site is designated Green Belt land to the rear of the existing office premises that are located as back-land development behind the properties on Brandon Lane and those on the A45.

The site is accessed via a narrow track adjacent to residential properties on Brandon Lane. Just beyond the site entrance there is an area of vacant land (formerly occupied by two bungalows) that has access restricted by bollards. Beyond this, to the west of the track is the rear boundary of the petrol filling station on the A45 and there are residential dwellings to the north of the petrol filling station.

The petrol filling station and the properties to the north face the A45 where it joins the Tollbar end roundabout junction.

The land to the north and east of the site is green belt land that sits between the A46 to the north and Brandon Marshes to the east. The site is close to the administrative boundary with Rugby Borough Council.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Reference	Proposal description	Decision and date
FUL/2018/0943	Change of use of the land to create additional car parking space and	Refused 24/07/2018

	erection of boundary fence (retrospective application)	Dismissed at appeal 08/04/2019
FUL/2016/3016	Erection of temporary single storey modular building	Approved 06/02/2017
R/2000/1734	Extension to existing training and resource centre and provision of additional car parking facilities	Approved 01/03/2001
R/2000/0173	Refurbishment of existing premises including new pitched roof, replacement windows, brickwork to replace hoarding and modified access from Brandon Lane	Approved, 02/03/2000
R/2000/1334	Erection of replacement 2m and 2.4m perimeter fencing	Approved, 23/08/2000
L/1997/0519	Erection of new store and workshop, change of use of existing training centre to offices (Use Class B1) and alterations to vehicular access	Refused, 13/06/1997
S/1982/0857	Extension to training centre	Approved 22/04/1982
S/1967/1359	Erection of training centre and alterations to existing building and forecourt, including installation of new petrol pumps and tanks	Approved 07/11/1967

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF, February 2019 (as amended) 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 increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 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 DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

Policy GB1: Green Belt and Local Green Space

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City
SPD Coventry Connected

CONSULTATION

No Objections received from:

- Environmental Protection
- Highways
- Rugby Borough Council

Objections have been received from:

- Planning Policy

Immediate neighbours and local councillors have been notified; a site notice was posted on 9th October 2019.

No representations have been received from nearby residents.

Councillor John Mutton requested that the application be referred to Planning Committee if officers are mindful to recommend refusal, stating: “We support the application for parking spaces in Brandon Lane, as it is a secure piece of land, surrounded by fencing erected by Highways England and helps preserve jobs in a disadvantaged area”.

APPRAISAL

The main issues in determining this application are the principle of development and whether very special circumstances have been demonstrated to outweigh the harm to the Green Belt and Highways issues.

Principle of development

Policy DE1 seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Policy GB1 of the Coventry Local Plan relates to development within the Green Belt. This Policy states that inappropriate development will not be permitted in the Coventry Green Belt unless very special circumstances exist. This policy further indicates that development proposals in the Green Belt will be assessed in relation to the relevant national planning policy.

Paragraph 133 of the National Planning Policy Framework makes it clear that the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Once established, Green Belt boundaries should only be altered where exceptional

circumstances are fully evidenced and justified, through the preparation or updating of plans (paragraph 136).

Paragraph 143 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It further states at paragraph 144 that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant's office building and adjacent surfacing immediately around the building are outside of the Green Belt and so too are the residential dwellings to the south and west of the offices. The site of the works to provide the extended car parking area and the staff external seating area is entirely within the Green Belt and previously contained substantive landscaping which formed a buffer and visual screen between the open Green Belt and the adjacent developed land. The palisade fence that formed the previous boundary to the site has been relocated to enclose the Green Belt land. These works were initially brought to Officers' attention in 2018 following an enforcement complaint about removal of trees and vegetation. There was previously a substantial tree belt across the entire area of the site that formed a buffer between the Green Belt and the built-up form to the south and west. This has been removed and replaced with surfacing for car parking, fencing and wood chippings for external seating.

This is a revised application for retention of these works following refusal of the previous application that was dismissed at appeal. In considering that appeal the Inspector found that the timber fencing and hard standing both comprise operational development within the meaning of s55 of the Act which do not fall within one of the exceptions within the Framework and must be considered as inappropriate development in the Green Belt. It was also noted that the development includes a material change in use in the land and therefore in line with the Framework it needs to be assessed in terms of whether the openness of the Green Belt would be preserved.

The Inspector considered that "although the car park is modest in size and not visible in wider public views it is nevertheless prominent when viewed in closer proximity, particularly from the associated business premises. The fence is a solid man-made structure where one did not exist previously and therefore openness has been reduced to a limited degree. The hard standing facilitates the parking of vehicles that, whilst not constituting an act of development in itself, adds to the loss of openness on an intermittent basis when the car park is in use." The Inspector therefore concluded that the development is inappropriate development in the Green Belt and as such conflicts with the Local Plan Policy GB1 and the National Planning Policy Framework.

The applicant has submitted statements to demonstrate very special circumstances in an attempt to overcome the previous reasons for refusal. The agent states that "bearing in mind this occupier has been supporting Coventry as a Partner of Coventry City Council and bearing in mind the business that they carry out, the applicant should be able to rely on 'significant weight' supporting this proposal. They set out the following list of their special circumstances:-

1. The Green Belt Study acknowledges that pockets of “compromised land” exist.
2. Green Belt in the location of the site has been approved for development. The Local Authority have allowed development in adjacent Green Belt with a much bigger impact for Jaguar Land Rover. Furthermore, the new roadworks have made the site more accessible for vehicles and on the edge of the City close to the airport and other business centres. This site is in a highly sustainable location for commercial use as acknowledged by the recent approval of JLR.
3. Rather than representing a substantial amount of development the proposal imperceptible when judged against the wider development picture of the area.
4. The site is effectively land trapped and cannot be expanded due to its location. Highways England’s construction of the balancing pond and bund around the site and the petrol station and car wash has totally obscured it from view.
5. The site is an invisible relic corner of the Green Belt and its contribution to the open landscape is totally diminished by the Highway England Tollbar works.
6. The original creation of this site and its use as a Shell Training Centre pre-dates the designation of Green Belt.
7. The applicant’s connection with Coventry City Council and the fact that there is a sustainable need for the additional parking statement by Penderels Trust has been produced to support this application.

Following review of the above, officers do not consider that these constitute very special circumstances sufficient to outweigh the harm to the Green Belt.

In relation to points 1), 4), 5) and 6) the Council’s latest Green Belt review informed the review of Green Belt boundaries within the local plan. Notwithstanding what the conclusions of that study may be, the primary material consideration is the existing Green Belt boundaries that it informed and which are adopted. As a result the site sits within the Green Belt and must therefore demonstrate very special circumstances to justify any proposed development.

In terms of the surrounding development that the agent refers to (most notably points 2 and 3), these relate to strategic development sites that were either removed from the Green Belt as part of the Local Plan process for Coventry and neighbouring authorities or have demonstrated very special circumstances in their own right. For example, strategic employment sites to meet the needs for employment land within the region.

The points made by the agent to demonstrate very special circumstances have largely already been considered by the Inspector at appeal where the works were found to be harmful having regard to their scale and surrounding factors.

Highway considerations

Policy AC1 ‘Accessible Transport Network’ states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The car parking standards set out in accordance with Policy AC3 require one car parking space per 45 square metres of floor space for offices. These are maximum standards and a case would usually need to be made for any over-provision. On the basis of the existing floor space a maximum of 20 spaces would be required. The requirement for 43 parking spaces would therefore need to be demonstrated in accordance with Policy AC3 and the supporting technical guidance. Notwithstanding this over-provision and the absence of any robust justification, there are no highway safety objections.

Notwithstanding that very special circumstances are not considered to have been demonstrated, the Inspector did suggest that there may be an opportunity to provide supporting information by way of robust evidence to demonstrate how many spaces are genuinely needed for staff and clients and what frequency the car park is over-subscribed and the implications for the charity of not having sufficient on-site parking. Although they did caveat this noting that parking on Brandon Lane and the nearby A45 are controlled in any event, thereby preventing overspill parking, so the highway safety benefits of the scheme are limited.

The supporting documentation indicates that there are 69 employees at the premises, of which 40 drive to work. There were previously 35 car parking spaces and the works have removed two and created an additional eight. They believe these 41 spaces are sufficient to accommodate the 40 members of staff together with visitor parking as there is some space for visitors given staff sickness, holidays etc. They also note that three of these spaces are for use by disabled persons.

The evidence provided is not robust. There has been no discussion of how often the car park is over-subscribed, consideration of car sharing or other green travel and more sustainable means of travel to work. No evidence has also been provided to demonstrate that the applicants have explored the possibility of alterations to the existing layout to improve capacity or looked at the option of securing additional parking spaces on adjacent land.

A survey of the number of car parking spaces was carried out on Wednesday 6th November by officers. The applicants indicated that this was a good day to see the issue. During the site visit it was apparent that there is a high demand for car parking spaces but there was some availability.

There were 37 cars parked on site and 6 available spaces (including 3 disabled parking bays). The site layout is not consistent with the planning documentation as it shows a total of 43 parking spaces and this was the officer's findings on site.

A reconfiguration of the existing car park may free up space for the additional demand or there could be scope to provide some parking to the south of the existing building. There was an area of land to the south-west of the site that was within the ownership of the previous landlord but this was sold separately to the application site. However, it should be noted that this was within the same ownership at the time that the car park was extended into the Green Belt and should have been considered as a first option before taking up the land within the Green Belt.

In terms of the implications for the charity of not having enough on-site parking, this has not been sufficiently addressed by the comment “detrimental effect upon our ability to operate in an effective manner”.

Officers are therefore of the view that the points raised by the Inspector have not been taken into sufficient consideration by the applicant and does not overcome Policy objections to the principle of this development.

Ecology

Policy GE3 of the Local Plan states that Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Ancient Woodlands, Local Wildlife and Geological Sites will be protected and enhanced.

The works have removed a substantial tree belt that served as a buffer between the Green Belt and the development to the south and west. As the works are retrospective there has been no survey of the trees or ecological assessment to inform the impacts of those works and no proposals for mitigation. The proposals are therefore contrary to Policy GE3 of the Coventry Local Plan in this respect.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The application site lies within the Green Belt where strict policies of restraint apply. This retrospective application seeks to retain a change of use of the land to create a car park

and staff seating area with boundary enclosure within open countryside and on a formerly undeveloped plot of land, which has caused serious harm to the Green Belt because it:

i) is inappropriate;

ii) diminishes openness;

iii) conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside, extending urban sprawl, and is harmful to the maintenance of its character; whilst failing to contribute to the achievement of any of the objectives for the use of land in the Green Belt. No special circumstances have been put forward to justify the proposal in order to outweigh the harm which would be caused by the proposal. In consequence the application is contrary to Policy GB1 of the Coventry Local Plan 2016 and the aims and guidance contained within the National Planning Policy Framework 2019 and is not justified by any other material considerations.