

Planning Committee Report	
Planning Ref:	FUL/2021/0369
Site:	Land at Westwood Heath Road, to the rear of St John's Church
Ward:	Westwood
Proposal:	Change of use of land from agricultural use to public garden.
Case Officer:	Darren Henry

SUMMARY

The application seeks to change its current use from a paddock land to an informal outdoor public recreation space associated with and administered by the Church, as well as being open to the general public.

BACKGROUND

The proposals are for the site to be used as a garden during daylight hours, to be used by the community and managed and administered by St John's Church. The principal access into the site is via a field gate off Featherbed Lane.

KEY FACTS

Reason for report to committee:	The application has received 1 letter of objection and 40 letters of support.
Current use of site:	Agricultural (paddock)
Proposed use of site:	To change the use to a public garden

RECOMMENDATION

Planning committee is recommended to refuse granting planning permission.

REASON FOR DECISION

a) The proposal is not acceptable in principle.

APPLICATION PROPOSAL

The proposals are for the site to be used as a garden by the community, managed and administered by St John's Church. The proposal will also include a car parking area, space for a mobile café van and erection of a temporary Garden Room structure, along with soft and hard landscaping.

SITE DESCRIPTION

The application site is located on the eastern side of Featherbed Lane. To the north is a Vicarage and beyond this to the northeast is St John's Church, to which the field belongs. To the west of the site is No.2 Featherbed Lane and to the south are the properties of Meadow View and Clear View. Southeast of these are Warwick University halls of residence.

The applicant's Design and Access Statement states that the field was last used as an agricultural field in 2017 when it was stocked with horses. Since then the majority of the site has been fallow, left as uncut grass, until it was cut at the end of 2020. An exception to this is an area measuring approximately 36 metres x 15 metres that has been laid with reinforced grass and employed by the church as overflow car parking when there have been special services at the church, such as weddings or at Christmas/Eastertime.

The application site is bounded by hedgerows along all sides of the site, but they vary in height from as low as 1.5 metres to 7 metres.

The site is safeguarded land between the urban area and the Green Belt which is identified to meet longer-term development needs beyond the plan period.

PLANNING HISTORY

No relevant recorded history.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF 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 policies relating to this application are:

AC1: Accessible Transport Network

AC3: Demand Management

AC4: Cycling and Walking

DE1: Ensuring High Quality Design

DS1: Overall Development Needs

DS2: The Duty to Cooperate

GB2: Safeguarded Land in the Green Belt

CONSULTATION

Objections received from:

a) Coventry City Council Planning Policy

No objections received from:

b) Coventry City Council Highways

No objections, subject to conditions, from:

c) Coventry City Council Urban Design and Landscape

Neighbour notification was sent in accordance with the Communications Record and a site notice was posted on the 4th of March 2021.

There has been 1 letter of objection raising the following material planning consideration:

- Object to the proposal due to concerns about access to the proposed public garden. The lane is a single access track to which currently there can be issues to access the lane particularly on entering or exiting the lane. If it was widened the objection would be removed.

There have also been 40 letters of support for the following reasons:

- Currently it is waste ground and if converted into a garden it will enhance the area by giving people the opportunity to relax in a tranquil countryside environment.
- The plan to create a garden where people can either come and be alone or be welcomed into the community of those who will be caring for the garden seems is what is needed. It will be a space for outdoor recreation, created to be in sympathy with local flora and fauna; nature will be allowed to flourish, and the use of land in this way seems well within its green belt status. Those with disabilities might find it difficult to trek out into the fields and go for a walk but could have the opportunity of enjoying time in a garden with wheelchair access.
- This is a temporary project to provide a quiet reflective space where people who have been locked down for months and walk, talk and improve their mental and spiritual health. So, I see no reason why it being Green Belt should be a problem.
- This garden will provide significant benefit to the community as well as caring for the land that it is on. Providing recreational activities on green belt land should be encouraged, especially as this will help people better connect and care for the environment around them. The garden would improve the quality of the land, increase biodiversity and promote communal well-being.
- This garden will not harm the green belt area after all someone granted permission for the high-speed train, which has torn up the countryside having terrible effects on nature.
- The garden is a 2-year project and will revert to a field at the end of the period thus the green belt will be unaffected in the medium term.

APPRAISAL

The main issues relating to this application are the principle of the development, the design and appearance and the impact on neighbouring amenities.

Principle of development

The Duty to Cooperate was created in the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

The Coventry Local Plan identifies safeguarded land that relates to Green Belt parcels that straddle administrative boundaries. These parcels, when considered in isolation, through the Coventry Local Plan are unsuitable for removal from the Green Belt due to the inability to create defensible boundaries that would endure beyond the plan period. However, when considered alongside development options within Warwick District the land could provide longer term possibilities for the release of land from the Green Belt to support cross-boundary development proposals in Warwick District.

The Council cannot place undue pressure on neighbouring authorities to develop on specific sites but safeguarded land provides a mechanism that responds to longer-term development options which means our own plan remains flexible and able to respond to emerging circumstances in neighbouring areas. This enables us to continue to discharge our responsibilities through the duty to co-operate. If these sites do not come forward through cross-boundary designations then the land is considered for formal return to Green Belt.

Policy DS2 states that Coventry City Council will work with neighbouring authorities within its Housing Market Area to support the delivery of the development needs identified in Policy DS1 that originate from the city. It further states that Where sites cross or are adjacent to administrative boundaries and are not subject to joint development plan documents, the Council will continue to work proactively and on an on-going basis with all relevant partners to enable the delivery of new development on these sites.

Policy GB2 states:

1. The areas of Safeguarded Land proposed partly or wholly comprise the following sites and are shown on the Policies Map.
 - a) Land south of Westwood Heath Road;
 - b) Land south of Bishop Ullathorne School;
 - c) Playing Field south of Finham Park School; and
 - d) Land west of Finham Primary School.

Any development of these sites will be subject to consideration through a full or partial review of this Local Plan having explicit regard to development proposals in Warwick District.

Furthermore, paragraph 139 of the National Planning Policy Framework states that "When defining Green Belt boundaries, plans should:

- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development".

Development is defined under the 1990 Town and Country Planning Act as "the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land." Most forms of development require planning permission". Clearly, the proposal constitutes development under this definition.

The proposal is considered as prejudicial because any development within the safeguarded area would prevent the entire area being considered together as a strategic site for future development needs for both Coventry and Warwick. Therefore, there is a particular need to ensure that the site, as a whole, is safeguarded from development. Allowing the land to be developed would prejudice the strategic nature of the policy's aim to protect safeguarded land for future cross-boundary needs and possibly trigger an early review Warwick District Council's Local Plan.

Moreover, Coventry City Council's Local Plan is not yet up for review, so any release of land within land designated GB2, particularly for non-strategic purposes, would be inappropriate and considered premature.

The proposals are therefore contrary to Policy GB2 and the principle of development is not considered to be acceptable.

Impact on Neighbouring Amenity

It is considered that the quiet nature of the proposal and the distance from neighbouring properties would have no detrimental harm to the living conditions of the neighbouring properties.

Design and Appearance

Section 12 of the National Planning Policy Framework 2019 (NPPF) outlines the Government's commitment to good design and attaches great importance to the design of the built environment, highlighting it as a key aspect of sustainable development. Decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative; however new developments should seek to promote or reinforce local distinctiveness. Decisions should address the connections between people and places and the integration of a new development into its existing environment. Consequently, decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF further states that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development". However, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents" (130).

Policy DE1 of Coventry City Council's Local Plan (CLP) states that "All development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area".

It is considered that the proposed temporary building, layout and the soft and hard landscaping treatment would not have any detrimental impact on the street scene or in design terms. However, the site is not located in a suitable location as the site is to be protected from development until a later date when the current local plan is to be reviewed.

The option of a temporary use of the site has been considered with the Planning Policy Officer but it was felt that a temporary proposal would still be unacceptable given the strategic purpose of the designation. Even a temporary permission would fetter the strategic purpose of the policy as it could seriously jeopardise the entire area being considered together to deliver the future needs of both Coventry and Warwick.

Any premature release, even temporary, could trigger WDC to review their local plan sooner than anticipated, which would then have implications for Coventry's future needs.

Highway Safety

Policy AC1 refers to developments which will create additional trips on the transport network, whilst AC3 requires safe and appropriate access to the highway system together with satisfactory on site arrangements for vehicle manoeuvring so as to ensure safety for all users and AC4 encourages walking and cycling.

Access to the application site is via Featherbed Lane, a narrow access road approximately four metres wide to the gateway of No.2 Featherbed Lane, after which it narrows to less than three metres in width. Within the application site there will be 10 car parking spaces, one for staff and nine for disabled persons. Additional parking will be available at St John's Church.

Coventry City Council Highways were consulted and raised no objection, stating *"In respect of this application the Highway Authority considers that the impacts of the development are not severe and has no objections to the current proposal"*.

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

It is therefore recommended that planning permission be refused.

REASON FOR REFUSAL

Whilst the land is not within the Green Belt, it has been set aside as safeguarded land for potential development needs in the future and is therefore not allocated for development within the current Coventry Local Plan. Any development of this site is contrary to Policies DS2 and GB2 and the principles of the National Planning Policy Framework (paragraph 139), as it aims to ensure flexibility in realising cross-boundary opportunities to facilitate development in the longer term. To allow development at this stage would be premature and contrary to the principles of Policies DS2 and GB2 and the need for safeguarding land, thus undermining the Local Plan process for both Coventry and Warwick District Councils and the need to support sustainable development, the on-going commitment to discharge the duty to co-operate and the long term protection and management of the Green Belt.