
Report to

Planning Committee

20 December 2007

Report of

Director of Finance and Legal Service and City Planning Manager

Title

Unauthorised development by installation of hard surfaces at various address in Daimler Green

1.0 Purpose of the Report

- 1.1 To update Planning Committee following their visit to the Daimler Green estate and their consideration of a petition submitted by Councillor Skipper in respect of unauthorised development to form hard surfaces within the front gardens of several properties on the estate.

2.0 Recommendation

- 2.1 Planning Committee are recommended to instruct officers to continue to negotiate with residents to secure a balance between the provision of off-street car parking and the provision of green space to reflect the original design principles of the estate.

3.0 Background

- 3.1 Outline Planning Permission (46810) was granted on 27 September 1996 to use the 21.8ha site of the former Jaguar Daimler plant for predominately residential purposes in accordance with a planning brief that sought to develop a high quality urban village.
- 3.2 The subsequent Reserved Matters were approved between December 1999 and June 2002. Most of these included a condition requiring *"no development to form hard surfaces within front garden areas shown as soft landscaping on the approved plans or any approved amendments shall be carried out unless planning permission has been granted by the City Council."* The reason cited was that having regard to the layout and general nature of the proposed development it is important to ensure no development is carried out except with the permission of the City Council, which would detract from the appearance of the area and affect the amenities of adjacent properties. This condition relates to properties in Bardley Drive, Witnell Road, Sidbury Road, Kingsford Road, Chetton Avenue as shown on the attached plan.
- 3.3 Certain later phases to the northern end of the estate were considered under separate Reserved Matters and whilst certain permitted development rights were removed the condition in respect of hardstandings was not imposed. Therefore, these properties can

form hard surfaces on their front garden areas without requiring planning permission. This relates mainly to properties in higher density parts of the estate, but does include larger properties on Chorley Way, Kinlet Close and Corbet Road. The estate has a different layout on Chorley Way, in that there is a 2m wide landscaped verge in the public highway in front of these properties. On Alverley Road, Trimpley Drive, Highley Drive and parts of Corbet Road for example, houses are situated in terraces close to the road and parking is arranged in shared courtyards, rather than on the forecourt.

- 3.4 Following the refusal of planning permission an enforcement notice was issued in respect of breaches of planning control at 59 Bardley Drive and an appeal to the Secretary of State against this decision was upheld. The Enforcement Notice required that part of the hardstanding be returned to soft landscaping. The Inspector agreed with the conditions that the hardstanding in that prominent location did disrupt and detract from the open landscaped frontage, which formed an integral part of the comprehensive development of this large residential area. The Notice was subsequently complied with.
- 3.5 Similarly, in considering an application at No.43 Bardley Drive for '*Conversion of garage to habitable room, elevational alterations and laying out of forecourt in modified form*' in October 2007 the Planning Committee were advised that negotiations had sought to retain part of the frontage area as grass whilst permitting retention of sufficient of the hardstanding to park two cars. The permission was granted with a condition that required:

"The landscaping to the forecourt area indicated in the approved documents shall be completed in all respects no later than 30 March 2008. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the substantial completion of the planting scheme shall be replaced within the next planting season, by trees or shrubs of similar size and species to those originally required to be planted."

- 3.5 When considering this application, it was drawn to Members attention that other properties had carried out unauthorised work to create hardstandings and that it was intended to seek to negotiate remedies along similar lines to that adopted previously.
- 3.6 Letters were sent to 34 properties on 17 October 2007 advising that a breach of planning control had occurred and clarifying that properties on the 'Daimler Green' estate have had their 'permitted development' rights removed and that any development involving the laying out of hardstanding to a front garden area requires planning permission. The occupiers were encouraged to respond in writing clearly setting out their intentions and any other comments that they may wish to make. Apart from the unsightly visual impact of extensive areas of hardstanding, it also raises the issue of increased surface water run-off. The letter indicated that the following options would be acceptable:
- Remove the additional hard surface that has been laid to the front of the property and return it back to the approved layout by 30 March 2008, or
 - Remove part of the additional hardstanding and reinstate the grass and/or permanent planting, such that no more than a 5m wide hard surfaced strip remains by 30 March 2008. This would allow for 2 cars to be parked on the forecourt and an acceptable amount of landscaping.
 - Other alternatives, which replace the additional hard surface that has been laid out with a combination of landscaping and green semi-porous permeable surfacing that may also allow additional parking by 30 March 2008.
- 3.7 A public meeting was held on 2 November 2007, which was attended by many residents, an Officer and Councillors Skipper and Mutton. It was agreed to extend the deadline for a

further 2 weeks to enable residents to make further written representations, and that the matter would be presented to Planning Committee on 6 December 2007.

3.8 Comments raised at the meeting were as follows:

- Parking is in short supply and cars would be forced to park on the road, which would cause chaos as the roads are narrow.
- Most houses have between 2.5 and 3 cars on average.
- Why was action being taken several years after some people had carried out the works?
- Grasscrete blocks (which are semi-porous) will look untidy.
- The City Council does not maintain areas of land in its own control.

3.9 Although the letter to householders did not encourage applications to be submitted to retain existing hardstanding, there have been no planning applications submitted for retention or modification of any of the unauthorised development.

3.10 In one instance remediation works have been carried out.

3.11 In addition a letter was received from Geoffrey Robinson MP that stated:

- 35 [para 3.6 refers to 32 properties?] properties is an exceptionally high number for so many residents to have undertaken this work unaware of the 'rules'. The Council must accept a certain amount of responsibility for not stressing the importance of 'open green spaces' at the time properties were bought. The Council are guilty of a lack of information and, in one case that was highlighted at the meeting, complete misinformation.
- Due to the Council's poor information I would ask therefore that they accept mistakes have been made, learn from these mistakes and move on from here and to allow the 35 properties planning permission.
- I don't see any other practical resolution to this problem, I feel that if the Council persist in the direction they are heading, it will just become a bureaucratic nightmare, wasting public time and money.

3.12 Written responses have been received from occupiers of certain individual properties and these are appended to the private report. In summary a number raise concerns that they were unaware of the requirements and/or had sought approval from the developers which is all they thought they needed to do. Many of the respondents also refer to the difficulty of parking in the area and the poor quality of the grass which has been removed. Some indicate a willingness to negotiate whilst others indicate that they do not wish to accede to the Council's request to carry out remedial works. Immediately prior to the last Committee it transpired, as indicated in para 3.3. above that 8 of the properties written to had in fact the benefit of permitted development rights in respect of hardstanding. This error occurred because the planning records identified the area as an area where permitted development rights had been removed. This was the case but the specific condition removed rights in respect of buildings rather than hardstandings. Letter's of apology were hand delivered to these properties the day after the meeting.

- 3.13 Councillor Skipper presented a petition to your meeting on 6 December 2007 that raised the following points
- No further action should be taken and common sense should prevail
 - The 1996 concept of an Urban Village has changed
 - The estate includes over 600 houses with a high car ownership
 - Many houses have extended families and need to alleviate parking on street
 - Many of the changes to forecourts go back a few years
 - Residents have spent a lot of money and carried out alterations in good faith and were unaware of the need for planning permission
- 3.14 There are other properties on the estate where breaches of planning control have occurred, but letters to these properties have been delayed pending Members visit to the site. The private report identifies all of the properties.
- 3.15 Daimler Green Residents Association have had contact from other residents complaining about hardstanding being created. 5 residents on the estate have complied with the regulations to get some hardstanding. Each home should be treated on its individual merits and not by a "blanket" approach.
- 3.16 3 comments have been received from individual residents of the estate commenting that one of the reasons they moved onto the estate was because of how impressed they were with the landscaping. The situation is of concern as it sets a precedent. The roads are a standard estate road width and are not too narrow as other residents say. The houses are designed with a drive plus garage to take 2/3 cars, so unsure why residents need so many parking spaces. Residents should have read their deeds if they were unsure what needed permission. They thank the Council for taking action and think that the reinstatement of the landscaping at No. 60 Bardley Drive has made a vast improvement
- 3.17 The Daimler Green estate was designed and laid out as an Urban Village, with its own ambience and the protection of green areas is important to retaining the high quality of the estate. The entire estate is less than 10 years old, with later phases of the development still in the process of being constructed. As a whole, the estate is characterised by mixed forms of development, including detached, semi-detached, and multiple storey flats and apartments. The dominant form of development within the estate is detached two and three-storey residences, positioned on relatively large plots, with extensive landscaping areas to the front. In most cases, more than half of the frontages of these properties are covered with soft landscaping, the remainder is devoted to hardstanding for carparking. The extensive areas devoted to landscaping, combined with the estate wide design of the landscaping areas results in a very coherent and pleasing streetscene, characterised by green spaces and tree lined streets.
- 3.18 The impact of the enlarged areas of hardstanding upon the streetscape and the character of the estate is pronounced, particularly so where landscaped areas have been converted to hardstanding areas on cumulative or closely grouped properties, or where the properties are positioned in prominent positions within the street, such as the corner, or the end of a cul-de-sac. If the conversion of hardstanding areas remains unchecked the character of the estate will be gradually eroded, replaced with a hard lifeless streetscapes.
- 3.19 Undoubtedly there have been errors in this investigation. However those errors are not material to the consideration of the pending issues that these breaches raise. As described in para 3.3 there are material differences between the properties where without an express

planning permission hardstanding can be laid. Members having viewed for themselves the estate will be asked to consider in the private agenda the position in respect of individual properties and will be advised of the response received by the occupiers and to instruct officers how they wish to proceed.

List of background papers

Proper officer: City Planning Manager

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(Any enquiries should be directed to the above)

Other contributors:

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Papers open to Public Inspection

Description of paper

City of Coventry Development Plan 2001

SPG – Extending your Home

Location Tower Block reception