

Planning Committee Report	
Planning Ref:	FUL/2018/2876
Site:	Land adjacent to Bransford Avenue and 10 Lichen Green, Coventry. CV4 7DH
Ward:	Wainbody
Proposal:	Stopping up and change of use of highway land to domestic garden in association with No.10 Lichen Green and the erection of a 1.8m brick pier and timber panel wall.
Case Officer:	Mary-Ann Jones

SUMMARY

This application is a revised application, following a refusal of planning permission for a similar proposal on 03/07/2018 (reference FUL/2018/1246). The proposal seeks to overcome the previous reason for refusal.

The site is located on incidental open green space and adopted highway, which has been sold by the Council to the applicant. The applicant now wishes to enclose the land to form part of the residential garden area to No.10 Lichen Green.

The main issues in the determination of the proposal are the principal of development impact on the character of the area.

BACKGROUND

A previous application (reference FUL/2018/1246) was refused on 03/07/2018. The previous application sought to enclose more of the application site with a two metre high close boarded fence. No landscaping was proposed.

This proposal was refused because the enclosure of the land with a close boarded fence and the associated change of use to enclosed residential garden land would result in an undesirable loss of openness to this prominent corner location within this established open plan estate; resulting in the introduction of an incongruous and unsympathetic feature into the streetscene, detracting from the open plan character and layout of the surrounding area, resulting in serious demonstrable harm to the visual amenities of the locality.

This revised proposal seeks to overcome the reason for refusal by reducing the amount of land which is enclosed, improving the quality of the proposal boundary treatment and adding landscaping.

KEY FACTS

Reason for report to committee:	Councillor Sawdon has requested the application be decided by planning committee. The planning objection is loss of community amenity land. At the time of writing the report, no objections had been received from local residents.
Current use of site:	Open green space and adopted highway.
Proposed use of site:	Residential garden, to be used in conjunction with No.10 Lichen Green

RECOMMENDATION

Planning committee are recommended to delegate the granting of planning permission, (subject to the conditions listed in the report) to the Head of Planning and Regulatory

Services upon the expiry on the consultation period and subject to no new significant material matters being raised.

REASON FOR DECISION

- a) The proposal is acceptable in principle.
- b) The proposal will not adversely impact upon highway safety.
- c) The proposal will not adversely impact upon the amenity of neighbours.
- d) The proposal accords with Policies: DE1, GE1, GE2, GE4 and AC1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The proposal seeks to change the use of a small pocket of open space which is located to the side of 10 Lichen Green, on a prominent corner plot. The open space is also adopted highway, which was until recently within the ownership of The Council.

The proposal seeks to erect a 1.8 metre brick and pier boundary wall which will partly enclose the open space to the side of No.10 Lichen Green. There will be 2 metres separation between the new boundary and the edge of the footpath. This space will be grassed and a low level box hedge planted up to the boundary to demarcate the difference between public and private land whilst keeping an open vista across the site in accordance with the character of the area.

The hedging to be introduced will be Buxus Sempervirens (Common Box) which is a slow growing evergreen shrub.

Bricks to match the existing dwelling will be used in the construction of the boundary wall.

The use of the land is currently Highways land, however the proposal seeks to change the use of the land to that of residential garden and incorporate this land into the residential curtilage of 10 Lichen Green.

SITE DESCRIPTION

The application site is adjacent to a semi-detached residential dwelling located within the Cannon Park Estate, which was laid out in the early 1960's in a Radburn esq design. The character of the area is houses fronting onto green spaces with highways access and car parking to the rear of properties.

The estate is characterised by pockets of open space at main vistas, including prominent corner plots and between dwellings. Where there are boundaries, they are set at some distance from the edge of the highway and do not obstruct the open views across the estate. Low level planting is prevalent within the area to maintain open vistas.

The character of the area is predominantly green and verdant with, low level planting and wide grassed verges adjacent to highways.

PLANNING HISTORY

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

Application Number	Description of Development	Decision and Date
FUL/2018/1246	Stopping up and change of use of highway land to domestic garden in association with No.10 Lichen Green and the erection of a 1.8 metre high fence	Refused 03/07/2018
FUL/2010/1404	Erection of a two storey side and single storey rear extension	Granted 08/12/2018 (not implemented, permission now expired)
40790/B	Conservatory to side	Granted 14/03/2002

40790/A	Conservatory to rear	Granted 19/08/1996
C/40790	Erection of a porch,	Granted 14/11/1987

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 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 new 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) 2018, this 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 AC1 Accessible Transport Network
Policy GE1 Green Infrastructure
Policy GE2 Green Space
Policy GE4: Tree Protection
Policy DE1 Ensuring High Quality Design

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Extending your home, A design Guide.
SPG Design Guidelines for New Residential Development
SPD Delivering a More Sustainable City
SPG The Green Space Strategy 2008

CONSULTATION

No Objections received from:

- e) Highways
- f) Rights of Way Officer
- g) Tree Officer

Immediate neighbours and local councillors have been notified on 23/10/2018); a site notice was posted on 26/10/2018, A press notice was displayed in the Coventry Telegraph on 01/11/2018. The consultation period expires on 15/11/2018.

0 letters of objection have been received from local residents at the time of writing the committee report. Any further comments received will be reported within late representations.

Councillor Sawdon has requested the proposal be decided by planning committee on the grounds that the proposal would result in unacceptable loss of community amenity space. He has also raised concerns regarding the potential loss of the tree within the application site.

Any further comments received will be reported within late representations.

APPRAISAL

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

Principle of development

The application site is a piece of open space adjacent to the dwellinghouse of No.10 Lichen Green. Open spaces are protected under Policy GE1, which states; the Council will protect green infrastructure based on an analysis of existing assets, informed by the Green Infrastructure Study and Green Space Strategy by incorporating the Council's Green Space Standards, and characterisation assessments.

The Green space Strategy 2008 confirms that the site is within the 'south' Neighbourhood Management Area where incidental open space is well provided for and above comparative averages. Map 3, demonstrates the application site is not a green space informed by this SPG – the closest being the area of open space bounded by the rear of properties on Lichen Green, Aldrin Way and Blackthorn Close.

Whilst Policy GE1 protects green spaces, it does state it will protect those spaces which are identified as such within the Green Space Strategy. This site is not formally identified as green space within the Green Space Strategy, however the supporting text of Policy GE1 states that Green Infrastructure can be classified under three categories,

- h) Formal (i.e. parks, formal gardens, civic squares and spaces)
- i) Informal (including incidental green space, road and rail corridors and verges)
- j) Functional (allotments, community gardens)

The site could therefore be considered to be classified as informal green space.

Policy GE2, Green Space seeks to prevent the loss of green space that is of value for amenity, recreational, outdoor sports and/or community use.

It's size and purpose means the site is unsuitable for sporting use, and it is not understood to have provided recreational value (such as for rambling, wildlife observations, parkland, etc.). It has also not served for community events, such as fetes or concerts. The site is however considered to have amenity value to the area.

The site in its current form provides a visual break between dwellings and contributes to the open and verdant character of the area. The proposal seeks to reduce this openness somewhat, however the introduction of an attractive boundary wall with landscaped grass verge and low level hedging is considered to maintain the visual amenity the site provides. It is therefore considered that whilst there will be some loss of openness, the amenity value of the site will be maintained and is thus in accordance with Policy GE2 of the Coventry Local Plan, 2016.

Impact on character of the area

The National Planning Policy Framework, paragraph 127 states that "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) "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. Conversely, 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. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

Policy DE1 of the Local Plan 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.

Areas of incidental open space are protected by Policy GE1, (Green infrastructure) of the Coventry Local Plan, 2016. The supporting policy text classifies the application site as informal incidental open space, stating green infrastructure is considered equal to all other forms of infrastructure and will be viewed as a critical element in the determination of planning applications. Incidental open space provides valuable visual amenity value.

It is acknowledged the land does not offer any community or outdoor sports and recreation use owing to its small size, however the visual amenity value of the land should be weighted equally in the determination of this proposal due to its important contributing function to the green and verdant character of the area.

The application proposal has been significantly amended since the refused scheme, which sought to construct a 1.8 metre close boarded fence 0.7 metres from the back of the footpath to Bransford Avenue. The extent of the fencing followed the footpath to the south of the site.

The reason for refusal stated:

"The proposal is contrary to Policy DE1 and GE1 and the associated Supplementary Planning Guidance - 'Extending your Home, A Design Guide' of the Coventry Local Plan 2016 and the advice contained within the National Planning Policy Framework in that the enclosure of the land with a close boarded fence and the associated change of use to enclosed residential garden land would result in an undesirable loss of openness to this prominent corner location within this established open plan estate; and would result in

the introduction of an incongruous and unsympathetic feature into the streetscene detracting from the open plan character and layout of the surrounding area, resulting in serious demonstrable harm to the visual amenities of the locality”.

The current scheme has sought to address officer's concerns regarding the impact on openness and the incongruous nature of the boundary treatment. The current proposal shows a 2 metre gap from the back of the footpath to the new boundary wall. This is considered to give the characteristic spacing between footpaths and built form which is prevalent in the area. Furthermore the boundary wall will be constructed of brick piers interspersed with close boarded fencing, which it is considered represents a high quality boundary, and is in accordance with the New Residential Guidance SPG. A condition is suggested to be attached to the decision to ensure the wall is constructed in bricks which match the existing dwelling house to further aid in the assimilation with the existing area.

The low hedging which is proposed is not considered to be incongruous or reduce the openness of the area. Low shrubs and hedging are visible throughout the estate. It is therefore considered the revised proposals have overcome the previous reason for refusal and the proposal complies with Policy DE1 of the Coventry Local Plan, 2016.

Impact on residential amenity

The proposal will not infringe any 45 degree sightlines from the nearest habitable room windows on neighbouring properties. The proposal is not considered to harm to neighbouring residential amenity.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should:

- k) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes.
- l) Consider the transport and accessibility needs of everyone living, working or visiting the city.
- m) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form.
- n) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

The previous proposal sought to build the boundary up to the back of the footpath to the south of the site (link path between Lichen Green and Bransford Avenue). Whilst this was not a previous reason for refusal, officers had expressed some concern regarding the tunnelling effect the boundary treatment would have on this footpath, thus reducing visibility and surveillance for pedestrians who use the path.

The applicant has sought to address these concerns by introducing a curved, sweeping boundary to the site, this boundary provides a minimum of 5 metres separation between the footpath and proposal boundary treatment. It is therefore considered this set back now provides comfortable visibility and surveillance for users of the footpath. A condition will also be added to the decision ensuring the hedge will not exceed 1 metre in height to ensure there is permanent visibility to the footpath.

Highways officers have not raised an objection to this proposal and consider there is sufficient visibility to not cause a severe impact upon highway safety. It is therefore

considered that the proposal is in accordance with development plan policies in respect of highway safety.

Trees

An objection has been received on the grounds of the potential loss of the mature Silver Maple tree within the application site. Tree Officer has been consulted and has advised that due to the likely influence of this tree to the subsidence of an adjacent property, this tree is not of Tree Preservation Order (TPO) quality.

In terms of the potential loss of the tree, the proposal does not indicate the tree is to be removed. Furthermore the tree is not of TPO quality, which means officers cannot reasonably add conditions which control its removal. Any such condition would not meet the tests of planning conditions as set out in the NPPF, and could potentially leave the council open to liability for the costs of subsidence at the adjacent property owing to the enforced retention of the tree.

It is therefore considered the issue of the removal of the tree is not within the scope of this planning application and any attempts to retain the tree by way of condition would be wholly unreasonable.

Other matters

The land itself is in private ownership, under Title of the applicant, however is still classified as adopted highway. If the application is successful, a separate application would be made to the Secretary of State for the 'stopping up' of the highway.

Equality Implications

The proposal has been reviewed and it is considered there are no known equality implications as a result of this proposal, in accordance with the Equality Act 2010.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon the character of the area, neighbour amenity, highway safety or ecology, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies GE1, GE2, GE4, DE1 and AC1 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, Layout and Enclosures Plan 2018/02-02/001B

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

3. All new planting shown on the approved drawing shall be carried out in the first planting season following the erection of the new boundary fence/wall, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period.

Reason: *In the interest of the visual setting of the development and the surrounding area in accordance with policy DE1 together with the NPPF*

4. The new boundary hedge as shown on drawing number 2018/02-02/001B shall be maintained so that at no time will it exceed a height of 1 metre above prevailing ground level.

Reason: *To maintain open views across the footpath link to Lichen Green in the interests of pedestrian safety, in accordance with Policy DE1 together with the NPPF*

5. All facing bricks used in the construction of the boundary wall, hereby approved, shall match those used in the associated dwellinghouse (No.10 Lichen Green) in colour, coursing and texture unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.*

