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**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

Application No. : **FUL/2013/0769**
Registered on : **21/05/2013**

Applicant : **Ann McNamee Midland Heart**

Re Site at : **Land between 41-49 Thompsons Road**

Description of Development: Erection of 2no. four bed dwellings. (semi-detached)

Delegated Decision on 16/07/2013

Coventry City Council as Local Planning Authority **GRANT** permission for the development proposed in your application, subject to the following condition(s): -

CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission.
2. The development shall be carried out only in full accordance with the details of the external facing, roofing and paving materials which have been submitted to and approved in writing by the local planning authority.





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3. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the west facing elevation of the dwelling hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority.

6. The development hereby permitted shall be undertaken in the presence of a qualified reptile worker appointed by the applicant to supervise all destructive works to suitable reptile habitat on site. All features, including compost and log piles, are to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must



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cease immediately whilst WCC Ecological Services are consulted for further advice. In addition to this the qualified reptile worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

REASONS FOR CONDITIONS

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy BE2 of the Coventry Development Plan 2001.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE2 & BE20 of the Coventry Development Plan 2001.
4. To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policies BE2 & H4 of the Coventry Development Plan 2001.
5. That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies H12 & BE2 of the Coventry Development Plan 2001.
6. To safeguard the presence and population of a protected species in line with UK and European Law, Planning Policy Statement 9 'Biodiversity & Geological Conservation' and Policy GE15 of the Coventry Development Plan 2001.

In determining the application Coventry City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan set out below, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's emerging Core Strategy and Supplementary Planning Guidance.

The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

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AM22 ROAD SAFETY IN NEW DEVELOPMENTS
BE2 : THE PRINCIPLES OF URBAN DESIGN
BE20 : LANDSCAPE DESIGN AND DEVELOPMENT
GE15 : DESIGNING NEW DEVELOPMENT TO ACCOMMODATE WILDLIFE
GE6 CONTROL OVER DEVELOPMENT IN THE GREEN BELT
GE8 CONTROL OVER DEVELOPMENT IN URBAN GREEN SPACE
H12 DESIGN AND DENSITY OF HOUSING DEVELOPMENT
H4 : RESIDENTIAL EXTENSIONS
H9 WINDFALL ADDITIONS TO HOUSING LAND SUPPLY
SPG : Design Guidance for New Residential Development

INFORMATIVES

- For the avoidance of doubt, this decision relates to the following drawings, letters or associated documentation that may have been submitted with the application.

Topographical Survey dwg no. 120911; Location plan dwg no.12079/P01 rev A; Proposed site plan dwg no.12079/P02 Rev B; Proposed House type dwg no.12079/P03 Rev A; Streetscene dwg no.12079/P04 Rev A; Design and Access Statement; Planning Statement;

- You are advised that if your proposal involves works covered by the Party Walls etc Act 1996. You are recommended to seek independent advice. Booklets are available from the Planning Advisory Desk & HMSO. Please be aware that if any part of the development (such as foundations, guttering, windows, ventilation systems or pipes etc.) overhangs or encroaches onto land or buildings outside of your ownership; or involves works and / or access to land or buildings outside of your ownership; you will need the owner's permission before undertaking any development. The granting of planning permission does not override or authorise the breach of any private ownership rights; and any development undertaken without the consent of the landowner and in breach of any private ownership rights could give rise to civil proceedings brought by the owners of those rights.
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- The application does not include detailed surface water drainage proposals. The proposed development will result in an increased roof or hardstanding area that will generate additional





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surface runoff. The applicant should ensure that adequate drainage is provided to prevent an increase in flood risk. The preferred method of disposal for surface water runoff is through the use of at-source sustainable drainage methods such as a soakaway as detailed in Approved Document Part H of the Building Regulations 2010, and BRE Digest 365 – Soakaway Design. If the use of sustainable methods is not possible, the development should connect to the public sewer system via a separated surface water system and not into foul or combined sewers.

- Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. NB birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.
- This planning permission has imposed restrictions on the development you can undertake within the application property. If you wish to undertake any other works or uses then a further planning permission may be required. You are advised to contact the Planning Advisory Desk (024 7683 1212)
- **Protected species**

A number of European Protected Species are found in Coventry. Please be aware that any development may have implications and / or adverse impact on species and habitats which are protected by the Wildlife & Countryside Act 1981; the Habitat Regulations 1994; the Conservation of Habitats & Species Regulations 2010 and by other European Legislation. The permission given by this notice does not override the protection afforded to these species and their habitats. Please be aware that it is the developers / landowners / contractors responsibility to ensure that any work being carried out will not harm any protected species. (For more information on protected species please see <http://www.naturalengland.gov.uk>)

If evidence of protected species is found, work should stop immediately while Warwickshire Museum Ecology Unit (01926 418074) or Natural England (01453 764450) are contacted for advice on the best way to

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proceed. If any conditions concerning protected species are attached to this decision you are advised to contact Warwickshire Museum Ecology Unit (01926 418074) or www.warwickshire.gov.uk/museum for advice before commencing development or submitting any necessary discharge of conditions applications.

- **This is not an approval under the Building Regulations.**

This permission is given under the Town And Country Planning (Development Management Procedure) (England) Order 2010 (as amended) and is subject to due compliance with the Building Regulations, local Acts and Regulations and with all other relevant statutory provisions in force in Coventry and nothing herein contained is to be regarded as dispensing with such compliance beyond the extent herein specified. This permission does not modify or affect any personal or restrictive covenant applying to the land or any right of any person entitled to the benefit thereof.

- **Appeal Rights: -**

If you are aggrieved by the decision of the City Council to grant permission for the proposed development subject to conditions, you can appeal to the Department of Communities and Local Government under Section 78(1) of the Town and Country Planning Act 1990 (as amended). An appeal must be made within **six** months of the date of this notice.

The forms to be used in an appeal can be obtained from the Planning Inspectorate, Chartroom, Hawk Wing, Room 3/23 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or you can access their website on **www.planning-inspectorate.gov.uk**

The Secretary of State can allow a longer period for the giving of a Notice of Appeal, but will not normally be prepared to use this power unless there are special circumstances.

The Secretary of State may not consider an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development due to statutory requirements, to the provisions of a development order or to any directions given under an order. The Secretary of State will not refuse to consider appeals solely because the local planning authority based their decision on a direction given by her.

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- If permission to develop land is granted subject to conditions, whether by the City Council or an appeal by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or may be permitted. In these circumstances, the owner may serve a purchase notice on the City Council requiring the Council to purchase the interest held in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a referral of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 & 120 and related provisions of the Town and Country Planning Act 1990.
- If any part of the development for which planning permission is hereby granted affects the means of access to a building then your attention is drawn to Section 46 of the West Midlands County Council Act 1980 under which the Council must reject plans deposited in accordance with building regulations unless those plans show:
 - a) That there will be adequate means of access for the fire brigade to the building, or as the case may be, to the building as extended;
 - and
 - b) That the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

- **FURTHER APPROVALS**

If one or more of the conditions listed in this decision notice require you to submit further information to the City Council for approval then in **all** instances those details are to be submitted to: -

Development Management (CC4/2.01),
City Development Directorate,
Civic Centre 4,

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Much Park Street,
Coventry CV1 2PY

The receipt of such details will be acknowledged and a further decision notice will be issued following full consideration of these additional matters.

- **MINING INFORMATIVE**

The proposed development lies within a coal mining area (either an area of old workings or active and future workings, or an area of proved coal resources) and therefore could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through



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drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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