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

<table>
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<th>Application No.</th>
<th>: FUL/2013/0727</th>
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<td>Registered on</td>
<td>: 25/04/2013</td>
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<tr>
<td>Applicant</td>
<td>: TIS Worldwide Ltd</td>
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<td>Re Site at</td>
<td>: Former Electric Power Station Land off Aldermans Green Road</td>
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Description of Development: Mixed use development comprising 225 berth Canal Boat Marina with A1 use class shops, A3/A4/A5 Class use restaurant/cafe/takeaway, B1a Class use Offices, B1c/B8 use light industrial /storage units, D2 class use boat club & facilities, 24 No. Dwellings & associated parking, landscaping & access improvements.

Delegated Decision on 18/08/2014

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 hereby permitted shall begin no later than three years from the date of this permission.

Assistant Director - Planning, Transport and Highways
2. The development shall be carried out only in full accordance with details of the external facing and roofing materials for all buildings which shall be submitted to and approved in writing by the local planning authority.

3. The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority.

4. The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority.

5. Prior to the commencement of development, a scheme to divert the culverted ordinary watercourse on the site shall be submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented in full accordance with the approved details.

6. Within one month of the first use of the B1(c) and B8 units hereby permitted a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. Thereafter it shall be implemented in full accordance with the approved details and once implemented the Green Travel Plan shall not be withdrawn or amended in any way without the prior written approval of the local planning authority.

7. None of the buildings hereby approved (apart from the houses) shall be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details to be submitted to and approved in writing by the local planning authority and thereafter those facilities shall remain available for use at all times unless alternative measures have been approved by the local planning authority.

Assistant Director - Planning, Transport and Highways
8. None of the buildings or uses hereby approved shall be occupied / brought into use unless and until the access, car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority.

9. There shall be no vehicular access to the site (other than for emergency service vehicles) from Sutton Stop

10. Development shall not commence within 3 months of a valid application for the diversion of the unrecorded right of way across the site, indicated on drawing number 03 revision C, being submitted to the local authority.

11. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall be 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 any of the buildings 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.

12. A landscape management plan, including long term design objectives, long term management responsibilities and maintenance schedules for all landscape areas (other than domestic gardens within the curtilage of a single dwelling house), shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority.

13. Before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
A] an arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction) which shall also include any proposal for pruning or other preventative works.

14. The development shall be carried out only in full accordance with details of:
(i) the proposed pumping station; and
(ii) the proposed bridge;
which shall be submitted to and approved in writing by the local planning authority.

15. Unless otherwise agreed in writing by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until all conditions regarding ground contamination have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until the relevant ground contamination conditions have been complied with in relation to that contamination.

16. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

17. The development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management
procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

18. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition No.12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition No.13, which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition No.14.

20. Notwithstanding the submitted noise assessment, none of the dwellings hereby approved shall be occupied unless and until measures required to ensure that internal noise levels necessary to meet the good criteria in BS8233 (including details of any necessary mechanical ventilation) have been submitted to and approved in writing by the local planning authority. The dwellings shall be constructed in accordance with the approved measures and shall thereafter be retained.

21. The dwellings and industrial buildings hereby approved shall not be occupied until the marina has been constructed and brought into use

22. No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

23. The development shall be carried out only in full accordance with details of the finished floor levels of all buildings which shall be submitted to and approved in writing by the local planning authority.

24. The total number of residential moorings shall not exceed 125
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. In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies AM1, EM5 and BE2 of the Coventry Development Plan 2001.
4. To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies EM4 and OS4 of the Coventry Development Plan 2001.
6. In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable City in accordance with Policies AM1 and OS4 of the Coventry Development Plan 2001.
7. In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies OS4 & AM12 of the Coventry Development Plan 2001.
8. To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies AM19 & AM22 of the Coventry Development Plan 2001.
10. To retain pedestrian access routes within the site in accordance with Policy AM9 of the Coventry Development Plan 2001.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE9, BE2 & BE20 of the Coventry Development Plan 2001.
12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE9, BE2 & BE20 of the Coventry Development Plan 2001.
13. In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy GE14 of the Coventry Development Plan 2001.
14. 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.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Development Plan 2001.

16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Development Plan 2001.

17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Development Plan 2001.

18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Development Plan 2001.

19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Development Plan 2001.


21. The main reason for granting permission is to regenerate the area with the construction of the marina, in accordance with Policy OS3 of the Coventry Development Plan 2001. The erection of the industrial buildings and dwellings without the marina would fail to achieve those aims and would not be acceptable.

22. To ensure that any lighting is designed so as not to detrimentally affect wildlife in accordance with Policies GE15 of the Coventry Development Plan 2001.
23. 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.

24. In order to restrict the impact upon facilities in the area such as education and healthcare, in accordance with Policy OS10 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.

AM1 - AN INTEGRATED, ACCESSIBLE AND SUSTAINABLE TRANSPORT STRATEGY
AM12 - CYCLING IN NEW DEVELOPMENTS
AM22 ROAD SAFETY IN NEW DEVELOPMENTS
AM9 PEDESTRIANS IN NEW DEVELOPMENTS
BE11 ALTERATION OR EXTENSION OF LISTED BUILDINGS
BE15 : ARCHAEOLOGICAL SITES
BE2 : THE PRINCIPLES OF URBAN DESIGN
BE20 LANDSCAPE DESIGN AND DEVELOPMENT
BE21 SAFETY AND SECURITY
BE5 THE CANAL CORRIDOR
BE9 DEVELOPMENT IN CONSERVATION AREAS
E5 OFFICE DEVELOPMENT
E9 WINDFALL ADDITIONS TO EMPLOYMENT LAND SUPPLY
EM4 FLOOD RISK AND DEVELOPMENT
EM5 POLLUTION PROTECTION STRATEGY
EM6 CONTAMINATED LAND
GE11 PROTECTION OF SITES OF SPECIAL SCIENTIFIC INTEREST, LOCAL NATURE RESERVES AND COVENTRY NATURE CONSERVATION SITES
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.

Reptile survey dated 23.9.13 prepared by FPCR;
Flood risk assessment dated 2.5.14 prepared by Bannersgate;
Arboricultural assessment dated August 2012 prepared by FPCR;
Final biodiversity impact calculator (version 18);
Agent report - commercial;
Noise assessment dated July 2012 prepared by Air pressure testing;
Framework travel plan;
Design and access statement;
Planning statement;
Sustainability assessment;
Transport assessment dated February 2013 prepared by Bannersgate;
Final report on preliminary investigation dated June 2012 prepared by Ian Farmer Associates;
Phase II ground investigation dated November 2012 prepared by Ian Farmer Associates;
Breach analysis calculations;
01;
02C;
03C;
10;
11A;
12A;
13A;
14A;
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.

**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 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.

- 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,
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.

Application Number: FUL/2013/0727
Despatched on 18/08/2014
DNFAC (feb2011)
Page 13

Assistant Director - Planning, Transport and Highways
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 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.