Mr Tim Claxton
Aggregate Industries UK Ltd
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TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

Application No. : FUL/2014/4069
Registered on : 20/01/2015
Applicant : Aggregate Industries UK Ltd
Re Site at : Blackburn Road Industrial Estate, Stonebrook Way

Description of Development: Construction of a ready-mixed concrete plant facility.

Delegated Decision on 17/03/2015

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.
2. The development hereby permitted shall be carried out in accordance with following approved plans: M13.211.D.001A; M13.211.D.002A; M13.211.D.003A; M13.211.D.004A
3. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall

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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 fences to be erected, specifying the colour of the fences. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the facility 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. 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. Where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

5. No deliveries shall be taken at or despatched from the site before 7.00am or after 8.00pm Monday to Friday, before 7.00am or after 1.00pm Saturdays, or at any time on Sunday or Bank / Public Holiday.

6. The "4m Wide Proposed Cycleway Buffer" shown on approved drawings M13.211.D.001A and M13.211.D.003A shall be kept free of obstruction and be available for that purpose at all times.

7. The facility shall not be occupied unless and until details of the proposed car parking and manoeuvring areas have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**REASONS FOR CONDITIONS**

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
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, BE9 & BE20 of the Coventry Development Plan 2001.
4. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled contamination.
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.

5. To protect the amenities of occupants of nearby properties in accordance with Policy OS6 of the Coventry Development Plan 2001.

6. In order to ensure there is sufficient space for the provision of the planned foot/cycle bridge link, in the interests of encouraging sustainable transport movements in accordance with Policies OS4, AM1, AM11, and AM13 of the Coventry Development Plan 2001.

7. To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policy AM22 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
AM11 - IMPROVING CYCLING FACILITIES
AM13 - CYCLE ROUTES
BE2 - THE PRINCIPLES OF URBAN DESIGN
BE20 LANDSCAPE DESIGN AND DEVELOPMENT
BE5 THE CANAL CORRIDOR
BE8 CONSERVATION AREAS
BE9 DEVELOPMENT IN CONSERVATION AREAS
E1 OVERALL ECONOMY AND EMPLOYMENT STRATEGY
E2 CONSOLIDATING AND STRENGTHENING THE CITY’S EXISTING ECONOMIC BASE
EM2 AIR QUALITY
EM3 WATER RESOURCES AND QUALITY
EM4 FLOOD RISK AND DEVELOPMENT

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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.

  M13.211.D.001A
  M13.211.D.002A
  M13.211.D.003A
  M13.211.D.004A

  Planning & Design & Access Statement
  Air Quality Statement
  Lighting and Drainage Statement
  Noise Assessment
  Phase 1 Land Contamination Assessment

- 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.

  *An abstraction licence will be required for any abstraction of volumes greater than 20 m3/d. The granting of planning permission does not guarantee the granting of an abstraction licence – a licence will only be granted where the risk to the environment is acceptable. We recommend that the applicant / developer consult the Environment Agency’s web-site for information regarding the need, and applying, for an abstraction licence (see: https://www.gov.uk/water-management-abstract-or-impound-water).
*It should be noted that under the ‘Warwickshire Avon Abstraction Licensing Strategy’ (Environment Agency, February 2013) there is restricted surface water available for licensing in this area with water only available during periods of medium to high flows subject to a Hands-off Flow condition. The Principal Aquifer underlying the site is closed to new groundwater abstractions as all resources have been licensed. Water may be available if the applicant / developer can ‘buy’ (known as licence trading) the entitlement to abstract water from an existing licence holder. The applicant / developer should refer to the Environment Agency’s ‘Groundwater Protection: Principles and Practice’ (GP3) document, available from their website www.gov.uk/environmentagency).

This sets out our position on a wide range of activities and developments, including:

• Storage of pollutants and hazardous substances
• Solid waste management
• Discharge of liquid effluents into the ground (including site drainage)
• Management of groundwater resources
• Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on the website (www.gov.uk/environment-agency). The above comments relate solely to the protection of ‘Controlled Waters’. Matters relating to Human Health should be directed to the relevant department of the council.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.


*The proposed development lies in the River Sowe from Breach Brook to the confluence of Withy Brook waterbody(GB109054044660). This is a priority waterbody because it is on a Source Protection Zone. This waterbody is at Moderate status and failing on Invertebrates. A good status of the waterbody is required, therefore no impact that could result in deterioration of the waterbody should be caused by the proposed
The Hall Brook (a confluence of the River Sowe) runs in a culvert within the site boundary at the South of the proposed site. There are also main surface water sewers along the boundary of the site. No contaminated water should be allowed to enter the surface waters. Water contaminated with concrete has a very high pH and can have a serious impact on water quality and aquatic life if released to surface waters.

The application does not state if concrete washout is carried out on site. If this is carried out on site, the following guidance available from this website should be followed:

- **Protected species**

  Bat Lighting Note

  Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their ‘roost’ sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protected Species. Bats, birds and other nocturnal mammals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the Warwickshire County Council Ecological Services on 01926 418060.

  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

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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),

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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...
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