



Coventry City Council

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**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

Application No. : **FUL/2019/0895**
Registered on : **22/05/2019**

Applicant : **c/o agent**

Re Site at : **The Mall Unit 1& 2 Arena Retail Park
Classic Drive**

Description of Development: Change of use of vacant former library unit to use classes A1 (retail) and A3 (restaurant) together with front extension, new shopfront, installation of plant on roof and relocation of ATM unit.

Delegated Decision on 17/07/2019

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 the following approved documents:-
Existing Site Plan Dwg: 100,

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Proposed Site Plan Dwg: 200,
Proposed Elevations Dwg: 203,
Proposed Roof Plan Dwg: 202,
Proposed Mezzanine Floor Plan Dwg: 201,
Proposed Ground Floor Plan Dwg: 200,
Design and Access Statement,
Planning Statement.

3. Other than the timber feature wall no facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building.

4. Prior to occupation as a restaurant (A3 use class) an odour extraction system shall have been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority. Those details shall include:

- (i) Diagram showing height and position of the extraction flue which must terminate at least 1 metre above the eaves height of the building with no flue other than an accelerator cowl;
- (ii) Details of the extraction canopy and grease filtration;
- (iii) Odour abatement system (where carbon filters are proposed details of fine grease filtration and dwell time [in seconds] must be included);
- (iv) Efflux velocity of fumes stated in m/s at the point of discharge;
- (v) How replenishment air will be provided; and
- (vi) Maintenance and cleaning schedule of all duct work/replacement of filters etc.

All details shall be carried out as approved and the system shall be used at all times when cooking.

5. Prior to occupation as a restaurant (A3 Use Class) a noise report shall have been submitted to and approved in writing by the local planning authority, using the methodology of BS4142:2014 to demonstrate that the cumulative noise rating level of all proposed external plant does not exceed the existing background L90 noise levels at a distance of 1m from the nearest residential façade. Any approved mitigation shall be carried out in full and maintained thereafter.

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 amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.
4. To protect the amenities of nearby occupiers in accordance with Policies DE1, DS3 and R6 of the Coventry Local Plan 2016.

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5. To protect the amenities of nearby occupiers in accordance with Policies DE1, DS3 and R6 of the Coventry Local Plan 2016.

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 Coventry Local Plan 2016 set out below, and to all relevant material considerations, including the National Planning Policy Framework, 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.

Policy AC3: Demand Management

Policy CO2: Re-Use of or Redevelopment of Facilities

Policy DE1: Ensuring High Quality Design

Policy DS3: Sustainable Development

Policy R3: The Network of Centres

Policy R6: Restaurants, bars and Hot Food Takeaways

INFORMATIVES

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

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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 visit <http://www.naturalengland.gov.uk>.

If evidence of protected species is found, work should stop immediately while Natural England (01453 764450) is 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 the Planning Department at Coventry City Council on ecology@coventry.gov.uk 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 or **12 weeks** for a minor commercial application.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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;

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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,
Coventry City Council
PO Box 15
Council House
Coventry CV1 5RR.

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.



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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.

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