



Coventry City Council

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

Application No. : **FUL/2011/1587**
Registered on : **06/09/2011**

Applicant : **Mr K E P Developments**

Re Site at : **Old Hall, Tamworth Road**

Description of Development: Alteration, extension and part demolition of existing buildings to provide hotel accommodation including banqueting and spa facilities and associated car parking and landscaping

Decision of Planning Committee on 10/11/2011

Coventry City Council as Local Planning Authority REFUSE permission for the development proposed in your application for the following reasons: -

1. The proposal is contrary to Policies GE6 and GE7 of the Coventry Development Plan 2001 and guidance contained within PPG2, in that it constitutes inappropriate development in the Green Belt and causes harm to the character and openness of the Green Belt and no very special circumstances have been demonstrated to clearly outweigh the identified harm
2. The proposal would be contrary to Policy BE11 of the Coventry Development Plan 2001, and guidance contained within PPS5, in that the

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amount of extra car parking proposed on site would harm the setting of the Grade II Listed Building

3. The proposal would be contrary to Policies E4, S1 and S2 of the Coventry Development Plan 2001, and guidance contained within PPS4, as insufficient evidence has been provided to demonstrate that this main town centre use cannot be located in a sequentially preferable site and would not adversely affect defined Centres

4. The proposal would be contrary to Policies E4, AM1, AM22 and OS4 of the Coventry Development Plan 2001, in that the proposal would be an unsustainable form of development, and insufficient information has been submitted to enable an assessment of whether the proposal would prejudice the free flow of traffic and highway safety within the vicinity of the site

5. The proposal would be contrary to Policy GE15 of the Coventry Development Plan 2001, and guidance contained within PPS9, as insufficient evidence has been provided to demonstrate that protected species would not be harmed

6. The proposal would be contrary to Policy GE14 of the Coventry Development Plan 2001, in that insufficient evidence has been submitted to demonstrate that important trees would not be harmed

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.

11.05.001B Location and Block Plans

11.05.002A Existing Site Plan

11.05.003A Proposed Site Plan (Ground level)

11.05.004A Proposed Site Plan (-1 level)

11.05.005A Proposed Site Plan (-2 level)

11.05.006A Existing Ground Floor Plan

11.05.007A Existing First Floor Plan

11.05.008A Existing Roof Plan

11.05.009A Proposed -2 Level Plan (alpha)

11.05.010A Proposed -2 Level Plan (beta)

11.05.011A Proposed -2 Level Plan (gamma)

11.05.012A Proposed -1 Level Plan (alpha)

11.05.013A Proposed -1 Level Plan (beta)

11.05.014A Proposed -1 Level Plan (gamma)

11.05.015A Proposed Ground Floor Plan (alpha)

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11.05.016A Proposed Ground Floor Plan (beta)
11.05.017A Proposed Ground Floor Plan (gamma)
11.05.018A Proposed First Floor Plan
11.05.019A Proposed Roof Plan
11.05.020A Existing SE and NE Elevations
11.05.021A Existing SW and NW Elevations
11.05.022A Proposed SE and NE Elevations
11.05.023A Proposed SW and NW Elevations
11.05.024A Courtyard 1 and 2 Internal Elevs
11.05.025A Site Sections AA BB CC
11.05.027A Demolitions Plans
Arboricultural Impact Appraisal 11245-AIA-AS
Aboricultural Impact Appraisal - Addendum 11245-let1-AS
The Old Hall, Coventry - PSS
Transport Assessment - The Old Hall-app a to e inc
Transport Assessment - The Old Hall-app f to j inc
Transport Assessment - The Old hall-script
Old Hall Combined DAS and Heritage Statement Rev A
The Old Hall, Coventry – FRA
OS Map

- 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.

- **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>)

Tracy Daule



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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.

Appeal Rights: -

If you are aggrieved by the decision of the City Council to refuse 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 him.

If permission to develop land is refused, 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



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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 refused 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.

- **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.



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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