



## TOWN & COUNTRY PLANNING ACT 1990

### THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

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<b>Application No.</b>	PL/2023/0002482/FUL
<b>Registered on:</b>	27/11/2023
<b>Site at:</b>	104 Kenilworth Road Coventry. CV4 7AH
<b>Description of proposed works:</b>	Demolition of existing swimming pool building and erection of single storey dwelling (Re-submission of FUL/2021/0745)
<b>Delegated decision on</b>	17/01/2024
<b>Decision Issued:</b>	17/01/2024

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

**1:** The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan. Drawing: 1190.01. Dated 17.02.2020 Proposed Site Plan. Drawing: 1190.04D. Revision D. Dated 07.05.2021 Proposed Plan. Drawing: 1180.05B. Revision B. Dated 16.11.2020 Proposed Elevations. Drawing: 1180.06A. Revision A. Dated 16.11.2020 Design and Access Statement. Ref. 1180

**Reason:** For the avoidance of doubt and in the interests of proper planning

**2:** The development hereby permitted shall begin not later than 3 years from the date of this decision.

**Reason:** To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)

**3:** Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works 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 type of bricks and 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 strict accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting shall be carried out in accordance with the approved details within 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. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE1 and DE1 of the Coventry Local Plan 2016.

**4:** Prior to their incorporation into the development hereby permitted, sample details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall be installed only in full accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

**Reason:** 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 DE1 of the Coventry Local Plan 2016.

**5:** Prior to the construction of any boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with such approved details and thereafter shall be retained and shall not be removed or altered in any way.

**Reason:**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 DE1 of the Coventry Local Plan 2016.

**6:** No structures including vegetation shall be placed within the 2m x 2m pedestrian visibility splay and then be retained thereafter and shall be kept free from all obstructions exceeding 600mm.

**Reason:**In the interests of highway and pedestrian safety and to ensure the safe and free flow of traffic using the adjoining highway.

**7:** No development hereby approved shall take place until full engineering details of the proposed access have been submitted to and approved in writing by the local planning authority and no part of the development hereby approved shall be brought into use or occupied until the approved details have been completed to the satisfaction of the local planning authority. The approved details shall be retained thereafter.

**Reason:**In the interests of highway and pedestrian safety and to ensure the safe and free flow of traffic using the adjoining highway.

**8:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

**Reason:**In the interests of highway safety and the free flow of traffic.

**9:** Prior to occupation of the development the turning areas and parking facilities shown on the approved plan shall be properly consolidated, delineated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

**Reason:**In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

**10:** Prior to the first occupation of the development hereby permitted, provisions for one Electric Vehicle charging point shall be incorporated into the development and retained thereafter. Any gas boilers installed must have a maximum dry NOx emissions rate of 40mg/kWh

**Reason:**To reduce emissions and ensure that the development incorporates sustainability measures in accordance with Policies DS3 and AC3 of the adopted 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 AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy H3: Provision of New Housing

Policy H5: Managing Existing Housing Stock

Policy DE1: Ensuring High Quality Design

Policy EM2: Building Standards

Policy EM5: Sustainable Drainage Systems (SuDS)

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

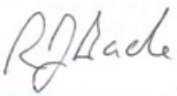
Policy HE1: Conservation Areas

Policy HE2: Conservation and Heritage Assets

Policy DS3: Sustainable Development Policy

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

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**Rob Back**  
Strategic Lead for Planning

## **Notes to Applicant**

### **DISCHARGE OF CONDITION**

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 those details are to be submitted online via the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) .

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

### **BUILDING REGULATIONS**

This is not an approval under the Building Regulations 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 determination 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.

### **ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS**

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should be noted that this site may also lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

### **PARTY WALL ACT**

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. This determination 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 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 visit <http://www.naturalengland.gov.uk>. If evidence of protected species is found, work should stop immediately while Natural England is contacted and advice on the best way to proceed is sought. If any conditions concerning protected species are attached to this decision you are advised to submit any necessary discharge of conditions applications at the earliest opportunity.

### **APPEAL PURCHASE NOTICE**

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 and Part II of Schedule 3 of the Town and Country Planning Act 1990 (or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings).

## **APPEAL ALL OTHER**

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

## **APPEAL TO SOS**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Secretary of State at

Temple Quay House,

2 The Square, Temple Quay,

Bristol BS1 6PN

(Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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.



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