

Planning Committee: 11 October 2023

Item Number: 5

Application No: [W 22 / 1228](#)

Town/Parish Council: Kenilworth

Case Officer: Adam Walker

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Registration Date: 11/08/22

Expiry Date: 10/11/22

Surface Car Park, Talisman Square, Kenilworth, CV8 1JB

Mixed use development comprising 670sq.m of Class E Floorspace at ground level, with 43 residential units over. FOR Cobalt Estates (Kenilworth) Limited

This application is being presented to Committee due to the number of objections received and due to an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to delegated authority to the Head of Planning to secure a unilateral undertaking to restrict future occupiers obtaining a residents' parking permit and subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the erection of an 'L-shaped' five storey building to provide 43 apartments and two units falling within Use Class E (Commercial, Business and Service). The proposed building would be located on the existing temporary car park within Talisman Square and abutting the existing 'Boots The Chemist' premises. A two storey, flat roofed building adjacent to Station Road would be demolished to facilitate the development.

The Class E units would be positioned on the ground floor along with a two bedroom flat, bin store, plant room, cycle store and access point to the upper floors. The upper floors would provide a mixture of one, two and three bedroom apartments, a proportion of which would benefit from balconies.

A car parking area with 21 spaces would be provided behind the building, accessed from Station Road. Deliveries to Boots the Chemist would still be accommodated within the car parking area. A further 14 car parking spaces are proposed to be provided adjacent to Waitrose Supermarket to the south of Talisman Square to serve the proposed residential units. Modest planting areas are provided around the northern section of the building.

The proposal has been slightly reduced in scale at the fourth floor at the northern end of the building in order to reduce the impact of the bulk and mass of the building. This resulted in a reduction of one residential unit during the course of the application. Changes have been made to the fenestration and

materials to add visual interest. Amendments were also made to the bin store to meet with the Council's waste storage requirements.

THE SITE AND ITS LOCATION

The site comprises part of the Talisman Square shopping precinct. It is currently used as a temporary car park pending redevelopment. The site formerly contained retail units fronting onto a square. Two of these retail units remain within the site, fronting onto Station Road.

The site adjoins the Boots retail unit to the west and faces further retail units on the opposite sides of Talisman Square to the south and east. The upper floors of the buildings on the opposite sides of Talisman Square include residential accommodation, a gym and offices. The pedestrian walkways of Talisman Square run along the southern and eastern boundaries of the site. Station Road and commercial units in that road form the northern boundary of the site. There is vehicular access into the site from Station Road.

The site is situated within Kenilworth Town Centre, within the retail area as designated in the Local Plan. Talisman Square is also designated as a primary retail frontage. The surrounding area is predominantly commercial in character, although there is residential accommodation on the upper floors of some of the surrounding buildings.

PLANNING HISTORY

In 2004 planning permission was granted for "Erection of 5 retail units with 4 flats above; erection of a restaurant and extension to existing retail unit with alterations to service/parking yard after demolition of part existing retail units" (Ref. W/03/1260).

In 2012 planning permission was granted for "Change of use of land to create a car park comprising 44 car parking spaces including 4 disabled spaces and cycle parking" (Ref. W/12/1255). This was a temporary planning permission that expired in November 2017.

In July 2017 planning permission was granted for "Mixed use development comprising 1533sqm of retail floor space at ground floor and 65 residential units (mix of cluster flats and studio rooms) above" (Ref. W/16/1139).

A minor material amendment was granted in March 2018 to planning permission no. W/16/1139 to allow for minor changes to the height, footprint, design and windows of the approved building, together with the relocation and increase in size of the rooftop amenity space, the addition of a rooftop plant zone, the replacement of retail storage areas with additional student bedrooms and the substitution of cluster flats for some of the studios (Ref. W/17/2087).

In December 2019, planning permission was granted for repairs/resurfacing of the car park and its retention for a further three years (Ref. W/19/1332). This was a temporary planning permission that expired in December 2022.

Prior to the above applications there had been a number of other previous applications dating back to the original construction of the square in the 1960s. However, these were all for minor alterations and extensions and none of these are relevant to the consideration of the current application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- TC6 - Primary Retail Frontages
- TC3 - Providing for Shopping Growth in Leamington Town Centre
- TC16 - Design of Shopfronts
- H1 - Directing New Housing
- H4 - Securing a Mix of Housing
- H2 - Affordable Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Managing Housing Supply (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP1 - Town Centre
- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP13C - Design Management in Waverley Road and Station Road
- KP14 - Non-designated Heritage Assets

- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Town Council: Objection:

- The development appears to constitute massing on the site with a further floor being added to previous plans. This does not harmonise with the surrounding buildings.
- The plans do not include any agreement to affordable housing.
- There are strong concerns over access to parking for prospective residents. Access to the parking site is a tight narrow turn and egress to the parking site is onto Warwick Road, with a bus stop immediately to your left and chevrons to a pedestrian crossing immediately to your right. It is further considered there are not sufficient parking spaces for prospective residents, taking into consideration an expectation many of the dwellings will be shared residences and other residences in Talisman square currently use the allocated parking site.
- The Ecology Report is relevant to a previous application and it is requested this be updated to reflect and focus on the current application.
- Members further requested that, should the committee be minded to grant permission for this application, then a construction management statement is a condition imposed due to the location of development.
- With reference to the WDC Local Plan policy SC0 "Sustainable Communities" and the Kenilworth Neighbourhood Plan policy KP15 "Environmental Standards of New Buildings", Kenilworth Town Council requests that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development and in ensuring that water efficiency is optimised in line with policy FW3 of the WDC Local Plan.

Conservation Officer: The elevations are more dominant and overwhelming when compared to the prevailing built form. Further revisions should be sought to address the bulk and massing. It still reads very much as a 5 storey building and the higher floors still appear dominant with no set back.

WCC Infrastructure: No objection, subject to contributions of £577 towards improvements to libraries; £293,496 towards improvements to education facilities; £430 towards sustainable travel packs / secured by condition; £2,150 towards road safety initiatives; monitoring fee TBC.

Sports and Leisure: No objection, subject to £3,125 towards outdoor sports improvements, £39,934 towards indoor sports improvements, and £47,825 towards grass pitch improvements.

WCC Lead Local Flood Authority: No objection, subject to conditions.

WCC Highways: No objection, subject to conditions and a financial contribution towards sustainable travel initiatives.

Environmental Protection: No objection in principle, however, clarification requested on the technical specification for the proposed louvre system as an

alternative to mechanical ventilation to address overheating when windows are closed for noise purposes. Similarly, one of the ground floor units (Flat G1) is a single aspect dwelling where its only windows look out onto Station Road. Without a second façade with openable windows, there are concerns about the standard of amenity provided if the residents of this unit would be reliant on the louvre system alone for ventilation. Conditions recommended regarding land contamination, sound insulation, plant noise, deliveries, retail opening hours and air quality.

Tree Officer: No objection.

WCC Archaeology: No objection, subject to condition.

Open Space: Off-site open space contribution of £191,952 required. Inclusion of some outdoor amenity areas welcomed but a rooftop garden or green living walls could have been designed into the scheme to enhance biodiversity, although noted that roof will be used for PV panels. Query how the planting above the Class E units will remain in situ if the units are in private ownership. Given the height of the building and the orientation of the site, the proposed planting around the ground floor flat (G1) may be too dark for some species to flourish; query raised over maintenance of this planting and replacement if species fail. Also query whether the proposed street planting is appropriate given potential utilities; areas appear to jut out from the building into access space. Feature planting (tree and bench) noted but could more street planting be included? The soft landscaping does however complement some of the existing streetscene features. Re-use of existing plants on the site is welcomed. Overall, more detail requested in terms of landscaping proposals. Given the extent of hard surfacing, permeable surfacing, rain gardens or similar could have provided drainage solutions and enhanced landscaping /biodiversity. A cellular attenuation tank is proposed to be installed under the parking area and whilst there are no objections to this given the sites constraints, we would have liked to have seen more sustainable rainwater harvesting and re-use onsite.

WCC Landscape: Neutral:

- The proposed development would be five storeys high which exceeds the height of the surrounding built form.
- Please could the applicant indicate the total area and narrowest width of the new planting including what additional species would be used to help provide privacy to the ground floor apartment.
- A feature container planter with bench is indicated as a focal point from the eastern access off Station Road. Please could further details in terms of height, width, and proposed materials be provided.
- No planting is proposed in or around the proposed parking courtyard. This would help to soften the development in views from the apartments and from Station Road.

WCC Ecology: No objection.

Waste Management: From a waste management point of view there are no objections to this proposed development as long as the bin store is built of sufficient size. As such the number of 1100 litre bins required is 5 x 1100 litres for refuse and 9 x 1100 litre for recycling, therefore the bin store will need to be

big enough to accommodate 14 x 1100 litre bin with room for manoeuvre and access to all 14 bins by the residents.

Warwickshire Fire and Rescue Service: No objection, subject to Building Regulation requirements being met.

South Warwickshire NHS Foundation Trust: No objection, subject to a contribution of £39,437.01 towards additional services to meet patient demands.

Warwickshire Police: Makes recommendations re secure by design and CCTV.

Warwickshire Fire and Rescue: No objection, subject to condition.

Public Responses:

143 Objections:

- Design: Too large for site; it is five stories in height and out of character with area; will cast shadows on pedestrian access leaving them dark and unpleasant; likely to feel threatening at night; lack of real design thinking, turns area into ghetto; overdevelopment; inappropriate use of mixture of materials; wind tunnels will be created; less inviting space for people to dwell in;
- Impact on heritage assets: The applicant has not considered the detrimental impact of the proposed development on both the significance, integrity, character and setting of the imposing and very attractive Grade 2 listed former King's Arms and Castle Hotel Building; scale and height of the proposed Talisman Square development would detract from the visual appeal and prominence of the former Hotel building, thus having a detrimental impact on its significance as a designated heritage asset.
- Town centres: Contrary to Local Plan policy TC1 regarding town centre development in that it does not add "to their vitality and vibrancy, whilst retaining or enhancing important characteristics"; will reduce the extent to which shops and cafes can have active street frontages;
- Amenity: detrimental impact on privacy, overlooking, outlook and light of surrounding uses; overshadowing; noise and disturbance from construction works; poor outlook over car park for proposed units; noise disturbance to existing residents when occupiers have windows open; lack of justification for inadequate amenity standards; flats are very small, lack of private amenity space for residents; will have a harmful impact on quality of life;
- Parking: will add to existing parking stress; insufficient parking; loss of parking to Sexton House; access to remote parking area is dangerous; inadequate cycle storage space; submitted Car Parking Review is flawed;
- Traffic generation: Development will add to traffic congestion in the area;
- Access: service area not large enough for articulated lorries; deliveries will need to squeeze by cars, damaging them; impact on deliveries;

- Waste and recycling: currently, there are no recycling facilities for the residents of Warwick House - adding a further 44 dwellings above street level is going to increase WDC's carbon footprint at a time when WDC's green reputation is already damaged by events at Abbey Fields lake. The focus should be on addressing existing environmental issues, rather than making proposals that will create extra problems; siting the bin area for thirty three dwellings right next to the pedestrian entrance and opposite a very popular shop could cause problems re unpleasant smells in the summer; will cause problems with litter;
- Loss of community space: This will destroy a wonderful facility for the benefit of Kenilworth residents; the proposal does not maintain the wonderful feature of Talisman Square: its exuberant, community-led plantings; these are a reason to walk through and stop in Talisman Square, attracting attention from all generations; they are a powerful reminder of the beauty and respite that can be part of our daily lives if we take care with our living and working spaces; loss of amenity to town, loss of bicycle and car parking; a community area must be accommodated; the car park is currently used for various functions such as markets which are enjoyed by residents and visitors; attractive open space; loss of open space and area to sit and chat - detrimental impact on health and wellbeing; the proposed development will diminish opportunities for people to interact regardless of age, health or disability, and will diminish access to the high quality and safe open space currently available in Talisman Square; the ambience of the Square and the nearby shops and businesses would be lost.
- Loss of open space, contrary to Local Plan Policy HS2
- Loss of valued public realm/social space; this will impinge on opportunities for social interaction and thus be detrimental to health and wellbeing. There are no other similar facilities in Kenilworth town centre - the only other outdoor space in the town centre is at Abbey End and, while this does offer a social meeting place, it is situated on a slope, adjacent to a busy roundabout with traffic noise and fumes, and does not have the sheltered aspect offered by Talisman Square;
- Impacts on the town centre: loss of car park will impact on traders in town, taking trade away; query is additional retail space required given numerous vacant retail spaces in town centre; it is not an enhancement of retail facilities; decrease footfall to existing shops; disruption from construction work on local businesses; 'the Town Centres PPG' was published in July 2019 and is in place to provide additional direction in respect of how retail and town centre planning policy should be applied in respect of plan-making and decision taking - this affirms the Government's aspiration to support town centres in order to generate employment, promote beneficial competition and create attractive, diverse places where people want to work and visit - the proposed development is at odds with this guidance; lack of shop frontage along Station Road, a primary retail frontage.
- Query whether affordable housing will be provided;

- Sustainability: the building should have ambitious environmental targets; queries environmental credentials and future proofing building; query regarding EV charge points;
- inadequate consultation on proposal, there should be more collaborative working; current guidance dictates that town centre planning must include input from stakeholders, this has not occurred.
- Loss of biodiversity - the biodiversity metric calculation tool does not take into consideration the 145sqm of planting around the site; there should be net biodiversity gain of 10%;
- discrepancies with information provided - lack of information on affordable housing and container planting.
- Query whether WDC can purchase site.
- Requests that the Council halts any decision until a body is organised to develop a Neighbourhood Development Order, the current guidance dictates that local communities must be given the opportunity to bring forward the type of development they wish to see in their area; current guidance from the levelling up agenda recommends the utilisation of the sequential and impact test - requests test be please undertaken to determine this application.
- The development should be available at minimal rents for start up or retail with an ecological or sociological value.
- The flats should be available for residential purchase, student flats would not be acceptable; local housing needs not defined.
- Request for provision of exact proposed costing for these plans together with who will actually be financing; if there is any profit made from this, how will it be re-invested for the good of Kenilworth.
- Air quality impacts.
- The inclusion of pets should be allowed, it's not fair to remove an animal that already exists within the family for any reason; if the animal is to stay outside when up until now it's live inside with the family will lead to a decline in the pets mental well-being and will lead to impacted physical well-being; pets will become homeless.
- Inadequate supporting infrastructure to support new housing.
- The committee reports for W/16/1139 & W/17/2087 were inadequately justified and based on unreasonable interpretation of the Council's policies; the decisions therefore cannot be used as a starting point for the determination of the current application; there have been changes to policy since approval of the previous application.
- Contrary to the Local Plan, Neighbourhood Plan and NPPF.

- Suspicious timing of application during school holidays;

Friends of Talisman Square (an informal group who have developed and maintained the new planting in Talisman Square): Objection:

- New planting will be swept away by proposed development; a document is supplied which reports on the development of the planting in Talisman Square over the last two years listing all plants, insects and wildlife;
- The planting area is a valued asset in The Square;
- It is a matter of law that there should be 10% net biodiversity gain - lack of assessment - loss of biodiversity;
- The height, massing and layout of buildings unacceptable, with subsequent loss of light to surrounding buildings and open spaces; the height of the buildings will cast excessive shade in both the southern pedestrian courtyard and eastern courtyard, the latter will be in almost permanent shade due to the vertical wall blocking out the sun apart from a short period early in the morning;
- Disappearance of Talisman Square as a shared multi-use urban space and asset to the community;
- Majority of the planned amenity space is not accessible to the local population;
- Replacement planting at ground level considerably smaller and at north side of development will be in shade most of the day so the current flower rich planting will not be possible;
- Lack of information on management of planting.

1 Neutral:

- Requests that a condition is added to route HGV movements via Abbey End car park to ensure highway safety and protect neighbouring amenity against noise disturbance.

Assessment

The main issues relevant to the consideration of this application are as follows:

- Principle of development;
- Urban design and impact on heritage assets;
- Living conditions of future occupiers and impact on neighbour amenity;
- Highway safety, access and parking;
- Housing mix;
- Ecology;
- Viability and planning obligations; and
- Any other relevant considerations

Background

Supporting information submitted alongside the application provides some context to the proposal. It explains that the previous planning permission on the site for student accommodation and new retail units was intended to form the

third and final part of development within and around Talisman Square, with the earlier phases resulting in the creation of a new Waitrose store and the refurbishment of existing buildings. The consented student accommodation scheme was to be delivered in partnership with Warwick University, however, following the UK's withdrawal from the European Union and potential implications for overseas students attending the University, the University withdrew from the partnership and funding fell away. The subsequent Covid-19 pandemic added further uncertainty and the planning permission eventually lapsed in July 2021. The current submission represents a revised scheme to provide open market housing and a smaller amount of commercial floor space.

Principle of development

Planning permission has previously been approved for a mixed-use scheme on the application site comprising of residential and commercial elements. The original planning permission allowed for 65 residential units for occupation by students plus 1,533m² of retail floorspace (W/16/1139). That permission was subsequently revised through a minor material amendment (W/17/2087) which resulted in the number of residential units being reduced to 41. Both these previous applications were considered against the current Local Plan, albeit at the time of application W/16/1139 the Local Plan was 'emerging' and had not been formally adopted. Although the previous permission has lapsed, it remains a relevant material consideration when assessing the current application.

Planning Practice Guidance confirms that the planning history of a site can be a relevant consideration in the determination of an application. In particular, when considering applications for major development involving the provision of housing, the National Planning Policy Framework indicates that local planning authorities should assess why an earlier grant of planning permission for similar development on the same site did not start. Relevant factors to take into consideration might include evidence as to the reasons why an earlier permission was not implemented, the time that has elapsed since the previous permission expired and the number of similar applications made for the same site.

Provision of new residential development

The site lies inside the urban boundary of Kenilworth. Policy H1 of the Local Plan seeks to direct new development within the boundary of the Urban Areas, Growth Villages and Limited Development Villages. Therefore, the principle of the provision of new dwellings in this location is considered to be acceptable.

Whilst the Council can currently demonstrate a 5 year housing land supply, the provision of new housing would boost the supply and choice of housing within Warwick District and this weighs in favour of the application having regard to chapter 5 of the NPPF.

The site falls within the town centre of Kenilworth. Section 7 of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres. The provision of additional dwellings within the centre is considered to be consistent with supporting the role of the town centre and its future growth and adaptation.

Provision of new Class E development

The application site is located within a designated retail area and the south eastern and north eastern edges of the existing car park form part of the town centre's primary retail frontage, as defined on the Local Plan Proposals Map.

The application proposes 670m² of new Class E floor space in the form of two ground floor units. Class E development includes uses such as shops, financial and professional services, cafes, restaurants, offices, research and development facilities, light industrial processes, healthcare facilities, creches/nurseries and gymnasiums.

Policy TC1 of the Local Plan (Protecting and Enhancing the Town Centres) states that proposals for main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Proposals will also be required to reflect the character and form of the town centre.

Local Plan policies TC2 and EC1 direct new retail and office development to the town centres.

Local Plan policies TC3 and TC6 specifically seek to protect existing retail uses within the main retail areas and primary shopping frontages. However, these policies are not directly relevant to the application because they relate to existing retail units and not new development proposals.

It is important to note that since the adoption of the Local Plan there have been changes to the Use Classes Order which resulted in the grouping of a wide range of uses under Class E, as broadly summarised above. It is permissible to change between different uses that fall under Class E without planning permission. This change to the Use Classes Order indicates a clear desire from the Government for more flexibility regarding appropriate town centre uses.

The proposed Class E development is considered to be an appropriate form of development in this town centre location. What is more, the location of the units corresponds with the defined primary retail frontage and as such the units would provide an active presence at street level, albeit the units could be used for non-retail purposes within this Use Class.

Loss of the existing car parking / community garden

There have been a number of objections regarding the loss of the car park and the soft landscaped amenity area which has been created within the site boundaries. There are a number of modest planted areas surrounding the edge of the car parking area which have been created by 'Friends of Talisman Square', a local community group. This has been named the 'Talisman Square Community Garden'. Members of the public consider that the area represents a community facility which has significant benefits for the local community and attracts many visitors. Members of the public consider that the loss of this community facility would have a detrimental impact on health and wellbeing. This is also referred to

as an area of public open space which would be lost as a result of the proposed development.

The existing car park was granted permission in 2012 on a temporary basis, which was subsequently renewed in 2019, but has now lapsed. Prior to the demolition of the retail units that previously existed on the site some time ago, the land and buildings formed an integral part of the Talisman Square shopping precinct. Permission was given for the redevelopment of these units (W/03/1260), but due to the economic climate at that time, there was not sufficient market demand to develop the majority of the scheme. The use of the application site as a car park was therefore offered as a temporary measure to provide a more attractive shopping environment for the existing retail units surrounding it and a beneficial use of the redundant land. However, this was meant only as a stop-gap, with the intention that the site would still come forward for acceptable town centre development. Given that the site forms part of an allocated retail area in the Local Plan and the car park was only permitted on a temporary basis, the loss of the car park is considered acceptable.

While the comments of members of the public are noted regarding the benefits of the existing soft landscaping enhancements, as these could be removed at any time by the land owner and the site is designated within the Local Plan as a retail area, its loss cannot be resisted. Moreover, Officers do not consider that the land meets the Local Plan definition of public open space which is "all open space of public value, including land and areas of water (such as rivers, canals, lakes and reservoirs) that offer important opportunities for sport and recreation and act as a visual and physical amenity." The land at present is a car park, with some hard landscaped areas where members of the public can pass through, or sit and spend time. The site does not offer opportunities for sport and recreation, nor does it offer physical amenity value. It is noted that the planting has provided some visual amenity to the area, however, this could be removed at any time by the owner of the site without the need for permission. The site as a whole is not considered to provide visual or physical amenity value, and therefore the requirements of Local Plan policy HS2 are not considered to apply in this instance.

In addition to the above, the redevelopment of the car park represents an efficient use of previously developed land and this is something that the NPPF promotes.

Conclusion

In conclusion, having regard to the previous planning permission on the site for a similar form of development and the fact that the proposal represents uses that are appropriate within a town centre, the overall principle of the development is considered acceptable.

Urban design and impact on heritage assets

The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Policy BE1 of the Warwick District Local Plan (2011-2029) and

Policy KP13 of the Kenilworth Neighbourhood Plan also seek to ensure that development proposals achieve a high quality design.

The site is not within a Conservation Area although part of the Kenilworth Conservation Area lies a short distance to the east, separated by existing built form. The majority of the Kenilworth Conservation Area exists to the north of the site beyond Abbey End. There are some listed buildings in relatively close proximity to the site, in particular the King's Arms and Castle Hotel which sits at the junction of Warwick Road and Station Road and is Grade II listed.

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HE1 of the Local Plan mirrors the requirements of the NPPF in this regard.

The Town Council considers that the massing of the development is not acceptable, with a further floor being added to previous plans. They consider that this does not harmonise with the surrounding buildings. Members of the public consider that the development is too large for the site, being out of character with area. Members of the public suggest that it will cast shadows on pedestrian access leaving them dark and unpleasant, and that the area is likely to feel threatening at night. It is stated that wind tunnels will be created and that the area will be a less inviting space for people to dwell in. Members of the public consider that the proposal represents overdevelopment of the site and that there is an inappropriate use and mixture of materials.

Friends of Talisman Square state that the height, massing and layout of the buildings is unacceptable, with subsequent loss of light to surrounding buildings and open spaces. They state that the height of the buildings will cast excessive shade in both the southern pedestrian courtyard and eastern courtyard, the latter will be in almost permanent shade due to the vertical wall blocking out the sun apart from a short period early in the morning.

The Conservation Officer considers that the proposed elevations are more dominant and overwhelming when compared to the prevailing built form. The Conservation Officer recommends that further revisions should be sought to address the bulk and massing, as it still reads very much as a 5 storey building and the higher floors still appear dominant with no set back.

Under the previous applications on this site, the Case Officer noted that:

"Buildings in the immediate vicinity of the application site are generally two or three storeys in height. In contrast, the proposed building would be up to 5 storeys high. However, the highest parts of the building are set back into the site to limit their visual impact. Furthermore, there are examples of taller buildings in the wider area, the nearest being Warwick House in Station Road (4 storeys), with a number of other 4 storey buildings around Abbey End (the 8 storey Holiday Inn has not been referred to here because it is somewhat of an anomaly). So whilst the proposed building would be significantly taller than the existing buildings in the immediate vicinity of the application site, the difference in height compared with other buildings in the wider area would not be so marked. It is important to have regard to the fact that the site is situated within the commercial core of the town centre, where higher densities are to be expected and reflect the objective of making the best use of land in sustainable locations. Furthermore, the immediate surroundings comprise a 1960's shopping precinct that is of no particular architectural merit. Therefore, taking all of these considerations into account, it has been concluded that the height of the proposed building would be appropriate for this location."

It is considered that the above circumstances still remain relevant today. However, initially Officers had concerns that the proposed development appeared larger in scale than that previously approved. In response to this the plans were updated to remove one of the flats on the top floor, which has reduced the massing of the development. Moreover, the submitted plans show that, overall, the bulk and massing would be slightly less than that which was previously approved. Furthermore, the proposed material palette - which involves three different types of brick, three different colours of render and areas of grey cladding - along with the proposed fenestration and other architectural features and detailing provide visual interest and successfully break up the massing of the development. Given that the proposal is of a very similar scale and design to that previously approved and there have been no material changes in terms of policy that would fundamentally alter the assessment in design terms, the design and appearance of the development is considered to be acceptable.

The character of the town centre is very mixed and in Officers' opinion the proposal would help to regenerate and modernise this particular part of the town centre, which dates from the 1960s. The development would create a new active frontage to Talisman Square that would run parallel to the existing units within the shopping precinct, with a well-defined access from Station Road incorporating new signage. The Class E units would form a continuation of the Boots shop front to extend around the corner of the proposed building where it is opposite a pedestrian access linking Talisman Square with the neighbouring Waitrose store. The main entrance to the flats would be located opposite Talisman House and residential balconies would sit above the commercial frontage opposite Sexton House, further adding to the sense of activity within Talisman Square. Some small areas of soft landscaping are proposed to the northern end of the building which, whilst limited in scope, would positively contribute to the public realm. An additional tree and a bench are also indicated within the adjoining pedestrianised area which would augment the existing provision along here. Furthermore, the proposal would result in the removal of a detached, flat roofed, two storey building which is of no discernible merit and

detracts from the streetscene. Officers are therefore of the view that the proposal would have a positive effect on the character of this part of the town centre. A condition is recommended for full details of the proposed hard and soft landscaping of the site to ensure a high quality standard of development.

While the Conservation Officer has raised concerns with the bulk and mass of the proposed building in the context of Policy BE1, no specific objections have been raised on heritage grounds. Officers nevertheless acknowledge that the scale of development is such that it would have some impact on the setting of the King's Arms and Castle Hotel. However, given the separation distance between the listed building and the new development, the presence of intervening built form (road and buildings), along with the design of the proposed development as described above, Officers conclude that the impact on the setting of this heritage asset would not amount to 'harm' in the context of paragraph 202 of the NPPF. Similarly, it is not considered that there would be any harm to the setting of the Kenilworth Conservation Area.

Archaeological Impacts

The proposals lie within an area of significant archaeological potential, with the area of medieval settlement at Kenilworth. First Edition Ordnance Survey mapping indicates an extensive tannery on the site in the late 19th century. Sites of this type can include significant buried deposits, often having been in use for generations. A report detailing the results of a programme of archaeological evaluation undertaken across this site in 2018 by Foundations Archaeology has been submitted with the information accompanying this application. The evaluation established that structural archaeological remains dating to the late post-medieval period and relating to the former tannery survive within the site. Whilst these remains are likely to date, at least in part to the mid-19th century the survival of earlier 17th century deposits could not be ruled out.

Therefore, WCC Archaeology request that a condition is attached for the provision of a written scheme of investigation for a programme of archaeological work.

Living conditions for the future occupiers and impact on neighbour amenity

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed. The Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design. The NPPF requires that planning decisions create places with a high standard of amenity for existing and future users.

Members of the public have objected to the proposal on the basis of the impact on neighbouring amenity, and provision of unacceptable amenity standards for the future occupiers. Members of the public consider that the development would: have a detrimental impact on privacy, overlooking, outlook and light of surrounding uses; cause overshadowing; cause noise and disturbance from construction works; provide poor outlook over a car park for the proposed units;

experience noise disturbance when occupiers have windows open; be very small, with a lack of private amenity space for residents; and, have a harmful impact on quality of life.

Local Plan policy and the Residential Design Guide SPD do not seek to impose specific space standards on the internal size of new dwellings and there is no policy basis to apply the Government's nationally described space standards. Officers have undertaken an assessment of the proposed flats and it is considered that an acceptable amount of internal space would be provided for the future occupiers and habitable rooms would be provided with satisfactory natural light and outlook.

With regards to private amenity space, the Residential Design Guide SPD requires a minimum of 10 square metres per bedroom for flats/apartments. The SPD states that for flats amenity space may be communal but should form a consolidated area. Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public.

The proposed scheme includes private amenity space for a proportion of the units. 5 of the flats would be provided with generous balconies that would provide usable outdoor amenity space and a further 14 flats would benefit from a small balcony area providing a very modest amount of private outdoor space. Whilst just over half the flats would not have direct access to any private amenity space, the scheme is considered to provide a reasonable proportion of external space considering that this is a higher density form of development within a town centre location. The shortfall in provision would need to be made up through the upgrade of nearby off site amenity space. This forms part of the consideration of planning obligations later in this assessment.

The development has been designed to provide suitable levels of privacy between the new flats and to avoid direct overlooking of adjacent residential property (and vice versa).

In terms of the relationship between the new flats, the proposal does not result in any direct window to window relationships and the outlook from windows would be at an oblique angle. For the units that have balconies, there would either be a timber screen or a wall separating the balconies which would provide suitable privacy.

Turning to the relationship with existing residential development adjacent to the site, the nearest properties are the flats on the upper floors of Sexton House on the opposite side of Talisman Square. The proposal would introduce a substantial structure with balconies and habitable windows directly in front of the windows to these adjacent dwellings. The separation distance would be approximately 15m-16m between habitable windows and the first floor balconies would have a separation distance of circa 11.5m. It is proposed to provide angled privacy screens to the balconies to prevent direct intervisibility with the first floor flats within Sexton House.

It is important to note that the previous permission allowed for a broadly similar type of relationship with Sexton House. What is more, the current proposal is considered to represent an improvement in comparison to the approved scheme in terms of the impact on Sexton House because the first floor of the proposed building would be set back into the site thereby substantially increasing the separation distance at first floor level (and thus avoiding the need for a convoluted angled window design). In addition to this, under the approved scheme the second, third and fourth floors stepped out at the south eastern corner of the building whereas this corner of the building has now been pulled back which further increases the amount of physical separation. As such, it is considered that there is some betterment when compared to the previous approval.

It is to be acknowledged that the development is contrary to the Council's Distance Separation Guidelines. However, as stated under the previous application, it is important to bear in mind that this site is situated within the commercial core of the town centre and it would not be appropriate to strictly apply standard separation requirements to a development like this. To do otherwise would harm the vitality and viability of the town centre since it would unnecessarily restrict new development. Taking this into account and considering the previous permission and the improvement in terms of the degree of impact on Sexton House, the relationship is considered to be acceptable. It is worth noting as well that the proposal lies to the north of Sexton House which significantly limits the potential for overshadowing/loss of light.

Turning to the impact on other nearby dwellings, the proposed building is considered to be far enough away from those properties to ensure that the development would not have any significant implications in terms of loss of light, loss of outlook or loss of privacy for those dwellings. Indeed, the proposal would not have any materially greater impact than the previously approved scheme.

To the east of the proposed building is Talisman House. Talisman House has a parade of commercial units on the ground floor with a gym on the first floor. The northern end of Talisman House has an additional floor which also appears to be in commercial use. There would be a very tight relationship between the two buildings (5.7m separation at first floor level). In particular, unit F11 on first floor of the development would have a close relationship with the adjacent gymnasium. The windows within the adjacent gym have opaque glazing, with just a narrow upper section of the window being clear glass. The windows in the eastern side of unit F11 are shown as having opaque glazing to the lower section. A section drawing has been submitted to demonstrate the relationship and this indicates that the existing and proposed opaque glazing would help to mitigate the potential for overlooking and as such Officers are satisfied that the privacy of unit F11 would not be unacceptably compromised. The development has also been designed so that the remainder of the flats on this side of the building would not be unduly affected by the presence of Talisman House. Likewise, taking into account the design of the proposal as well as the similarities with the approved scheme in terms of siting and scale, the impact on Talisman House is considered acceptable.

Noise

The application is supported by an acoustic report which assesses noise impacts, including the potential for noise transfer from the proposed commercial units to the upper floor flats, the impact from operation of fixed plant associated with the development, existing road noise and pedestrian traffic and existing plant associated with adjacent commercial development (notably the Boots store). It identifies that the part of the development most significantly affected by noise is the northern most end of the building closest to Station Road where vehicle noise would be an issue. The report goes on to make a series of recommendations for noise mitigation measures; these include a glazing specification, acoustic louvres to the facade adjacent to Station Road, noise limits for new plant and adoption of a suitable specification for sound insulation between commercial and domestic premises within the building.

The report has been assessed by the Council's Environmental Protection team and its findings are generally accepted. Further clarification has however been sought from the applicant regarding the acoustic louvres proposed to the Station Road facade. This is in the context of overheating because the acoustic report suggests that the louvres could be used as an alternative to mechanical ventilation when windows need to be kept closed for noise purposes.

Environmental Protection have sought to clarify the number of air changes that would occur to establish whether the louvres would provide suitable ventilation. This is a particular issue for the ground floor unit (Flat G1) because it is a single aspect dwelling with its only windows facing onto Station Road where the greatest noise impacts arise (note: the other units that also have a facade directly onto Station Road are dual aspect). Environmental Protection have raised a specific concern with the standard of amenity that would be provided for the ground floor flat because it would be solely reliant on the louvre system for ventilation to adequately protect against noise.

In response to this, the applicant has submitted an overheating report to demonstrate that the proposed louvre system would adequately protect against noise whilst also preventing overheating without the need for mechanical ventilation. The Environmental Protection team have been consulted on the overheating report and their response is awaited. An update will be provided to members on this matter.

The Environmental Protection team have recommended a condition requiring a scheme of noise insulation between the ground floor commercial units and the residential units above. This is considered to be reasonable and necessary to protect amenity. Environmental Protection also recommend conditions to control disturbance from plant noise, opening hours and deliveries in relation to the proposed commercial units. These are also considered to be reasonable and necessary for the purposes of the development.

In addition to the aforementioned conditions, the Environmental Protection team also recommend a condition for a construction management plan in order to control the impacts of any construction works. This was also requested by the Town Council. This condition is considered to be reasonable and necessary to ensure the protection of neighbouring amenity during the construction phase.

To conclude on amenity issues, the development is considered to be in accordance with Local Plan policy BE3 and KNDP policy KP13 subject to conditions and subject to confirmation from the Environmental Protection team that the proposed louvre system is acceptable as an alternative to mechanical ventilation.

Parking and highway safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

The Town Council have objected and state that they have strong concerns for highway and pedestrian safety regarding the proposed access to parking for prospective residents. The Town Council consider there are insufficient parking spaces for prospective residents, taking into consideration an expectation many of the dwellings will be shared residences and other residences in Talisman square currently use the allocated parking site. Members of the public raise concerns regarding additional traffic congestion as a result of the proposed development. Concern is also raised regarding the size of the proposed service area and the potential for HGVs to damage vehicles in the car park.

Access / highway safety

WCC Highways have raised no concerns regarding highway safety, and accept the findings of the applicant's Transport Assessment. They recommend that financial contributions are made in order to improve walking, cycling and public transport infrastructure to mitigate the impacts of the development on the area. They also recommend a condition for a construction management plan to control the impacts of construction on the highway network.

Members of the public have requested that HGV movements are directed through Abbey End car park to ensure highway safety and protect neighbouring amenity against noise disturbance. A condition is recommended stipulating that all HGV's accessing or egressing the site, whether construction, service or delivery vehicles, are routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. This is consistent with the previous planning permission.

Parking

Members of the public state that additional dwellings will add to existing parking stress and that there is insufficient parking proposed. Objections are received regarding a loss of parking to Sexton House and concerns are raised that the access to the overflow parking area is dangerous. Members of the public state that there is inadequate cycle storage space provided.

Based on the Council's Parking Standards SPD, the parking requirement for the proposed development is 84 spaces - comprising of 70 spaces for the future occupiers plus 14 unallocated visitor spaces.

The scheme proposes a total of 35 parking spaces, all of which would be unallocated. 21 spaces are proposed within a courtyard adjacent to the building and 14 spaces are proposed within an existing private car park next to the nearby Waitrose store that is within the ownership of the applicant.

The applicant has sought to justify the proposed parking provision within their Transport Assessment and a Car Parking Review document. The applicant considers that, based on car ownership levels for this type of residential development using available data from the 2011 and 2021 Census, the parking requirement for the scheme would be a maximum of 38 spaces. As such, the applicant contends that there would be a shortfall of only 3 spaces as a worst case scenario and the highly sustainable location of the site would adequately compensate for the slight shortfall, with the accessible location being a material consideration as detailed in the SPD.

Officers do not accept the reliance on car ownership Census data to justify lower levels of parking against the SPD. This is because the Parking Standards SPD used Census data to inform the parking standards and so such information has already been factored in when establishing the Council's parking requirements. The SPD does nevertheless set out circumstances where lower parking levels may be justified.

The SPD recognises that it may not be reasonably possible for certain developments to achieve the parking standards, such as redevelopment of sites in built up areas. Where allocated requirements cannot reasonably be achieved, the submission of a parking survey is required with any planning application. The SPD goes on to state that parking provision which falls below the prescribed standards may be considered appropriate where the applicant can demonstrate compliance with one or more of a specific set of circumstances.

One of these circumstances is where an application site is located within an area which is highly accessible, for example within the town centres as defined in the Local Plan. The site does lie within a defined town centre, which is therefore highly accessible with good public transport links. It is therefore considered that a level of parking below the SPD standards can be justified. The key issue is whether the amount of parking as proposed is suitable and whether or not it is likely to give rise to any unacceptable planning impacts. It is to be noted that WCC Highways do not raise any objections to the application and accept the proposed level of parking on the basis of the sustainable location of the site - subject to a financial contribution towards walking, cycling and public transport infrastructure. As such, the level of parking is considered to be acceptable in highway safety terms. It is therefore considered to be an issue of amenity and whether the development is likely to significantly compromise the convenience of existing residents within the surrounding area. To this end, officers requested a parking survey from the applicant to help inform the assessment of the application.

The SPD establishes that the methodology for parking surveys should include any area of a street which lies within 200m walking distance (approximately a 2 minute walk). Where a distance of 200m would be part way along a street, the survey should be extended to the nearest junction, or other appropriate location

along the street. This is in recognition of the fact that people are unlikely to stop part way along a street at an imaginary 200m line. Off street or public car parks within 200m walking distance of the site are also to be included. Adjacent streets that are within a Residential Permit Zone (RPZ) are to be excluded, as future residents of a new development would not be eligible to park in them.

Due to the site's town centre location, on-street parking is already heavily regulated within the vicinity of the site. This includes along Station Road and Warwick Road immediately adjacent to the site. The nearest residential streets are predominantly subject to residential parking permit zones - these are in effect on Station Road, Bertie Road and Barrow Road, with restrictions in force from 8am to 8pm. In addition, much of Randall Road as well as Harger Mews and Harger Court are covered by a Traffic Regulation Order. Southbank Road is the only residential street within 200m of the site where parking is unrestricted. Looking slightly further afield, restrictions are also in effect on Borrowwell Lane, Margetts Close, Abbey End, Queens Road, Priory Road and Waverley Road.

The applicant's parking survey assesses parking stress within Station Road, Bertie Road, Barrow Road and Southbank Road along with the town centre car parks at Abbey End, Square West, Waitrose and Talisman Square. Southbank Road is the only road within the survey that is unrestricted. The survey does not include the full length of Southbank Road, it only covers the first section between the junction with Station Road and up to Hibberd Court. The results of the parking survey indicate that parking stress within Southbank Road is high, with either limited or no spare capacity when the survey was conducted. The survey also indicates spare capacity within all of the car parks.

Given the extent of parking restrictions that exist within a reasonable walking distance of the site, Officers do not consider that the development is likely to result in any significant or demonstrable harm to the amenity of local residents. The nature of the proposed residential development, its town centre location and the fact that future occupiers would be aware of the level of on-site parking provision and the presence of parking restrictions within the surrounding area, are such that the development is likely to appeal to end users with a lower level of car ownership. It is also reasonable to accept that visitor parking could be accommodated within public car parks (this is excluding the Waitrose car park, which is not public). As such, Officers consider that the proposed level of parking is acceptable. Whilst it is recognised that Southbank Road is likely to come under additional parking stress, it is not considered that the impact on residential amenity would be so harmful so as to justify a refusal of planning permission. In coming to this conclusion, it is worth noting that whilst the previous scheme for student accommodation was put forward as a car free scheme with no on-site parking for the residential use, the student accommodation was still likely to have created some degree of parking demand.

To ensure that the existing RPZs surrounding the site do not come under additional parking stress as a result of the development, a legal agreement (unilateral undertaking) can be secured from the applicant to ensure that future occupants are not entitled to residents' parking permits.

Turning to the location of the parking spaces, the 14 spaces that are proposed adjacent to the Waitrose store are less than ideal because they are somewhat

remote from the proposed flats. However, as these spaces are within an established acceptable walking distance of the site and are readily accessible via Warwick Road, it is not considered that there would be any justifiable grounds to discount them as part of the parking provision for the development. The parking spaces are accessible via Warwick Road by both vehicles and pedestrians and the applicant has confirmed that access rights exist. Pedestrian access is also achievable through the Waitrose car park at the back of Sexton House, which is overlooked by existing flats.

The scheme includes 76 secure cycle spaces, which is slightly above the SPD requirement. It is therefore considered that acceptable provision is made for cycle storage.

Overall, the proposal is considered to be in accordance with Local Plan policy TR3, KNDP policy KP12 and guidance in the NPPF.

Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the District in accordance with the latest Strategic Housing Market Assessment (SHMA) and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community.

The proposed development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1-bedroom	16	37.2%	5 - 10%	+27.2%
2-bedroom	23	53.5%	25 - 30%	+23.5%
3-bedroom	4	9.3%	41 - 45%	-31.7%
4-bedroom	0	0%	30 - 35%	-30%
Total	43	100%	100%	

Members of the public state that the flats should be available for residential purchase, student flats would not be acceptable and that local housing needs have not been defined.

Whilst the proposal is not in accordance with the SHMA, when assessing the housing mix it is necessary to give some consideration to the nature of the development. The proposal is for a higher density scheme within a town centre where flatted development is likely to be most appropriate. It is considered that the proposal provides a reasonable mixture of units for this type of development and it would not be practical to significantly alter the housing mix and which is also likely to impact on financial viability. On this basis the proposed housing mix is accepted.

Affordable Housing

Local Plan Policy H2 requires a minimum of 40% affordable housing on sites of eleven or more dwellings. There would be a need for 17 dwellings in this instance to meet the requirements of the Policy. The policy goes on to say that the Council will, in exceptional circumstances, accept contributions of equivalent value in lieu of on-site delivery. This should include financial contributions, land or off-site provision of affordable homes. In such cases, the developer will be required to demonstrate why on-site delivery is not practical.

The proposed scheme includes no provision for affordable housing and the Town Council object to the proposal on the grounds of a lack of any affordable housing.

No affordable units are proposed on the grounds of financial viability. The viability of the development is discussed in detail later in this report.

Ecological Impact

Policy NE3 of the Warwick District Local Plan (2011-2029) states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The Town Council raise concerns regarding the submitted ecology report, which they say was relevant to the previous application. Members of the public and Friends of Talisman Square raise significant concerns regarding a loss of biodiversity, notably from the loss of the community garden, which they do not consider has been taken account of. It is stated that it is a legal requirement for a net biodiversity gain of 10% which has not been provided.

It is to be noted that, at present, there is no legal planning requirement for a net biodiversity gain of 10%. Currently, there is a requirement for a net biodiversity gain, as set out within the NPPF, but there is no minimum gains requirement.

WCC Ecology have assessed the application. They requested a preliminary bat roost assessment and that a biodiversity impact assessment (BIA) were provided. Both of the aforementioned requirements were provided by the applicant and WCC Ecology have confirmed that the bat roost assessment is acceptable, which found that the existing building is sealed with no potential for bats.

WCC Ecology noted that the existing planting had not been taken into consideration within the BIA calculation. The applicant was therefore asked to update the BIA to include the existing planting and trees, and any proposed planting. The updated assessment shows that there would be a negligible net biodiversity loss and to the extent that WCC Ecology do not raise any objections to the application. However, to ensure that a net gain can be achieved, Officers consider that a condition for a Landscape and Ecological Management Plan is appropriate to secure some additional enhancements which could, for example, include bat/bird boxes and/or other opportunities for small scale habitat

provision. It should be noted here as well that the proposed soft landscaping towards the northern end of the building is likely to need to contain shade tolerant plant species. Subject to this condition, the application is considered to comply with Policy NE3 and guidance in the NPPF.

Trees

There are three established trees within the site boundaries which have limited amenity value. However, these are shown to be retained. The Council's Tree Officer has no objection to the proposed development.

Refuse

The Council's waste management team have confirmed that 5 x 1100 litres bins for refuse and 9 x 1100 litre bins for recycling will be required. The plans have been updated to show that these requirements can be accommodated.

Members of the public state that there are no recycling facilities for the residents of Warwick House and that adding this number of new dwellings above street level is going to increase WDC's carbon footprint at a time when WDC's green reputation is already damaged by events at Abbey Fields lake. They state that focus should be on addressing existing environmental issues, rather than making proposals that will create extra problems; siting a bin area next to a pedestrian entrance and opposite a very popular shop could cause problems regarding unpleasant smells in the summer. Members of the public suggest that the development will cause problems with litter.

The Council's Waste Management team have confirmed that the flats at Warwick House, Station Road do receive domestic waste collection from the Council. It is not considered that providing additional waste collection for the proposed dwellings would significantly add to the Council's carbon footprint. In any event, this is not materially relevant to the assessment of the application, particularly noting that the site is in a highly sustainable location. The bin store is located internally, and the access is not nearby to any existing or proposed windows or doors. The access to the bin store where odours could emanate from is not located nearby to the pedestrian access to the flats. Officers have no reason to believe that the development would cause litter problems, when adequate waste storage is provided which meets with the Council's requirements.

Planning obligations and financial viability

The proposed development would create additional demand for local services and to mitigate this, contributions towards community facilities would be required. A development of 43 dwellings on this site would have a material impact on or need for health services, sports facilities, education services and libraries. To compensate for the lower level of parking proposed a contribution towards sustainable travel initiatives is also considered necessary. A contribution towards the provision of public open space to compensate is also necessary due to the absence of on-site provision and to compensate for the shortfall in private amenity space. Affordable housing is also required (17 units). A contribution towards road safety initiatives is also sought.

The necessary contributions identified are:

- Public open space maintenance and off-site contribution (circa £191,952)
- Healthcare provision (£39,437)
- Libraries contribution (£577)
- Education (£293,496)
- Sustainable travel promotion (£430) (or developer to provide to future occupants)
- Road safety initiatives (£2,150)
- Sustainable travel infrastructure (£324,162)
- Outdoor sporting improvements (£3,125)
- Indoor sporting improvements (£39,934)
- Grass pitch improvements (£47,825)
- Affordable housing of 40% of the dwellings
- Monitoring fee for County Council
- Monitoring fee for the District Council

The applicant has submitted a viability assessment which sets out that the proposed scheme would be unviable if it includes affordable housing or Section 106 financial contributions.

The NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Furthermore, Planning Practice Guidance provides detailed standards for viability appraisals.

The assumptions in the applicant's viability assessment have been tested by an Independent Viability Consultant on behalf of the Council. The Independent Viability Consultant advises that the assumptions made in the submitted assessment are generally sound and reasonable and confirms that the provision of affordable housing and any Section 106 contributions on this site would not be viable in any scenario and would result in the development being undeliverable. As such, Officers accept that it would not be reasonable to require any planning obligations from the development.

It is noted that a contribution towards sustainable travel initiatives was requested by WCC Highways to compensate for the lower level of parking proposed against the Parking Standards SPD. Likewise, off-site open space provision is necessary due to the absence of on-site provision and limited private amenity space as discussed earlier in this appraisal. However, even in the absence of such contributions - which is accepted on viability grounds - Officers consider that the parking and private amenity space provision are acceptable when assessed in the round and would not amount to grounds for a refusal of planning permission.

Climate Change

Local Plan policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;

- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2;

Members of the public consider that the building should have ambitious environmental targets and query the environmental credentials and future proofing of the building. It must be noted that the application can only be assessed against the current relevant planning policies and guidance. To require anything over and above this would be unreasonable.

The plans indicate that an array of solar panels are to be provided on the roof, although full details have not been provided. Centralised air source heat pump plant is also indicated, which is intended to be the primary heat source for the development.

A condition requiring a detailed sustainability strategy for the final development is considered necessary to ensure the requirements of Policy CC1 are met. This would include details of the proposed PV panels. Matters relating to sustainable drainage would fall under a separate drainage condition. The Town Council requests that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development and in ensuring that water efficiency is optimised in line with Local Plan policy FW3. It is considered that the aforementioned conditions would address these points.

The development is therefore considered to be in accordance with policy CC1 of the Local Plan and policy KP15 of the Neighbourhood Plan.

Air Quality

Members of the public consider that the proposal would have a detrimental impact on air quality.

Warwick District Council adopted an Air Quality Supplementary Planning Document (AQ SPD) in January 2019. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme in accordance with the AQ SPD therefore only Type 1 mitigation measures would be necessary. The applicant has submitted an air quality assessment report prepared by RSK Environmental Ltd dated 24th June 2022. This report confirms that future occupiers of the proposed development will not be exposed to air pollutants above the national air quality objective levels. Similarly, the assessment report confirms that the proposed development will

result in a net reduction of traffic flows compared to the existing car park use. The report proposes that 7no electric vehicle charging points will be provided within the 35 space car park. This would be sufficient to satisfy the requirements for Type 1 mitigation measures. The Environmental Health Officer recommends that this is secured by a planning condition.

Other Matters

Drainage

The Local Lead Flood Authority (LLFA) were consulted on the application and initially submitted a holding objection on the basis of insufficient information in order to assess the application. Additional information was provided by the applicant regarding this matter and the LLFA now have no objection to the proposal, subject to conditions for a detailed surface water drainage scheme, verification report for the installed drainage scheme and drainage maintenance plan being included.

Contaminated Land

A contaminated land survey has been provided by the applicant which has been assessed by the Environmental Health Officer (EHO). Further clarification was sought from the EHO regarding the extent of previous investigations on the site however such clarification has not been provided by the applicant. A condition, which includes a requirement for further intrusive site investigation, is therefore recommended to fully address potential land contamination.

Miscellaneous

Both the Warwickshire Fire and Rescue and Police have made certain recommendations, with no objection from either consultee. The recommendations can be added as conditions and notes to any permission.

Members of the public suggest that the committee reports for W/16/1139 & W/17/2087 were inadequately justified and based on unreasonable interpretation of the Council's policies. They state that the decisions therefore cannot be used as a starting point for the determination of the current application, and that there have been changes to policy since approval of the previous applications. They suggest that these decisions are unlawful. However, neither of the aforementioned applications were challenged via judicial review. Therefore, the decisions are lawful and represent material considerations.

Members of the public have queried the need for additional retail space within the town centre, given that there are a number of vacant retail units within the area. Members of the public state that the proposal does not represent an enhancement of retail facilities and that there would be a decrease footfall to existing shops. Members of the public note that there would be disruption from construction work on local businesses. Members of the public reference the 'the Town Centres PPG' which was published in July 2019 and is in place to provide additional direction in respect of how retail and town centre planning policy should be applied in respect of plan-making and decision taking - this affirms the Government's aspiration to support town centres in order to generate

employment, promote beneficial competition and create attractive, diverse places where people want to work and visit - members of the public state that the proposed development is at odds with this guidance. Members of the public note a lack of shop frontage along Station Road, a primary retail frontage.

In response to these concerns, the *need* for the Class E units - which covers a broad range of potential end users - is not a material planning consideration and in any event the principle of Class E uses within a town centre is acceptable in planning terms. Similarly, the NPPF recognises that residential use can be beneficial to the vitality of town centres. Any disruption within the town centre would be temporary and can be mitigated with an appropriate construction management plan. Finally, the site frontage to Station Road is not a designated primary retail frontage in the Local Plan.

Members of the public request provision of exact proposed costings for the proposed scheme together with details of who will actually be financing the development, if there is any profit made from the scheme and how will it be re-invested for the good of Kenilworth. These are not material planning considerations. Members of the public also state that there is inadequate infrastructure to support the proposed new housing. The applicant's viability report has been interrogated on behalf of the Council and the conclusions of the Independent Viability Consultant are accepted.

Members of the public have queried whether the Council can purchase the site. However, this is not a material planning consideration and the application must be assessed on the basis of the merits of the proposed scheme.

Members of the public request that the Council halts any decision until a body is organised to develop a Neighbourhood Development Order, stating that guidance dictates that local communities be given the opportunity to bring forward the type of development they wish to see in their area. Members of the public state that current guidance from the Levelling Up agenda recommends the utilisation of the sequential and impact test - and request that such tests are undertaken to determine this application.

Officers are not aware of the intention of the Town Council, or any neighbourhood forums (as qualifying bodies) to apply for a Neighbourhood Development Order. Regarding sequential and impact tests, these are not necessary for the purposes of the development, as the development provides town centre uses in an appropriate, highly sustainable location, which meets with the relevant local plan policies as outlined above.

Members of the public state that the development should be available at minimal rents for start up or retail with an ecological or sociological value. However, it is not possible to control the commercial units in this way through the planning process, and this will be a decision for the developer / owner of the site.

Members of the public have commented on the application that the inclusion of pets should be allowed, stating that it is not fair to remove an animal that already exists within the family for any reason. Members of the public state that if the animal is to stay outside when up until now it's live inside with the family will lead to a decline in the pets mental well-being and will lead to impacted

physical well-being. Members of the public state that pets will become homeless. Officers are unsure of the relevance of these comments to the proposed development. However, notwithstanding this, the control of pets within the proposed development is not a material planning consideration.

Members of the public have stated that the application was submitted at a suspicious time during the school holidays. Members of the public suggest that there has been inadequate consultation on proposal, and that there should be more collaborative working. Members of the public state that current guidance dictates that town centre planning must include input from stakeholders, but that this has not occurred. However, there has been a full consultation exercise carried out by Officers in line with the statutory requirements.

Conclusion

The redevelopment of the site for a mixed commercial and residential scheme has previously been found to be acceptable and the proposal is for a similar form and scale of development. The principle of the proposed Class E units and residential flats is acceptable in this town centre location and the development would contribute towards the vitality of Kenilworth town centre. The massing and design of the building is considered to be acceptable and the development would provide satisfactory living conditions for the future occupiers (subject to consideration of the proposed louvre system as discussed within this report). Furthermore, the proposals would not result in any significant harm to the amenity of neighbouring occupiers and would not unduly prejudice highway safety. There would be no harm to any designated heritage assets and the proposal would not result in any unacceptable ecological impacts. It is therefore recommended that planning permission is granted.

CONDITIONS

1 Time limit:

The development hereby permitted shall begin not later than three years from the date of this permission.

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

2 Approved plans:

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings and specification contained therein:

- Drawing 4267-01 Rev B
- Drawing 4267-04 Rev A
- Drawing 4267-11 Rev E
- Drawing 4267-12 Rev E

- Drawing 4267-13 Rev E
- Drawing 4267-14 Rev E
- Drawing 4267-15 Rev C
- Drawing 4267-21 Rev E
- Drawing 4267-22 Rev E
- Drawing 4267-25 Rev E
- Drawing 4267-26 Rev D
- Drawing 4267-27 Rev C
- Drawing 4267-41 Rev C
- Drawing 4267-42 Rev F
- Drawing 4267-43 Rev E
- Drawing 4267-44 Rev E
- Drawing 4267-51 Rev D
- Drawing 4267-52 Rev D
- Drawing c8221-210 Rev P0

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Archaeology (pre-commencement condition):

No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

4 Construction Management Plan (Pre-commencement condition):

No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan.

Reason: 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 BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

5 Hard and soft landscaping scheme:

No development shall not commence above floor slab level unless and until full details of the proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development 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 seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. 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.

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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

6 Surface water drainage scheme (Pre-commencement condition):

No development shall commence (other than demolition works) unless and until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. The submitted scheme shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the runoff rate of 2.5l/s for the site in line with the approved surface water drainage strategy (ref: 210, revision P2, dated April 2022) and STW Developer Enquiry.
2. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
3. Provide detail drawings including cross sections, of proposed attenuation features. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
4. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
5. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

7 Landscape and Ecological Management Plan:

No development shall commence above floor slab level until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details

of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

Reason: To ensure that suitable biodiversity mitigation and enhancement measures are incorporated into the development and to deliver a net biodiversity gain in accordance with the NPPF.

8 Sustainability Strategy (Pre-commencement condition):

Notwithstanding the submitted details, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

9 Contaminated land (pre-commencement condition):

Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A verification report containing the data identified in (3).

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented strictly as approved.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029 and the NPPF.

10 Materials:

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained as such.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

11 Verification report for installed drainage:

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (8221 Rev P02) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

12 Sound Insulation between Commercial and Residential:

No development above slab level shall take place unless and until details of a noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that noise levels from the proposed ground floor commercial units do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises. Once approved, the noise insulation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter.

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

13 Plant noise:

Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To ensure that future occupants and neighbouring residents do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

14 Hours restrictions on Class E units:

The Class E units hereby permitted shall not be open to customers outside the hours of 0700 and 2300 hours on any day and there shall be no deliveries (incoming or outgoing), waste collections, or other noisy external activities likely to cause nuisance to nearby residences before

0730 hours or after 2130 hours on Mondays to Saturdays or before 0900 hours or after 1800 hours on Sundays.

Reason: To ensure that the commercial units are not used at a time which would be likely to cause nuisance or disturbance to future occupiers and nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

15 Vehicle routing

All HGV's accessing or egressing the site, whether construction, service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road.

Reason: In the interests of highway safety and protecting the living conditions of nearby residents, in accordance with the requirements of Policies BE3 & TR1 of the Warwick District Local Plan 2011-2029.

16 Window glazing specification:

Window glazing for the approved flats shall achieve the minimum laboratory sound reduction requirements as detailed at Table 4 of the approved Acoustic Planning Report prepared by Sharps Redmore (Ref: Project No 2221539, Report 1 (Rev 2), dated 10th February 2023). The glazing shall be installed prior to the occupation of the flat to which it relates and shall thereafter be retained as such.

Reason: To ensure that future occupants and neighbouring residents do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

17 Security measures:

A detailed scheme of security measures, including access control, CCTV, external lighting and the security performance of doors and windows, shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The development shall be carried out in accordance with the approved details and fully implemented prior to the occupation of building and retained thereafter.

Reason: To ensure the provision of a safe and secure development in accordance with Policy HS7 of the Local Plan and guidance in the NPPF.

18 Obscure glazing provided:

The obscured-glazing as indicated on the approved plans shall be sufficient to conceal or hide the features of all physical objects from view

and shall be provided before the flat to which it relates is first occupied. The obscure-glazing shall thereafter be retained as such.

Reason: In the interests of the privacy of future and neighbouring occupiers and to accord with Policy BE3 of the Local Plan.

19 Parking:

The proposed parking spaces to serve the residential development shall be provided before any of the flats are first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and amenity and to accord with Policy TR3 of the Local Plan.

20 EV charging:

Prior to the occupation of the dwellings hereby permitted, seven 7kW (minimum) electric vehicle recharging points shall be installed in accordance with approved Drawing 4267-11, Rev E. Once installed, the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

21 Refuse:

The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

22 Finished Floor Levels

The development shall be carried out in strict accordance with the finished floor and ground levels as shown on the approved plans and retained as such.

Reason: In the interests of visual and residential amenity and to accord with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

23 Cycle parking

The development hereby permitted shall not be occupied unless and until the cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times.

Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

24 Privacy screens

The proposed privacy screens to the balconies shall be provided before the flat to which they relate is first occupied. The privacy screens shall thereafter be retained as such.

Reason: In the interests of residential amenity and to accord with Policy BE3 of the Warwick District Local Plan 2011-2029.
