

Application No: W 12 / 1255

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

Penny Butler
01926 456544 penny.butler@warwickdc.gov.uk

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Talisman Square, Warwick Road, Kenilworth, CV8 1JB

Change of use of land to create a car park comprising 44 car parking spaces including 4 disabled spaces and cycle parking FOR Cobalt Estates

This application is being presented to Committee since the recommendation is to grant the application follows a previous refusal by Planning Committee.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the change of use of land to create a car park comprising 44 car parking spaces including 4 disabled spaces. The spaces would be marked out with thermoplastic white lines, with parking spaces having a porous surface. The application is made on a permanent basis, but the applicant is willing to accept a condition limiting the period of the consent, since the application is only proposed to provide a temporary beneficial use for the land. 7 cycle parking hoops are proposed adjacent to the side wall of Boots along with a ticket machine. The car park would be accessed off Station Road using the existing access to a service/parking yard which would remain. A 1m wide line of 0.6m high hedging is proposed to follow the boundary of the site with Talisman Square, with one pedestrian access from the car park into the Square adjacent to Boots, and one on the corner opposite the route through to Waitrose. A 1.8m high timber close boarded fence is proposed along the rear of the service yard, along with lamp columns. It is intended that the car park would operate on a short stay basis.

THE SITE AND ITS LOCATION

The application site forms most of the north side of Talisman Square and generally forms the site of the demolished units. The site is larger than the previous application, and includes a strip of the paved area in front of the existing temporary hoardings, to bring the application site in line with the frontage of Boots and units to the western side. The land is surrounded by two and three storey development of 1960s appearance, with the units opposite having been recently upgraded to modern appearance.

PLANNING HISTORY

The site forms part of the 1960's Talisman Square shopping centre and consent was given, under W03/1260, for the redevelopment of this part of the square for shops and flats. This permission has commenced and, therefore, can be completed at any time.

An application for a temporary car park of 47 spaces was refused, contrary to officers recommendation (W09/1472) due to conflict with Policy UAP6 (additional car parking should be discouraged in town centres), DP2 (detrimental to amenities of shopping environment), DP15 (risk to blind people), and DP6 (not safe for all users). A subsequent application for 34 spaces was refused (W10/1364) contrary to officers recommendation due to conflict with Urban Areas Policies (additional car parking should be discouraged in town centres), DP2 (detrimental to amenities of shopping environment), and DP6 (not safe for all users).

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members COMMENTED that they considered the proposal beneficial in the short term, pending the completion of the previously approved redevelopment project. However, if granted, approval should be conditional upon a rolling re-approval process at intervals not exceeding two years and be made exclusive to this applicant.

Public response: 3 letters of support received on the following grounds:

- The hoardings currently surrounding the site are unattractive. It was erected as a temporary measure and is not weathering well
- A car park would be a welcome vibrant addition providing it is sensitively done
- Greenery is welcome to soften the visual impact
- Beneficial to local trade in the town centre
- Will create more footfall for business
- Will improve visual amenity of Talisman Square

4 letters of objection received including one from Residents of Central Kenilworth on the following grounds:

- Concern that blind or partially sighted people or children could accidentally enter the car park and be harmed

- Contrary to Policy UAP6.1 re. reducing the need to use the private car. More cars will be encouraged to use the town centre.
- Proposed cycle parking is only reinstating what the developer has previously removed.
- Additional parking is not required in the town centre due to loss of spaces to the McCarthy and Stone development. This loss is temporary and spaces will be reinstated when construction is completed next year.
- There is adequate existing parking provision in central Kenilworth
- Contrary to Policy DP2 as detrimental to amenities of the shopping environment. Proposal would be in the heart of the pedestrian shopping area and create disturbance, intrusion, noise and pollution for those sitting on benches or at nearby cafes.
- Proposed car park is larger than that previously proposed with an additional 11 spaces
- Contrary to DP6 and the safety of pedestrians. The application fails to address the risk to pedestrians using Station Road from the car park access. The pedestrian crossing providing the main route for pedestrians into town is immediately adjacent to the entrance. Currently only one side of the pavement adjacent to the entrance has a dropped kerb and tactile markings.
- Proposal would jeopardise the improved pedestrian safety brought about by the traffic management improvements made in 2008.
- Problems related to blind and partially sighted persons have not been addressed and may contravene Policy DP15.
- Removal of the existing hoardings would expose the poor quality temporary plywood facing on the adjacent Boots and Buyrite buildings.
- Inappropriate use of land within a pedestrianised shopping precinct and an important open space.
- If the application is approved permission should only be given for the smaller site within the boundary of the existing hoardings or the approved redevelopment, a landscaping scheme is required, it should be DDA compliant and limited to two years.

Community Safety: No objection in principle but the car park should achieve ParkMark standard and be covered by live CCTV monitoring in line with the other main car parks in Kenilworth Town Centre.

Warwickshire Police: No objections but recommend that any lighting complies with BS 5489-1:2003, all shrubs to be kept to a maximum of 1 metre, and development should achieve ParkMark accreditation to show measures provide to create a safer environment for both the driver and their vehicle on the car park.

WCC Ecology: No comments.

WCC Archaeology: The development is in an archaeological sensitive area. Request a condition for a programme of works.

WCC Highways: No objection subject to conditions for a suitable bound surface, turning area, parking/loading/unloading space and protection of drain/ditches. Developer also to remove existing drop kerb and tactile paving and replace with new pedestrian crossing point in accordance with amended plans.

Assessment

Principle of development

Prior to the demolition of the retail units formerly on the site, the land and buildings formed an integral part of the Talisman Square shopping precinct. Permission has been given for the redevelopment of these units (W03/1260) , but due to the current economic climate there is not sufficient market demand to develop the remainder of the scheme. The proposal is therefore offered as a temporary measure to provide an attractive shopping environment for the existing retail units surrounding it and a beneficial use of the redundant land.

The hoarding currently surrounding the site is unsightly and does not contribute towards providing an attractive shopping destination which draws footfall to the Square. Further support has been received for this application than for the previous one, and since this time the NPPF has been published which establishes new core planning principles including the need to pro actively drive and support sustainable economic development. Paragraph 19 advises significant weight should be placed on the need to support economic growth through the planning system. It is considered that the provision of a car park on this site would immediately improve the visual amenity of the area and potentially increase footfall in the town centre, thereby contributing towards economic growth to the benefit of surrounding businesses. The provision of parking close to the existing businesses would also help to make them more accessible to potential customers.

As advised by the NPPF, this consideration should be given significant weight. However, a car park is only considered acceptable in this location on a temporary basis, as it would not normally be permitted since the site forms part of the shopping centre which is suitable for, and has permission for, redevelopment for retail purposes. The retention on a permanent basis would be unacceptable as it would conflict with Policies UAP3 and TCP2 of the Local Plan, which direct retail development to the town centres, and protect existing shopping areas from change of use. It is not known how long it may take for the market to improve to the extent that the approved retail units would become a viable development, but it is considered that five years would be a reasonable period as the long term intention of the developer is to carry out the shopping development scheme, and a condition is therefore recommended to this effect.

The previous application was refused due to conflict with the Urban Area Policies of the Local Plan (paragraph 6.1 of introduction), as it was considered that a car park immediately adjoining the existing shopping centre would encourage the use of the private car, especially given that the area is already well served by car parks and buses. The NPPF sets out the presumption in favour of sustainable development, and states that Local Authorities should seek to improve the quality of parking in town centres so it is convenient, safe and secure (paragraph 40). The proposal is certainly convenient, and by providing a beneficial use for the site would be sustainable in this respect. There are no specific Local Plan policies resisting the provision of public car parks, although parking policies for built development are set out in the Vehicle Parking Standards SPD. In general, these set out maximum standards and try to encourage more sustainable means of transport. However, it is considered that a small, temporary, surfaced car park in a central position is better than a derelict site, and that the significant weight which should be given to economic growth (albeit on a temporary basis in this case) outweighs any harm caused by increased car use to the town centre.

The applicant has referred to the loss of parking within the town to the McCarthy and Stone development on Southbank Road, but this is only a temporary loss of spaces.

Impact on visual amenity

The previous application was also refused due to harm to amenity as the creation of a car park in close proximity to existing shops, with vehicles manoeuvring close to pedestrians and people sitting in the precinct. It was considered that such an arrangement would be seriously detrimental to the amenities of the shopping centre and the users of it, by reason of the noise, visual intrusion and fumes created by the vehicles. The current proposal increases the size of the car park to the front line of the approved retail units, which line up with the front of Boots, and also now introduces a wide hedge line along the edge of the car parking spaces with a corner entrance feature to reflect the new paving layout of the Square leading to Waitrose, whereas the previous scheme introduced parking spaces separated from the Square by bollard's. A small central landscaped island is also proposed. The proximity of the car park to the Square and other units has been increased since the size of the car park is increased, but the layout of the car park has been amended to echo the corner pedestrian entrance and the view of the car park will be softened by the introduction of boundary hedging. This hedging will provide a buffer between the parked vehicles and the edge of the Square, which will reduce visual intrusion, noise and fumes, and it considered that the change will address the concerns previously raised in this respect. The proposed 1.8m high fencing will screen views from across the car park of the service areas at the rear of the units fronting Station Road. The site has remained vacant since the previous application was refused two years ago, and it is clear that otherwise the site will remain in its current condition. The amended scheme is considered to comply with Policy DP2, since it would not lead to an unacceptable adverse impact on the amenity of users of Talisman Square.

Impact on highway safety

The applicant has provided amended plans in response to issues raised by the Highway Authority (HA) regarding the provision of a crossing facility at the car park access, where there is currently an existing drop kerb and tactile paving on one side of the access only. There are potential highway safety issues with dropping the opposite kerb and providing tactile paving for the visually impaired as the paving would line up with existing bollard's and columns on either side of the access. Accordingly, and in recognition that visibility of pedestrians to the east of the access is poor on exit, the HA recommend removal of the existing kerb and paving, and the installation of a new drop kerb and tactile provision further to the west on Station Road in a position that will allow pedestrians to cross safely. Pedestrians using Station Road can then avoid having to cross the proposed car park entrance.

Vehicle tracking plans have also been provided to show that service vehicles currently using the service yard cannot turn without overrunning the foot way, but since the proposal would not intensify the movements of service vehicles the HA does not consider this can be objected to in relation to the proposed development. There is little evidence of vehicle overrunning on site, and the removal of the crossing point across the site access will remove pedestrians from the danger of overrunning vehicles. It is also noted that manoeuvring service vehicles will obstruct the free flow of vehicles in and out of the car park,

however, as this will be an occasional event, it is not considered that this will be to the detriment of highway safety. It is considered that the proposal would comply with the requirements of Policies DP6 and DP15, as it has been demonstrated to the satisfaction of the Highway Authority that the development would provide safe, convenient, attractive and inclusive access routes for all pedestrians, cyclists and motor vehicle users.

The proposal includes turning, parking and loading space within the site, and details of a tarmac surface to the access, so three of the conditions recommended by the HA are not necessary as development will be conditioned in accordance with the submitted plans and application.

Other matters

Provision of porous surfacing for the parking spaces is considered appropriate. A significant impact on archaeological grounds is considered unlikely given the limited excavation proposed, but a condition is required to ensure an appropriate programme of work is undertaken.

CONCLUSION/SUMMARY OF DECISION

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of loss of amenity which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (0133-C-CP-PD-204-E submitted on 13 November 2012. C12-09-SS, Bailey Bollard and Holophane Dorchester submitted on 7 November 2012), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The use of the car park hereby permitted shall be discontinued on or before 27/11/2017 and the car park hardstanding together with any associated equipment and lighting shall within one month after that date be completely removed and the site restored to its former condition in accordance with a schedule of works which have been submitted to and approved in writing by the local planning authority. **REASON :** This permission is granted to allow a beneficial use of the land in the short term, but would not be a suitable longer term use for this part of the shopping centre where development would need to take account of Policies UAP3 and TCP2 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary fences to be erected, specifying the colour; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details prior to the first use of the car park hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
 - 5 The development shall not be occupied until the existing drop kerb and tactile paving has been removed and reinstated and a new pedestrian crossing point has been provided in general accordance with plan 0133-C-CP-PD-204-E with details to be agreed with the Highway Area Team at the time of implementation. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 6 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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 were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
 - 7 The accesses to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
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