

Planning Committee: 06 April 2011

Item Number:

Application No: W 10 / 1364

Town/Parish Council: Kenilworth

Registration Date: 19/10/10

Case Officer:

Steven Wallsgrove

Expiry Date: 14/12/10

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Talisman Square, Kenilworth

Construction of carpark (temporary) FOR Cobalt Estates (Kenilworth)

This application has been requested to be presented to Committee by Councillor Blacklock.

The application was deferred at the meeting on 5th January 2011 for a site visit, corrections to the applicants highways report, a considered opinion from the Highway Authority, clarification of the temporary period being requested, amendments to the boundary treatment and to seek the views of the visually impaired consultees on those amended details.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members did not object in principle to the proposal, noting that a number of their earlier concerns had been addressed, notably regarding anti-ram bollard's and the service yards.

However, they COMMENTED that they reiterated the majority of their concerns in respect of Station Road, Warwick Road and the traffic management scheme. They therefore sought reassurance from the planning officers regarding the following points:

That the issue of the levels of additional traffic and potential conflicts, both vehicular and pedestrian, the proposal will generate along Station Road and Warwick Road will be fully addressed.

They request that Warwickshire County Council re-examine the proposal with a view to the introduction of a revised traffic management plan in Station Road; in particular, a traffic management scheme should be introduced to ensure that traffic turns left upon departure from the car park.

In addition, they COMMENTED that:

Further shielding is required to that proposed on the back of the shops on Station Road.

They were concerned at the lack of shelter for shoppers.

That, despite the temporary nature of the proposal, landscaping is essential to ensure that there is not an adverse overall visual effect on Talisman Square.

They sought the imposition of a condition that would require a review at 12 months and, if required, comparable periods thereafter to ensure that the future of the site and related issues was continuously monitored.

WCC (Ecology): Recommend a nesting bird note as there appears to be some vegetation within the site.

Warwickshire Association for the Blind: Object due to potential impact on the blind and visually impaired.

WCC (Highways): No objection subject to conditions on surface water runoff, provision of turning area, and development not to commence until details have been approved. They then also recommend a note, which is identical to the first suggested condition. These comments are contained in a considered response issued after the January meeting.

R.O.C.K.: Object due to lack of need, will create an eyesore, should only be for 12 months, access/egress problems and problems for the visually impaired.

Public Response: Objections have been received from 5 residents on grounds of lack of need, the approved redevelopment should be carried out, service vehicles will block the access, a 1.8 m close boarded fence is not appropriate, no mention of drainage, contrary to Local Plan policies DP6, DP2, DP15, and paragraph 6.1 of the Local Plan, odours from car engines, access onto Station Road, and impact on shops of another pay car park.

Letters of support have been received from two shopkeepers. The addendum report considered at the meeting also included comments from Dr. Reid and the Warwickshire Association for the Blind which referred to Department of Transport guidance about chains between bollard's not being acceptable.

Following the receipt of amended plans, Dr. Reid and the Warwickshire Association for the Blind were reconsulted. Dr. Reid has commented that these plans are a significant improvement and congratulates all concerned. He then comments about the style of the plans and the positioning of lamp columns which he considers should be inside the perimeter of the car park, rather than outside. He then comments that they should be soft clad, like scaffolding, before commenting on Station Road itself. No further comments have been received from the Warwickshire Association for the Blind.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- 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)

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 was commenced and, therefore, can be completed at any time.

An application for a temporary car park of 47 spaces was refused, contrary to recommendation, under 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).

KEY ISSUES

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, but includes a strip of the paved area.

Details of the Development

The proposal is to construct a temporary, tarmac surfaced, car park of 34 spaces, including 2 disabled bays. The spaces would be marked out with thermoplastic white lines, drainage would be to engineers details, with two central lighting columns (one in the middle of the car park and the other adjoining the southern boundary), with a 1.8 m close boarded fences would be erected to screen the two service yards on the north side. The amended plans now show 1.15m high railings with low rails for cane detection for the visually impaired to the other boundaries of the car park, and tactile paving at the pedestrian entrances. (The fencing does not need consent).

The application was accompanied by a Design and Access Statement, and a Highways Statement, which has now been amended to recognise the true extent of the one-way system in Station Road. The applicants have now indicated that they request a temporary permission for 3 years.

Assessment

The site of the former shop units is separated from the pedestrian area by a solid fence, and the service yard access lies on the two-way section of Station Road. This access would not need to be altered, and the County Council, as Highway Authority, raised no objection to the previous, larger, scheme. It is considered, therefore, that the Town Council's concerns are not justified. This has been confirmed by the formal comments of the Highway Authority.

The use of the site as a temporary car park would therefore give it a beneficial use and improve the appearance of the area. Such a use is also supported by at least two of the shop keepers. It is considered that the proposed 1.8m screen fencing is adequate, despite the comments of the Town Council, and that planting is not justified for such a small proposal.

There are no specific policies about 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, many people do drive and it is considered that a small, surfaced, car park in a central position is better than a derelict site waiting for an up-turn in the economy. It is also considered that a review in 12 months is not justified since the redevelopment is simply a matter of economics, as the long term intention of the developer is to carry out the shopping development scheme. The applicants have now confirmed that the requested temporary period is three years and I consider that a limitation to a shorter period could not be justified.

The amended plans have now taken into account the original comments made by Dr Reid and the Warwickshire Association for the Blind, with railings to the pedestrian area of Talisman Square, and tactile paving. The comment about the location of lampposts is noted, but there is only one and there is no space inside the boundary fence, other than by losing a parking space. It is considered, therefore, that its repositioning is not justified, especially as there are two columns nearby in the existing paved area. The other comments by Dr Reid relate to Station Road itself and, therefore, are outside the application site and are matters for the Highway Authority and the police.

Since this is a cleared, derelict, site it is considered that there is no reason to justify a nesting bird condition and note, while the proposal includes turning within the site so the second condition recommended by the Highway Authority cannot be justified. Their first condition, relating to surface water drainage, also cannot be justified since the site is accessed from a private service yard, not direct from the highway.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 0133-C-CP-PD-201-F, and specification contained therein, received on 18th February 2011, unless first agreed otherwise in writing by the District Planning Authority. **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 This permission shall be limited to a period of time expiring on 30 April 2014. At or before the expiration of the period specified in this permission, the use of the land as a car park shall cease. **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 policy UAP3 of the Warwick District Local Plan 1960-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

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.
