

Application No: W 12 / 0028

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

Registration Date: 14/08/12

Expiry Date: 09/10/12

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Abbey Fields, Bridge Street, Kenilworth

Re-surfacing of existing car park and provision for pay and display parking charges machines FOR Warwick District Council

This application is being presented to Committee due to the number of objections and the application being the District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The ongoing maintenance costs of the existing parking surface have initiated proposals for a permanent surface and formalised parking provisions. The proposal is to resurface the car park by overlaying the existing surface with bitumen bound gravel, with no change to the existing surface profile. Parking spaces will be formally laid out and demarcated by thermoplastic white lining, with parking spaces along the southern boundary with the avenue being moved 5-6m back from the tree line. Seeded topsoil will be laid on this new green area. Raised kerb and railway sleeper lines will be installed around the edges of the car park to protect existing trees and root systems. The number of parking spaces will be reduced from 130-140 to 109 including 4 disabled spaces.

Two damaged Lime trees in the avenue at the vehicular entrance to the car park will be removed resulting in a widened access. A large Red Oak tree adjacent to the entrance on Bridge Street frontage will be removed as it is diseased. Three black metal 1.6m high ticket machines are proposed adjacent to the vehicular entrance, the steps to Bridge Street and the path to St Nicholas Church. A 1m high power supply box is proposed on the Northern boundary near to the existing electricity sub station. A new lamp column is proposed adjacent to the path to the Church to enhance lighting to the car park and entry to the Church. Four rows of linear ACO drains would be installed across the vehicular access point, which will direct surface water run off below ground level via pipes to an existing swale alongside Bridge Street which drains to the Finham Brook.

The decision to introduce a formal parking area which allows the operation of pay and display as a method for managing parking on the site was taken by Executive Committee in October 2011. The development has already gained Scheduled Ancient Monument Consent from English Heritage.

THE SITE AND ITS LOCATION

The application site comprises the existing Warwick District Council owned car park at Abbey Fields. It is accessed by vehicles off a single access point from Bridge Street via the Avenue of Lime trees leading to St Nicholas Church, and separate in and out lanes entering the car park. There is a pedestrian access onto Bridge Street down a short flight of steps adjacent to the air raid shelter, and pedestrian access to the Listed St Nicholas Church. The car park is currently poorly surfaced by a combination of surface dressed unbound/semi-bound stone. No trees on the site are subject to a Tree Preservation Order, but the site is within the Conservation Area. The whole site is within the Scheduled Ancient Monument of Kenilworth Abbey, which is also a locally registered park of special interest. The park is also within the Area of Restraint.

PLANNING HISTORY

No relevant planning history to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members commented that whilst this proposal would bring benefits, its implementation necessitated great care in this tremendously sensitive area. In particular, the ticket machines require repositioning so that they are not offensive and should be camouflaged to blend with their environment. Members welcomed the comments in the supporting documentation regarding tree preservation and replacement, along with other safeguarding measures.

Public response: 14 objections received from local residents and local businesses raising the following issues:

- Harm to character of Abbey Fields and Conservation Area arising from proposed surfacing and demarcation of bays.

- Abbey Fields was donated for safekeeping to the Kenilworth Local Board in the 1880's and is subject to a covenant requiring it to "Forever remain open public grounds", which this proposal would conflict with.
- Little is known about this part of Abbey Fields due to a lack of previous excavation and it is highly likely that there are significant archaeological remains.
- The air raid shelter must be protected.
- When the car park was previously resurfaced in 2007 English Heritage opposed a hard surface but have now changed their recommendation with no justification.
- Over the previous three years, three schemes have been successfully opposed at the park, partly due to potential damage to historical remains (skate park, cycle way and play equipment relocation).
- Removal of trees at entry/exit not necessary and will harm the appearance of the tree lined avenue.
- No need to introduce charging. Cost of parking to residents and businesses will lead to over spill parking onto the surrounding streets in the Conservation Area, further inconveniencing residents and businesses. Parking spaces within the existing car park can always be found. Inappropriate use of Council funds. Charges will drive shoppers to out of town locations and discourage use of Abbey Fields.
- The area is not an existing car park, but an area of Abbey Fields informally used for parking.
- The lack of an alternative site in Northern Kenilworth for a pay and display car park does not make this proposal acceptable.
- No need for resurfacing.
- Reduction in number of parking spaces.
- Inadequate information regarding planting positions for new trees, details of surfacing, method of installation and treatment of surface water.
- Protection of existing trees, impact of hard surfaces on trees.

WCC Ecology: Recommend a condition requiring further bat activity surveys of trees to be removed along with proposed mitigation measures. A nesting bird note is also recommended.

WCC Highways: No objection.

WCC Archaeology: The proposed development lies within an area of significant archaeological potential, within the precinct of the St Mary's Abbey, Kenilworth. The national importance of this site is recognised by its statutory protection as a Scheduled Monument. Scheduled Monument Consent has already been granted for this proposed scheme, subject to a programme of archaeological fieldwork being undertaken during the development. Recommend a condition requiring an agreed programme of archaeological works.

English Heritage: The applications should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Environment Agency: No comment.

CAF: A suitable surface treatment (not black tarmac) should be agreed. The car park markings should be omitted or wooden poles or sets used to define the

bays. The need for three ticket machines is questioned, especially that close to the view of St. Nicholas Church. Clarification is needed that the Red Oak will stay. The need for a better surface is accepted, but significant concern was expressed at the municipalisation of this area of Abbey Fields and the need to look at ways of softening the impact.

Assessment

The main considerations are the impact of the proposals on the surrounding heritage assets and the impact upon the natural environment.

Impact on surrounding heritage

The proposed resurfacing and white lining will change the character of the car park from its current informal layout and appearance to a more formalised space, and in this sensitive location the materials used will be of crucial importance to assessing its impact. The proposed surface material will be similar to that recently installed at The Brays car park to Kenilworth Castle (which also has demarcated parking spaces), and will also be subject to English Heritage approval as a condition of the Scheduled Ancient Monument Consent. The surfacing used at The Brays has a satisfactory appearance and does not have an adverse impact on its sensitive setting, and therefore the use of a similar material at Abbey Fields does not present cause for concern.

The ticket machines, feeder pillar and lamp post will introduce new structures into the park, but given their discreet size and design they are not considered to have a significant impact on its setting. Scheduled Monument Consent has already been granted and therefore their impact has been deemed to be acceptable by English Heritage. It is considered that the proposals would not have an adverse impact on the Conservation Area, Abbey Fields or the setting of the Church, and that the proposal would accord with Policies DP1, DAP8, DAP11 and DAP4.

The proposals would also not significantly harm the open character of the area and would therefore comply with Policy DAP2 which protects the Area of Restraint.

Impact on natural environment

The trees requiring removal have been initially assessed for bat potential, and subject to further flight activity survey work and appropriate mitigation, will not be likely to lead to harm to this protected species, in accordance with Policies DP3 and DAP3.

The introduction of a fully impermeable surface will increase surface water run off, which has the potential to contribute to flooding, however, provision is made to direct this run off into the brook in a more formal manner. Currently water runs over the access towards the brook with some running towards the tennis courts and bowling green. Due to the restrictions placed on any excavation to the Scheduled Ancient Monument and surrounding tree root systems, this would not be a suitable site for sustainable drainage systems, therefore the proposal would not conflict with the requirements of Policy DP11 in these particular circumstances.

The removal of any trees in the Conservation Area is always regrettable but where they are damaged or diseased then the work is essential, and providing

opportunities are taken to plant appropriate replacements then a more sustainable pattern of tree growth can be maintained. The Tree Preservation Officer requires a Hungarian Oak to replace the dying Red Oak at the entrance and two small leaved Limes to be located to the two gaps in the existing Avenue which will enhance its visual amenity. The relocation of parking away from trees on the Avenue, and the introduction of kerb lines will serve to provide greater protection for existing trees and extend their life. The proposal would therefore accord with Policy DP3.

Other matters

A number of other matters have been raised by objectors, some of which are not material considerations such as covenants on the land which are a separate legal matter, and the need to charge for parking.

The proposed layout will reduce the number of spaces available within the car park by approximately 20 spaces, which may increase demand for parking on surrounding public highways during peak times, however, it is considered that the benefits that the scheme represents in securing a sustainable future for the maintenance of the car park, in securing improvements to the health of existing trees, enhanced lighting improving the safety of car park users, and the alleviation of flooding to the tennis courts and bowling green area outweigh any possible harm to highway safety caused by the loss of parking. Furthermore, there is no objection from the local highway authority on the grounds of loss of parking.

CONCLUSION/SUMMARY OF DECISION

In the opinion of the Head of Development Services, the proposed development does not adversely affect the historic integrity, character or setting of the adjacent listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area, locally registered park or Scheduled Ancient Monument within which the property is situated. The proposal is therefore considered to comply with the policies listed.

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 application form, site location plan and approved drawing(s) (002 and 003 submitted on 13 July 2012, and 005 submitted on 17 August 2012), and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.
- 3 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in

accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall not commence until a further bat survey of the trees, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 Before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
 - a) an arboricultural method statement to identify non mechanical methodology in exchanging hard surfacing with associated hardcore under existing Lime trees with soft surfacing, and a tree protection plan (to include annotation identifying distance from trunk centres to the protective barrier) (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) which shall also include any proposal for pruning or other preventative works. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 6 Within six months of the implementation of the works hereby approved replacement planting shall be undertaken as follows:
 - a] a tree(s) of a size and species to be agreed in writing by the local planning authority shall be planted in location(s) to be indicated on a plan to be submitted for approval and shall be maintained in strict accordance with a schedule of maintenance for the tree(s) until successfully established, such schedule of maintenance to be agreed in writing by the local planning authority ; or
 - b] in accordance with an alternative scheme to be submitted to and approved in writing by the local planning authority.All trees shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their written consent.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 7 Samples of the surface dressing to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

 - 8 The external colour of the lamp column, ticket machines and feeder pillar hereby approved shall be painted black. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
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