



Appeal Decision

Site visit made on 5 November 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/T3725/W/24/3342803

Talisman, Station Road, Kenilworth CV8 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Cobalt Estates (Kenilworth) Limited against the decision of Warwick District Council.
- The application Ref is W/22/1228.
- The development proposed is mixed use development comprising 670sq.m of Class E floorspace at ground level, with 43 residential units over.

Decision

1. The appeal is allowed, and planning permission is granted for mixed use development comprising 670sq.m of Class E floorspace at ground level, with 43 residential units over at Talisman, Station Road, Kenilworth CV8 1JB in accordance with the terms of the application, Ref W/22/1228, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council decision notice rather than the application form as amended plans were submitted during the consideration of the application to reduce the number of residential units from 44 to 43.
3. Both main parties have referred to the Warwick District Council Net Zero Carbon Development Plan Document (the Net Zero DPD) which was adopted in May 2024, and therefore since the Council made its decision on the planning application. Taking account of the advice in the National Planning Policy Framework (the Framework) regarding the weight to be given to relevant policies, as the Net Zero DPD has been adopted and both main parties have been able to comment on it, I have given full weight to it and neither main party would be prejudiced in me doing so.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, including the effect on heritage assets, with particular regard to the height, bulk, and massing of the proposal;
 - and the effect of the proposal on highway safety, with particular regard to the provision of parking.

Reasons

Character and appearance

5. The appeal site comprises a parcel of land within Kenilworth town centre. Part of the site is also within the area defined as primary retail frontage in Policy TC8 of the Warwick District Local Plan 2011-2029 (the LP). Policy TC2 of the LP sets the town centre as the preferred area for retail development. At the time of my visit, the appeal site was in use as a temporary car park. It is in a retail and commercial area with other retail, leisure, and residential uses in the buildings around the site.
6. Immediately around the appeal site are Sexton House and Talisman House which are two to three-storey, flat roofed, with retail on the ground floor and residential and commercial uses above. Beyond this the buildings along Warwick Road are mainly two-storey and a mix of flat roof and pitched roofed. Warwick House, which is four-storey, lies beyond Talisman House but is also within the same part of Kenilworth town centre as the appeal site.
7. In the wider area the development at Abbey End is up to four-storeys and the Holiday Inn hotel, near Abbey End, is eight-storeys. However, the Holiday Inn is an exception with most of the buildings in and around the appeal site being two to three-storey, with the occasional four-storey building. I also acknowledge that Abbey End is in a different part of the town centre and that there is a notable reduction in building heights around the appeal site.
8. The King's Arms and Castle Hotel is close to the appeal site. The hotel is a three-storey Grade II listed building. Although I am aware that the building has been re-built it remains on the statutory list and the building has retained its historic character and can clearly be read as a former coaching inn, which forms its historic importance to the town. Mindful of the statutory duty set out in S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The setting of the listed building includes the town centre around it which includes a variety of older and newer buildings.
9. The Waverley Road and Station Road Conservation Area (the CA) lies close to the appeal site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA is predominately residential. The significance of the CA is, in part, derived from its historic interest and the housing contributes positively to the character and appearance of the CA.
10. The CA can be seen from Station Road, near to the appeal site. However, the appeal site is screened by existing built form when viewed from the CA. The appeal site would be read alongside other large scale commercial buildings, including the Waitrose store which lies closer to the CA. Consequently, I find that the character and appearance of the CA, as a whole, would be preserved. I note that the Council raised no objection in this regard either, notwithstanding the concerns of interested parties.
11. Policy TC1 of the LP supports town centre uses in the centre, where they are of an appropriate scale in relation to the role and function of the town centre and where they reflect the character and form. Policy BE1 of the LP seeks to

ensure that development positively contributes to the character and quality of its environment through good layout and design. This is achieved through, amongst other matters, development that respects surrounding buildings in terms of scale, height, form, and massing.

12. Policy KP13 of the Kenilworth Neighbourhood Plan 2017-2029 (the NP) is consistent with Policy BE1 of the LP in seeking to ensure that development achieves a standard of design that is appropriate to the local area with a positive response to the site characteristics and surroundings in terms of, amongst other matters, building scale, height, proportions, and massing.
13. None of the local policies, TC1, BE1 or KP13, require development to replicate or repeat the scale, height, form, or massing of the buildings around the site. Whether something respects the surrounding buildings is a matter of planning judgement. The appellant's Design Assessment, submitted with the planning appeal, assesses a number of views. These have been submitted in order to assist in consideration of the appeal proposal, I also visited Kenilworth and spent time walking around the town to appreciate the potential views of the development.
14. The building would be prominent in the view from Station Road and perceptibly taller than the buildings either side. However, from this view the fifth floor would be set back, and the building would appear as four storeys in the street scene with Talisman House and Warwick House. I appreciate that the building would be significantly taller than the domestic scale of the two-storey red brick building closer to Warwick Road. However, that building is already read alongside taller buildings and the proposal would not be significantly taller than the three and four storey buildings in the area.
15. Albeit the proposed development would be taller than the listed building and would be visible from near the listed building, and from the Warwick Road junction with Station Road, the proposed development would be read as part of the town centre. For that reason, notwithstanding the appellant's view on the listed building, I consider that the proposed development would preserve the setting of the King's Arms and Castle Hotel listed building and the contribution the setting makes to the significance of the building.
16. At the pedestrian access to Talisman Square, from Warwick Road, the existing building with the rounded corner and large glazed elements would help to screen the proposed development. The proposed building would sit comfortably behind the buildings along Warwick Road and would not be visually prominent from the main shopping street or perceptibly taller than the buildings along Warwick Road.
17. As viewed from Waitrose the building would fill the gap between existing buildings and would be taller than Talisman House. However, it would not be a prominent protrusion and, although not replicating the height of surrounding buildings, it would respect the height and massing. It would, therefore, not be visually obtrusive or unduly dominant when viewed from this direction.
18. The main view of the building would be from Talisman Square where the new building would be built at the back of the pedestrian street. The ground floor retail units would turn the corner of the square and follow the line of the primary shopping frontage set out in the LP. The access to the upper floor residential units would also provide interest and design features. Albeit that

the development would then include a section of blank elevation, where the cycle store, plant room and bin store are situated, this would be screened by planting. The single ground floor residential unit would also provide interest and an active frontage to Station Road, which, albeit in the town centre, is not identified as primary retail frontage in Policy TC8.

19. Along the elevation facing towards Sexton House the upper floors of the building are set back which would reduce the overall massing and visual scale when viewed from this part of Talisman Square, and would also prevent the development from creating a canyon effect. The upper floors are not set back on the elevation facing towards Talisman House, however, the majority of Talisman House at this point is two-storey and would, therefore ensure that the development would not result in a canyon effect as was one of the concerns of local representatives.
20. From the part of the town near the Holiday Inn and Abbey End the appeal proposal would project above the rooflines of the other buildings in the lower part of the town centre. The development would be visible from viewpoints at the higher part of the town centre and near the Clock Tower. However, the building, albeit taller than the buildings immediately around it, would not be significantly taller and would also be viewed, from this area, alongside the Abbey End development. The proposal would, albeit viewed from these longer range views from higher ground, not be a prominent protrusion above the height of the buildings surrounding the appeal site. Moreover, the length of the building, which would be broken up by the different roof levels, rooftop features and materials, would be in context with other large format buildings around the site and in the foreground of these views. Consequently, the length of the building would not exacerbate the height or be visually harmful.
21. The cross section drawing provided by the appellant, does indeed demonstrate the reduction in building heights from near Abbey End to the appeal site. This is a useful diagram but would not be representative of any available views.
22. Overall, the proposed building, although taller than the surrounding buildings, would not be an unduly dominant or visually obtrusive form of development. It would respect the prevailing character of the surrounding built form. Moreover, the design, including its scale and massing, would provide a positive response to the site and surrounding area. The proposed materials, the design of the fenestration and the changes in roof level would help to break up the massing of the building. Consequently, I find that the proposal would not cause unacceptable harm to the character of the area and the development would integrate successfully with the town centre. Furthermore, the proposal would be a well-designed scheme that would contribute positively to the character of the town centre and place-making.
23. For the above reasons, I find that the appeal proposal would not have an unacceptable adverse effect on the character and appearance of the area, including the effect on heritage assets, with particular regard to the height, bulk, and massing of the proposal. Consequently, I find no conflict with Policies TC1 and BE1 of the LP or Policy KP13 of the NP which, taken together, seek to ensure that development is of an appropriate scale, reflects the character and form of the town centre, positively contributes to the character and quality of its environment through good layout and design, respects surrounding buildings in terms of scale, height, form, and massing, and

achieves a standard of design that is appropriate to the local area with a positive response to the site characteristics and surroundings in terms of, amongst other matters, building scale, height, proportions, and massing.

Parking and highway safety

24. The Warwick District Council Parking Standards Supplementary Planning Document, (the Parking Standards SPD) sets the parking requirements for new residential development at Table 1. Based on that table the development should provide 84 spaces for the proposed development, 70 allocated spaces and 14 unallocated. Consequently, the development would fall short of the parking requirement set out in the Parking Standards SPD.
25. However, paragraph 1.1 of the Parking Standards SPD advises that it is based on the 2012 version of the Framework, which has since been superseded. The December 2023 version of the Framework includes paragraph 112 which requires clear and compelling justification for setting maximum parking standards for development. Even if I were to accept that the requirements at Table 1 of the Parking Standards SPD are necessary for managing the local road network, it can only set maximum parking standards.
26. Furthermore, paragraph 2.2 of the Parking Standards SPD acknowledges that there may be special circumstances to demonstrate a greater, or lower, provision. Paragraph 2.3 sets out two reasons: reasonable justification for lower provision, based on evidence; or that it is not reasonably possible to achieve the parking standards. The appellant has relied on the first reason.
27. The site is within the town centre of Kenilworth, which is a highly accessible location, where there are a number of public car parks and where there is access to public transport. Kenilworth train station is less than 10 minutes' walk from the site and there are bus stops either side of Warwick Road, near the site. Moreover, the town centre provides the local centre for services and facilities for residents of Kenilworth. Consequently, residential development on the appeal site would be close to services, facilities, and public transport.
28. This would meet with the first circumstance where parking provision which falls below the prescribed standards set out in Table 1 may be considered appropriate, as detailed at paragraph 2.4 of the Parking Standards SPD.
29. The appellant has also sought to argue that there is evidence of lower car ownership, based on census data for the Ward. From the evidence before me the census data on car ownership has already been taken into account in the Parking Standards SPD and, if I were to accept this as justification for a reduced level of parking, would mean double counting this information. Nevertheless, the appeal site is in a town centre location and proposes predominately one and two-bedroom units with only four number three-bedroom units. The Parking Standards SPD does not distinguish different levels of parking requirements for flats versus family housing or different levels of parking required for town centre locations or other areas, as is recognised by paragraph 5.56 of Policy TR3 of the LP.
30. I have no compelling evidence that the car ownership of the occupants of the development would be likely to substantially exceed the number of parking spaces proposed. In my judgement, even without considering the census data for the Ward, the car ownership of the proposed development is not likely to

be the same as a residential development for family housing outside of the town centre.

31. The level of additional parking demand that is likely to arise from the shortfall of parking spaces would not be likely to be as substantial as the Parking Standards SPD would suggest. The appellant has also carried out a parking survey of the local area and identified space within local car parks and streets which would be capable of accommodating any overspill or visitor parking for the proposed development. I have no compelling evidence to counter the information from the appellant and the parking demand could be accommodated within the capacity of existing on-street parking. There is also no requirement for the appellant to enter into a legal agreement to prevent the future occupiers of the development from applying for parking permits as, even if the residents occupying the proposed development would be entitled to apply for parking in the controlled parking zone, the Council would ultimately have control over whether to issue such permit(s).
32. The loss of the site as a town centre car park for shoppers and businesses has also already been accepted by the identification of the site as a primary retail frontage and the previous planning permissions. Moreover, the consent for use as a car park was only temporary as the Council expect the site to be redeveloped. Furthermore, I have no compelling evidence that the other town centre car parks, which I visited while in Kenilworth, do not provide sufficient capacity for shoppers and businesses within the town, and also for visitors to the proposed development.
33. The parking spaces located next to Waitrose are not adjacent to the site. However, they are within a short walk of the site and walkable from Talisman Square along Warwick Road and into the car parking area. Albeit that the walk to the car park would be shorter across the service yard of Waitrose, this is not the only pedestrian access route available, and the route along Warwick Road would be a safe route. These are not new parking spaces, and, the allocation of these spaces for the proposed development would result in displacement of existing cars. Nevertheless, I have no compelling evidence that the displacement of these cars would not be able to be accommodated within the local car parks and streets.
34. The town centre location and the accessibility of the site by means other than the private car is sufficient to justify a lower level of parking than is required by the Parking Standards SPD, which in any event can only be taken to be maximums. The proposal would not unacceptably worsen the existing parking situation from the shortfall in the number of parking spaces, the location of the parking near Waitrose, or from the increased demand for on-street parking in the local area. Consequently, I find that the appeal proposal would not prejudice highway safety conditions.
35. Notwithstanding the concerns of local residents and Kenilworth Town Council I also have no compelling evidence that the access to either car park is not suitable and sufficient for the level of vehicle movements and the size of vehicles which the accesses would serve. Both access points are already existing and already serve as access for vehicles, including delivery vehicles for Talisman Square. The proposed development would not significantly increase vehicle movements at either junction. I note that the Council had no

concerns regarding this matter, and I have no reason to disagree with their findings.

36. For the above reasons, I find that the proposal would not result in adverse effects on highway safety, with particular regard to the provision of parking. The proposal would, therefore, comply with the requirements of Policy TR3 of the LP and Policy KP12 of the NP which, taken together, seek to only permit development that makes provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street parking detrimental to highway safety, and seeks to incorporate parking as set out in the Parking Standards SPD.

Other Matters

37. The recently adopted Net Zero DPD requires all relevant planning applications, including new dwellings, to be submitted with an Energy Statement to show compliance with the relevant policies. Policy NZC1 requires new dwellings to achieve a minimum of 63% reduction in carbon emissions. Policy NZC2 requires a 10% improvement over the requirements of the Part L 2021 Target for Fabric Energy Efficiency and provide renewable, zero and low carbon energy technologies in new dwellings. Policy NZC4 requires consideration of sustainable construction.
38. As the planning application was submitted before the adoption of the Net Zero DPD an Energy Statement was not included in the application. Neither has one been submitted with the appeal. However, both main parties have agreed that this issue could be dealt with by a condition requiring the submission of an Energy Statement prior to the commencement of the development.
39. Given the timing of the adoption of the Net Zero DPD, and the existing information provided on energy saving measures, I find that a condition would be acceptable in this instance. Such a condition would require the development to comply with the above policies and would also comply with the requirements of policy CC1 of the LP which, amongst other matters, requires all development to be resilient to climate change.
40. Local representations have raised concerns regarding the loss of the site as an urban open space, for community uses and the loss of the community garden. Although there is evidence that the car park has been used for community events, and planting has been provided by The Friends of Talisman Square, the site is privately owned. Any community use has been with the permission of the owner. Consequently, the site could be closed off by the owner at any time. It is not an area of public open space. Although the loss to the community would be unfortunate there is nothing to prevent its loss.
41. Furthermore, the adopted policy and the Framework supports the redevelopment of town centre sites and previously developed land, and the proposal is, in principle, in line with those policies. That there are other retail units across the town centre that are currently vacant would not remove the principle of support for additional Class E uses on the primary retail frontage as proposed.
42. Interested parties have also raised concerns regarding matters such as, but not exclusively, the effect on living conditions of surrounding uses, disturbance during construction works, inadequate space for bins and bicycles, creation of

wind tunnel, fear of crime, air quality, lack of environmental enhancements, and effect on biodiversity.

43. The proposed development would fall short of the separation distances set out in the Warwick District Council Supplementary Planning Document Residential Design Guide, May 2018. However, the distances in the SPD are guidance only and the SPD also notes that there can be flexibility between fronts of properties, which would be the case here. Moreover, the appeal scheme has been designed so that the windows would be set at an angle from the windows in the property opposite and the proposed balconies would be screened so as to limit overlooking. The scale of the building would not result in an unacceptable loss of light or result in a tunnel effect. Furthermore, the proposal is appropriate in terms of siting and design as submitted and to achieve the SPD separation distances would result in a design that would be harmful to the character and appearance of the area., by being set much further back from the frontage of the site and, therefore, not respecting the built form of the area.
44. Disturbance during construction works would be controlled through the proposed construction management plan condition and the vehicle routing condition. Amended plans were received during the planning application which indicate sufficient space for waste storage with the door to the storage area opening out onto the parking courtyard. The cycle storage provides more spaces than are required by the Council policy and would, therefore, provide space for e-bikes which could also be parked within the car park. The car park also includes spaces for EV charging points which would help to reduce vehicle emissions in the area and provide environmental benefits, along with the proposed centralised heat pump and photovoltaic panels.
45. The proposed development would be sufficiently distant from the existing buildings and with active frontages and natural surveillance from the flats above to help prevent crime and fear of crime.
46. With regard to biodiversity, I have no compelling evidence to suggest that the new planting proposed in the appeal scheme, albeit limited and that some would be in shaded areas, would not provide appropriate habitat for biodiversity. The requirement in the Environment Act for 10% biodiversity net gain would not apply to this appeal as the application was submitted to the Council before the relevant date in the Act. Nevertheless, subject to an appropriate condition, the proposal would be capable of achieving a net gain, as required by Policy NE3 of the LP.
47. Planning permission was previously granted on the appeal site for a mixed use development. That permission was granted by the Council in 2017 and has since lapsed. Although I accept the reasons that it was not developed, as is has now lapsed it is not a valid fallback, there is no realistic prospect of that scheme being developed.
48. Nevertheless, for the reasons given above, I have found that the scale and massing of the appeal proposal would not harm the character and appearance of the area and would comply with the adopted development plan policies. Consequently, I do not need to give any weight to the previous planning permission in making my decision, irrespective of the caselaw and judgments noted by the appellant and irrespective of the views of interested parties on the validity of the previous decisions.

49. The delivery of housing and Class E uses on the appeal site would provide economic and social benefits, maintain activity within the town centre, increasing footfall and employment, and comply with the Framework's aim of boosting the supply of housing. The development is also in a location where there is access to services, facilities, and public transport. There would also be environmental benefits from the proposed passive and active measures to reduce climate change.
50. The lack of affordable housing, or any other financial contribution towards the various matters raised by consultees and interested parties, has been justified through the viability assessment which was independently tested as part of the planning process. I have no compelling evidence to disagree with the findings of the independent testing and the lack of these contributions, therefore, does not weigh against the development.

Conditions

51. The Council has provided a list of conditions that it considers would be appropriate and the appellant has had an opportunity to comment on this. I have considered these in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. I have also adjusted the order of the conditions so that those requiring details to be submitted prior to commencement of development come before those that require approval of details prior to occupation.
52. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of certainty.
53. Due to the previous use and development of the site there is a risk of contamination. It is therefore necessary to require the submission of a suitable assessment of contamination and proposed remediation measures as a condition. As the site lies in an area identified as with archaeological potential it is also necessary to ensure that a suitable archaeological field evaluation is carried out and that any archaeology is recorded or maintained.
54. To ensure adequate surface water drainage and to reduce the risk of increasing flooding elsewhere a detailed condition for the surface water drainage is required, based on the approved drainage layout plan and sustainable drainage principles. I have already advised on the need for the condition to require the submission of an energy statement.
55. As finished floor level details are not shown on the approved plans, I have included a condition to require this detail to be submitted, in the interests of the character and appearance of the development and the area. I have also included a condition to require the submission of a Construction Method Statement to reduce the effect of the development on surrounding occupants and uses and to ensure that the development would not have an unacceptable effect on highway safety. In order to ensure a satisfactory appearance, I have included a condition requiring the submission of the details of the materials to be used for the external surfaces of the building.
56. In order to ensure that appropriate hard and soft landscaping is provided, in the interests of achieving a satisfactory appearance, I have included a

condition to that effect. A condition requiring a Landscape and Ecological Management Plan is also required to ensure that the development delivers biodiversity net gain.

57. In the interests of ensuring that the development would not have an unacceptable effect on the living conditions of the future occupiers of the development I have included two conditions to require noise insulation between the ground floor units and the residential units above, and to ensure that the windows achieve sound reduction measures. To ensure the development would not have an unacceptable effect on the living conditions of the neighbouring properties, I have included a condition requiring the windows, as detailed on the approved plans, to be obscure glazed and a condition to require the privacy screens to be installed prior to occupation of the residential units.
58. Conditions restricting the level of noise from any plant or equipment, limiting the hours the Class E uses can be open to the public and restricting the routing of HGVs serving the development, both during construction and post-construction, are also required to ensure that such provision would not adversely affect the living conditions of either existing or future occupants.
59. In the interests of highway and pedestrian safety and to ensure that the development provides the proposed parking I have included a condition to require the parking areas to be provided prior to occupation. I have also included the requirement for the provision of electric vehicle charging points to encourage sustainability and the use of electric vehicles.
60. To encourage active travel and the use of bicycles, so as to reduce the reliance on the private car, a condition to require the cycle storage area to be laid out and retained available for this use, is required. Moreover, in the interests of reducing the fear of crime and minimising opportunities for crime a condition to require the submission of security measures for both the Class E uses and the residential development is considered to be appropriate.
61. The condition which requires the development to be constructed in accordance with the submitted plans would be sufficient to ensure that the recycling and refuse storage areas, which are clearly indicated on the plans, are provided and this is not required to be covered by a separate condition. It is also outside the control of the planning decision to ensure that the refuse and recycling containers are provided prior to occupation.

Conclusion

62. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

K Townend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 4267-04 Rev A, 4267-01 Rev B, 4267-11 Rev E, 4267-12 Rev E, 4267-13 Rev E, 4267-14 Rev E, 4267-15 Rev C, 4267-21 Rev E, 4267-27 Rev C, 4267-22 Rev E, 4267-25 Rev E, 4267-26 Rev D, 4267-41 Rev C, 4267-42 Rev F, 4267-43 Rev E, 4267-44 Rev E, 4267-51 Rev D, 4267-52 Rev D, 4267-53 Rev B, and c8221-210 Rev P0.
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, no development shall take place until:
 - (i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority;
 - (ii) the site has been remediated in accordance with the approved measures and timescale; and
 - (iii) a verification report has been submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - (i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) a verification report for all the remediation works has been submitted to and approved in writing by the Local Planning Authority.
- 4) No development shall take place until:
 - (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 5) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 6) No development shall take place 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 submitted details shall:

- (i) 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 the STW Developer Enquiry.
- (ii) Provide drawings/plans illustrating the proposed sustainable surface water drainage scheme; and
- (iii) 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; and
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals;
- (iv) Provide plans such as external levels plans, supporting the exceedance and overland flow routeing 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; and
 - 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.
- (v) include a timetable for its implementation.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 7) No development shall commence until an Energy Statement detailing how the development will comply with the Council's Net Zero Carbon Development Plan Document has been submitted to and approved in writing by the Local Planning Authority. This statement shall include details and technical information which demonstrates compliance with DPD Policies. The

development shall be provided in accordance with the approved energy statement and all approved measures thereafter retained.

- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- (i) temporary measures required to manage traffic during construction;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) turning, loading, and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust, dirt, noise, and vibration during construction;
 - (vii) details to restrict burning on site;
 - (viii) details of all temporary contractor's buildings; and
 - (ix) delivery, demolition, and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 10) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 11) No development above ground level shall commence until a scheme of hard and soft landscaping has 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 trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 12) No development above ground level shall commence 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 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 and provision of habitat for protected and notable species

(including location, number and type of bat and bird boxes, and location of log piles). Such approved measures shall thereafter be implemented in full.

- 13) Prior to the first occupation of any of the development a Verification Report for the installed surface water drainage system for the site shall have been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
 - (i) Demonstration that any departure from the agreed design is in keeping with the approved principles.
 - (ii) Any As-Built Drawings and accompanying photos
 - (iii) Results of any performance testing undertaken as a part of the application process (if required/necessary)
 - (iv) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - (v) Confirmation that the system is free from defects, damage, and foreign objects.
- 14) Prior to commencement of any above groundwork, a scheme for protecting the proposed residential development on the upper floors of the development from noise from the ground floor Class E uses, shall have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the residential development is occupied and retained thereafter.
- 15) Prior to the first occupation of the residential element of the scheme 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 thereafter be retained as such.
- 16) Prior to the first occupation of the residential element of the scheme the windows indicated on the approved plans as to be obscure glazed shall have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 17) 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.
- 18) The residential element of the development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 4267-11 Rev E. Thereafter those spaces shall be retained for the parking of vehicles only.
- 19) Prior to the first occupation of the residential element of the development seven 7kW (minimum) electric vehicle charging points shall have been provided in accordance with the approved drawing. The electric vehicle

charging points shall be installed in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.

- 20) No dwelling within the approved development shall be occupied until space has been laid out within the site in accordance with drawing no 4267-21 Rev E for 76 bicycles to be stored, and that space shall thereafter be kept available for the storage of bicycles.
- 21) Prior to the first use or occupation of any part of the development hereby approved a scheme of security measures for both the Class E uses and the residential development, 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. The development shall be carried out in accordance with the approved details and fully implemented prior to the first occupation of any part of the building and retained thereafter.
- 22) The level of noise emitted 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).
- 23) The ground floor Class E premises shall only be open for customers between the following hours: 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.
- 24) All HGV's relating to the development hereby approved, 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 for the lifetime of the development.

*** END OF CONDITIONS ***