Planning Committee: 15 September 2021 **Item Number: 5**

Application No: W 21 / 0169

Registration Date: 11/02/21
Town/Parish Council: Kenilworth **Expiry Date:** 13/05/21
Case Officer: Helena Obremski
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Castle Farm Sports Centre, Fishponds Road, Kenilworth, CV8 1EY
Demolition of existing sports centre and erection of new sports centre and Scout and Guide Headquarters with associated parking and landscaping FOR Warwick District Council

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This application is being presented to Committee because the applicant is Warwick District Council, and due to the number of objections having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing sports centre and erection of new sports centre and Scout and Guide Headquarters with associated parking and landscaping. The proposal will remove the dated existing recreation centre, which the applicant states is no longer fit for purpose, and replace it with a new two storey leisure centre including multi use activity studios, fitness suite, six court sports hall, changing facilities, reception and café area, petanque terrain, and facilities for the Scout and Guide associations.

The proposed development is centred on a main feature double height entrance that forms the primary active elevation of the new facility. The proposed building is a part single and part two storey structure, with a varied roofline and glazing to the front elevation. The materials proposed are brown/grey brickwork and feature panels. Timber and grey zinc cladding are also proposed to add texture and interest to the building. Large areas of glass are proposed along the frontage of the building to allow light into the building, improve the building's active frontage, and strengthen the connection with the surrounding landscaping.

During the course of the application, in response to consultation responses, the applicant has provided a suite of additional information to address the points raised. The following amendments to the proposal have been made during the course of the application:

- existing sport pitches has been re-orientated to ensure that no outdoor sports facilities are lost.

- Three oak trees which were to be removed to relocate the petanque pitch are now proposed to be retained and relocated.

THE SITE AND ITS LOCATION

The application site is a Recreation Centre which includes sports pitches, a skate park and car parking, and is located on the edge of the town within the Green Belt. The site is accessed off Fishponds Road. The rear of residential properties on Fishponds Road, Brookside Avenue and Castle Road overlook the site.

The remains of Kenilworth Castle Fish Ponds lie about 80m away to the north, on the opposite side of an existing tree line forming the playing field boundary. The Fish Ponds are a Scheduled Ancient Monument, part of the Kenilworth Castle Grade II* Registered Historic Park and the Conservation Area. The site is also within a Flood Risk Zones 2 & 3.

RELEVANT PLANNING HISTORY

There are various previous applications related to this site, for alterations and to the building, however, none are considered relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS23 - Land for outdoor sports and recreation in Kenilworth
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas

Kenilworth Neighbourhood Plan (2017-2019)

- KP8 -Traffic
- KP7 - Castle Farm
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP21 - Flooding

Guidance Documents

- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Deferred formal response until additional information is submitted, however provided comments (updated response expected shortly):

- Traffic key concern - Transport Assessment not considered robust due to conflicting circumstances. Additional 500 traffic movements not acceptable in terms of impact on neighbouring properties. - Traffic movement associated with all Local Plan designated sporting activity in this location (SP1) should be included in any assessment. - Members requested a review of the existing Travel Plan and Transport Assessment, having regard to the above concerns
- Travel Plan: Initially, most visitors may be expected to arrive by car but provision for cycling/pedestrians should be prioritised and fully integrated with this development. No detail on safe cycle/pedestrian movement is provided. Members felt pedestrians and cyclists should be given clear priority as part of the attempt to minimise vehicular flow and promote active travel.
- Energy: The Energy Statement complies with neither the Neighbourhood Plan (KP15) nor Local Plan (CC3) requirements. A decision not to meet the net zero carbon standard due to cost is shortsighted and will merely result in expensive future retrofitting. Members specifically ask for a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period with a higher energy performance building. These comments are especially pertinent, given the WDC declaration of a Climate Emergency and pursuant Action Plans. There appears to be a disconnect between this pledge and working intentions.
- Environmental Concerns: potential for light and noise pollution and expect full mitigations as necessary. Members stressed the need for full protection of the nearby watercourse and attendant wildlife, noting the reported presence of otters. They requested the preparation of an Ecology Report. Members requested assessment of any Net Biodiversity Gain, as required.

WCC Ecology: Recommends conditions, and request for additional information on lighting.

Environment Agency: No objection.

WCC Highways: No objection, following submission of additional information.

Historic England: Concerns regarding the proposal, whilst the visualisations show that the impact on the setting of heritage assets was not as severe as expected, this is not reflected in the revised documentation on which you have consulted us. There is no revised assessment of the setting with images to demonstrate that the setting would not be harmed to any great degree.

WCC LLFA: Objection, further information required.

Environmental Protection: No objection, subject to conditions.

Sports England: No objection, subject to condition.

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

Natural England: No objection.

CCTV: No objection.

Sports and Leisure: No objection.

WCC Archaeology: No objection, subject to condition.

Tree Officer: No objection, subject to condition.

WCC Landscape: Would prefer that tree planting to north of car park is located closer to the car park, in order to screen / soften views of the car park. There appears to be an area to the west of the building, surrounded by the proposed pitches, petanque area and paddock - the plans don't indicate what is proposed for this area but, if possible, I would like to see some tree planting here, in order to soften the new building in views from footpaths to the west. I would also like to see a proposal for replacing the translocated trees if they fail.

Conservation Officer: No objection, subject to condition for sample materials.

CAF: too many materials are proposed; the overall use of colours, shapes and angles is incoherent; the scale of fenestration, particularly to the upper storey of the front elevation, was not of human scale and could be better controlled. Some members were concerned that the large, high areas of glazing would be highly visible and prominent when lit at night, causing detriment to neighbouring residential development; rear elevation appeared more industrial than the existing building and noted that what should be a ‘soft edge’ to the town, given views to and from open countryside, would be particularly impacted upon by the proposed development; the pétanque court be relocated so as to avoid the proposed removal of three mature trees.

Public Responses:

134 Objections:

Need / Location of the development:

- The development is not needed.
- The proposed development is contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities - there is no clearly identified need within the *Built and Indoor Sports Facilities Strategy Updated: July 2018* for an indoor leisure development of the scale proposed, which is specifically required to be located on this particular site, which cannot be provided within Kenilworth on more suitable, more accessible, (which would be much better located alongside or close to the proposed new high school site), more sustainable site, which is better related locationally to new areas of population growth and away from the Kenilworth AQMA and Kenilworth's precious historic assets. The Leisure Strategy does not recognise the impacts which COVID19 has had on sports facility usage.
- This development is contrary the Council's Playing Pitch Strategy, Green Infrastructure Study and / or Green Space Strategy, and is therefore contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities of the LDP, as it proposes building upon existing, and valuable, green leisure space and playing pitches, which should be retained in their own right, and not built over for a new leisure centre in this location – another site for the leisure centre should be found to create more leisure space, not build over our already valuable outdoor areas.
- The site is not included for major development within the Neighbourhood Plan, so should not be developed as such and would be contrary to the plan.
- Inappropriate location which will result in loss of leisure facilities in north eastern area of Kenilworth.
- Lack of meaningful public consultation.
- Loss of access to public green space.
- Castle Farm is allocated for *outdoor* sport only and the proposal will reduce the amount of outdoor sport, replacing it with indoor sport.
- The development is too large and not located in the right location.
- Castle Farm ground should be developed into a nature reserve or a country park.
- Suggests alternative sites and requests detailed site appraisals for alternatives. Increase sporting facilities at Kenilworth School rather than this location.
- The development is on the wrong side of Kenilworth to provide for the increased population which it is meant to serve.
- Unsustainable location.
- The existing building should be reused / extended.

Highways / Parking:

- The transport assessment is based on assumptions that are too optimistic, principally car and coach traffic flows and parking. The data provided is unreliable, based on assumptions not fact and undertaken when the site was

not working at its busiest, up to date data is required. Transport assessment is not factual or robust and does not take account of Wardens development or impacts from COVID19. Full peak-use surveys should be undertaken after COVID has passed.

- Increased traffic will impact on nearby surrounding residential streets which cannot cope with additional demands, cars park already on the verges and both sides of the road, there is no additional capacity.
- Claims of consultation within the transportation statement with local residents is untrue.
- False statements regarding width of the roads, current parking along nearby road contained within TS, road widths proposed by the applicant are incorrect.
- Coach visits to the site are likely to increase and this is not accounted for, roads are not wide enough to accommodate coaches.
- Will encourage speeding on surrounding roads and congestion.
- Increasing numbers of commercial vehicles in nearby residential roads are not accounted for in the traffic note from the applicants.
- The Transport Statement and Technical Note should not be relied upon as accurate and contain inaccurate, unsubstantiated statements.
- Swept path analysis is inadequate.
- Safe pedestrian and cycle access unproven - dark and dangerous, with no lighting or natural surveillance.
- Site is accessed by crossing busy roads with no pedestrian crossings leading to conflict with vehicles.
- Impact on pedestrian safety - particularly re nursery children - lack of cumulative impact assessment.
- Clarification sought regarding where double yellow lines are to be installed and how they will be enforced.
- Proposals would result in significant impact on highway network and insufficient mitigation measures have been proposed to mitigate impacts.
- Lack of parking for the Wardens and inadequate parking provision generally which does not accord with requirements of Vehicle Parking Standards.
- Impact of the Wardens relocation is not taken into consideration as part of the proposals.
- Disabled, young and older people will find dealing with level of traffic at junction and surrounding area extremely difficult and frightening, additional traffic will cause additional danger.
- Disregarding the adopted parking guidelines undermines the hierarchy of policy and adopted SPDs which guide the planning process within the WDC area, and undermines legislation which sets the status of adopted planning guidance.

Impact on neighbouring amenity:

- Noise and light disturbance to local residents. Neighbours request additional fencing and hedgerows are installed to reduce impacts from additional noise and lighting.
- Lack of consideration for impact on local residents.
- Incompatible scale of development in residential area.
- Members of the public will be prevented from using their own community land as a result of the proposed development and from the Wardens development.

- Commercial use of the site will go uncontrolled and impact detrimentally on neighbours.

Impact on the Green Belt

- Detrimental impact on the Green Belt which does not preserve openness, inappropriate development.
- The development is sited on green field land which should be protected.
- The proposal represents a disproportionate extension within the green belt.
- The cafe is not incidental to the sport and leisure use of the site and provides a new use in the green belt.
- The site has an important function in maintaining the openness of the green belt, which acts as a buffer between the urban area and registered park.
- Insufficient 'very special circumstances' apply to the proposed development, and the very principle of the proposal on this site must not be supported.

Impact on the character of the area / heritage assets:

- Loss of rural-urban fringe character to historic part of Kenilworth.
- Harmful to sensitive area and public benefits do not outweigh the harm to heritage assets.
- Loss of trees / relocation of trees.

Air Quality / Sustainability

- The proposals fail to address the climate change emergency and could be designed to be net carbon zero.
- The development which will generate a substantially higher amount of traffic through the Warwick Road AQMA and past the homes of 'people in the area' and through the Abbey Fields and Barrow Road LSOAs is obviously contrary to WDCs Air Quality Impact Assessment, Warwickshire Joint Strategic Needs Assessment July 2020, WDCs Air Quality Action Plan (AQAP) June 2015 and policies TR1 and TR2 of the LDP and is contrary to WDCs own proclaimed carbon-neutral targets, and must not be supported.
- Constitutes 'development that results in significant negative impacts on air quality within identified Air Quality Management Areas' and will cause unacceptably ' significant negative impacts on the health and wellbeing of people in the area as a result of pollution'.
- Inadequate air quality mitigation measures.
- Erecting an enlarged building, both in area and height, would have a much greater negative impact on the environment than the refurbishment and improvement of the existing facilities.

Other:

- No environmental assessment has been provided.
- Inadequate drainage provision and detrimental impact on flooding.
- Harmful impact on protected species and wildlife habitats.
- Larger car park will encourage anti-social behaviour.
- The planning and transport consultants have no local knowledge of the site.
- Devaluing of nearby properties.
- Query about what is being done about drug taking behind sports centre.

- Ecological biodiversity gains have come at loss of green space for members of public to use, further loss of access when Wardens development comes forward.

3 Neutral:
- Parking not provided for coaches.
- Concern about narrow approach roads for large vehicles.
- Planting along eastern boundary of site alongside properties to Fishponds and Greville Road be reinforced to mitigate noise and light spill, and along footpath.
- Improvements should be made to watercourse as this is in poor state
- Lack of control of parking along Fishponds Road and access to Castle Farm. Yellow lines should be used to control parking. Verges should be reinstated.
- Lighting should not be used at night to protect neighbouring amenity.
- Biodiversity enhancements welcomed.
- Cycle access is an after thought and not a key design consideration.

20 Support:
- Provision of enhanced sports, leisure and community facilities.
- There needs to be sufficient onsite parking.
- Traffic flows and usage need to be realistic, access routes need proper evaluation.
- Pedestrian and cycle access needs to be prioritised.
- Facilities needed to support increase in population resulting from planned housing development.
- Pleased to see plan taking shape after so many consultations with stakeholders.
- The development will provide for outdoor activities for all regardless of age, gender or disability.
- Opportunity to promote wellbeing.
- Lighting and covered area would be beneficial.
- The petanque community which plays regularly at Castle Farm are delighted that's this development is going ahead, including the provision of improvements to the new petanque playing area. Since the original terrain was constructed in 1997 it has been subject to flooding.
  The engagement of the petanque community by council staff has been first class and our views have been taken into account regarding all aspects of the construction. Changes have been made to the plans to address matters which have been raised.

These are a summary of public comments, please refer to the Council website for the detailed comments provided on the application.

Assessment

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

- the principle of development;
- whether the proposal constitutes appropriate development in the Green Belt;

- impact on sports pitches;
- design and impact on heritage assets;
- archaeological impact;
- impact on amenity;
- impact on trees;
- car parking and highway safety;
- sustainability
- air quality
- ecological impact;
- flood risk and drainage;
- other matters.

Principle of development

Replacement / extension of sports facilities

Members of the public have the following concerns regarding the need and location of the proposed development:

- The development is not needed.
- The proposed development is contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities - there is no clearly identified need within the *Built and Indoor Sports Facilities Strategy Updated: July 2018* for an indoor leisure development of the scale proposed, which is specifically required to be located on this particular site, which cannot be provided within Kenilworth on more suitable, more accessible, (which would be much better located alongside or close to the proposed new high school site), more sustainable site, which is better related locationally to new areas of population growth and away from the Kenilworth AQMA and Kenilworth's precious historic assets. The Leisure Strategy does not recognise the impacts which COVID19 has had on sports facility usage.
- This development is contrary the Council's Playing Pitch Strategy, Green Infrastructure Study and / or Green Space Strategy, and is therefore contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities of the LDP, as it proposes building upon existing, and valuable, green leisure space and playing pitches, which should be retained in their own right, and not built over for a new leisure centre in this location – another site for the leisure centre should be found to create more leisure space, not build over our already valuable outdoor areas.
- The site is not included for major development within the Neighbourhood Plan, so should not be developed as such and would be contrary to the plan.
- Inappropriate location which will result in loss of leisure facilities in north eastern area of Kenilworth.
- Lack of meaningful public consultation.
- Loss of access to public green space.
- Castle Farm is allocated for *outdoor* sport only and the proposal will reduce the amount of outdoor sport, replacing it with indoor sport.
- The development is too large and not located in the right location.
- Castle Farm ground should be developed into a nature reserve or a country park.

- Suggests alternative sites and requests detailed site appraisals for alternatives. Increase sporting facilities at Kenilworth School rather than this location.
- The development is on the wrong side of Kenilworth to provide for the increased population which it is meant to serve.
- Unsustainable location.
- The existing building should be reused / extended.
- The wording of policy DS23 requires the provision of *outdoor* sport, that an extension of the building represents the loss of some outdoor sports provision, and addition of indoor sports provision.

Supporters of the proposal state that the development would result in the provision of enhanced sports, leisure and community facilities. Supporters also note that the facilities are needed to support an increase in population resulting from planned housing development.

They state that there has been extensive consultations with stakeholders and that the development will promote wellbeing and outdoor activities for all regardless of age, gender or disability. Supporters also state that the petanque community which plays regularly at Castle Farm are delighted that's this development is going ahead, including the provision of improvements to the new petanque playing area. Since the original terrain was constructed in 1997 it has been subject to flooding, and the engagement of the petanque community by council staff has been first class and, with their views having been taken into account regarding all aspects of the construction.

Local Plan policy DS23 states that Castle Farm is allocated for the provision of outdoor sport. Appropriate facilities associated with the provision of outdoor sport will be permitted provided that they preserve the openness of the green belt and do not conflict with the purposes of including land within it.

It is important to understand the context regarding policy DS23 and its intended purpose. The supporting text for this policy informs that the provision of additional land at Castle Farm for outdoor sport will complement, and may assist the improvement of, existing playing facilities at the site.

It is clear that the intention of the allocation of the land for SP1 was to provide additional outdoor playing facilities, rather than restrict the existing indoor sports facilities from expansion, or proposed their removal from the site to provide for outdoor sports facilities.

It can therefore be concluded that policy DS23 is not directly relevant to the assessment of the proposed replacement existing facilities. Whilst some of the open space around the sports pitches would be lost to make way for the new leisure centre, as the sports pitches are proposed to be reoriented, there is no loss of actual playing area.

Importantly, it should also be noted that Neighbourhood Plan policy KP7 states that proposals to extend the current spots and leisure facilities to enable the

relocation of existing sports clubs in the town will be supported, provided that certain criteria are met.

Clearly, the Neighbourhood Plan supports the appropriate extension of leisure facilities in this location. Moreover, whilst the comments of members of the public are noted, no outdoor sports facilities would be lost as a result of the proposed development.

In fact, the proposal will enhance facilities which are associated with outdoor sport, such as new changing room facilities and provision of a new petanque pitch.

There would be some loss of public open space, but this is replaced with indoor sports facilities, which represents an extension to an existing established use of the site.

Therefore, it is considered that the provision of a replacement leisure centre with extensions would not be contrary to Local Plan policy DS23 in that the site would remain allocated for outdoor sport. The outdoor sports provision for the site as a result of the development would be enhanced through the provision of supporting infrastructure.

Turning to the requirements of Neighbourhood Plan policy KP7, development at Castle Farm will be permitted provided that:

a. the existing or enhanced facilities, both in the building and in the open space remain accessible to the public where possible;
b. the existing Scouts and Guides facility is retained unless suitable alternative premises are found locally
c. vehicle access routes in both the existing and new facilities are designed to accommodate predicted flows whilst addressing and minimising the adverse affects on dwellings
d. adequate car and coach parking provision is made on site to minimise any detriment to residential neighbours and local residential roads
e. the scheme delivers the appropriate facilities associated with the provision of outdoor sport, and they are located and designed in such a way as to preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
f. any buildings, parking areas and lighting are appropriate not only to the Green Belt location but also respect the amenity of existing residents both visually and as noise sources.

The site will remain in the ownership of the Council, and will remain accessible to the public. The Scouts and Guides facility will be retained.

As discussed in more detail below, WCC Highways have no objection to the proposed development in terms of access arrangements and traffic flows. It is considered that the impact on neighbouring properties is acceptable, which is discussed in more detail below.

The development is considered to provide appropriate facilities, which have been informed by the Council's Built and Indoor Sports Facilities Strategy.

As stated above, in terms of the provision of outdoor sports facilities, these would not be affected as a result of the development and would not directly impact the Green Belt.

The requirements of point f are also considered to be met and discussed in depth below. Notably, there is a clear distinction between points e and f above in terms of the impact of outdoor sports facilities vs buildings / infrastructure within the Green Belt. It is considered that the development is in accordance with Neighbourhood Plan policy KP7.

Local Plan Policy HS1 gives an overarching direction, for creating healthy, safe and inclusive communities, which seeks to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play. Policy HS5 indicates general support for proposals for new and improved open space, sport and recreation facilities. It then goes on to require such proposals to demonstrate that they address any shortfall in provision identified in the Built and Indoor Sports Facilities Strategy, the Green Infrastructure Study and / or the Green Space Strategy.

The supporting information submitted with the application informs that the Council’s Sports and Leisure Strategy 2018 provides the long term approach to sports and leisure provision and planning across Warwick District.

The improvement of facilities in Kenilworth is one of the main focuses of this strategy, in order to bring Kenilworth's facilities in line with others across the District, which have seen investment in recent years. Importantly, the Sports and Leisure Strategy establishes that the existing Castle Farm Recreation Centre has been identified as in need of refurbishment and modernisation for a number of years. The Strategy recognises the impact of planned housing development within Kenilworth and that by 2029, there will be an unmet demand of leisure facilities if no enhancements are provided.

The Strategy specifically states that Castle Farm should be increased from a 4 badminton court size hall to a 6 or 8 court size. It also suggests that any modernisation of Castle Farm should consider the scope to provide a flexible multi-purpose studio space in addition to the main sports hall. The Strategy sets out the results of a condition survey which was undertaken to assess the condition of the existing sports and leisure buildings. It notes that external roof and wall cladding at Castle Farm were in need of replacement (the roof has since been replaced), and that the internal spaces in the Recreation Centre would benefit from refurbishment. It also noted that mechanical and electrical plant had reached the end of its economic life.

Since 2013/14, Warwick District Council Executive have considered a number of options for how best an improved recreation and leisure facility could be provided in Kenilworth. This process has included analysis of all school sites including the possibility of locating all leisure provision on one shared school site in the town.

However, following analysis of the site and its context, this option was discounted for a number of reasons including that this would result in removal of sports facilities from their existing accessible location close to the town centre, and would lead to an unacceptable impact in terms of traffic.

A review of whether the facilities at the Abbey Fields Swimming Pool should be relocated to the Castle Farm Recreation Centre site was also undertaken. However, following analysis, it was determined that achieving adequate and appropriate swimming pool facilities at the Castle Farm site was not viable due to a number of factors, including predicted traffic impacts due to increased usage of the site and likely impact on the Green Belt due to a substantially larger development being required. The Council did not own any other suitable sites, and purchasing a new site on the open market was not a financially viable option for the local authority.

It is therefore considered that part 'a' of Policy HS5 is met, as there is a clear projected unmet need for additional leisure facilities in Kenilworth, and the Built and Indoor Sports Facilities Strategy sets out a clear direction that the facilities at Castle Farm require replacement and enhancement.

Policy HS5 then goes on to set out a "town centre first" approach to the location of new sport and recreation facilities, unless: (i) the proposal is accessible to the community it proposes to serve by means other than the private car; and (ii) there is a need to enhance an existing facility or provide a new facility that has specific locational requirements. Paragraph 5.74 of the explanation to the policy gives the example of where it may be more appropriate to enhance an existing facility, co-locate or combine with other community uses, at other sustainable locations, to ensure long term viability.

With regard to Criterion (i), whilst situated outside of the town centre, the site is in a sustainable location, being approximately 480 metres from the edge of the town centre boundary (6 minute walk). There are a number of bus stops within a 6 - 10 minute walk of the site which would allow sustainable access. The site is also within easy walking and cycling distance of the town centre. Therefore it has been concluded that the proposals comply with Criterion (i).

In relation to Criterion (ii), the site is one of the two main existing leisure facilities for Kenilworth. The proposals are for a replacement and expansion of this existing facility in order to ensure its long term viability and to meet an projected unmet need within the local area of Kenilworth. Consequently Criterion (ii) above is clearly met.

Local Plan policy CT4 states that extensions to leisure facilities in rural areas will be permitted where these do not: establish new uses which are not ancillary to the normal business operation; generate significant volumes of additional traffic; and, harm the character of the area.

As the site is located outside of the urban area boundary, technically this policy applies to the assessment of this application, albeit as stated above, this site is considered to be located in a relatively sustainable location.

The proposal is not considered to establish any new uses which would not be ancillary to the normal functioning of a leisure centre; the sports facilities are provided on a needs basis and a cafe area is commonly found within many leisure centres, including those within the District, such as Newbold Comyn for example. As discussed in more detail below, the development is not considered to generate significant volumes of additional traffic, and as already stated, this site is identified for potential expansion as per the Neighbourhood Plan. As detailed below, the development is not considered to cause harm to the character of the area.

For the above reasons it has been concluded that the proposals are in accordance with the aforementioned policies.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 149 of the NPPF provides a list of exceptions to inappropriate development in the Green Belt. Local Plan policy DS18 echos the requirements of the NPPF.

Members of the public raise the following concerns regarding the impact of the development on the Green Belt:

- Detrimental impact on the Green Belt which does not preserve openness, inappropriate development.
- The development is sited on greenfield land which should be protected.
- The proposal represents a disproportionate extension within the green belt.
- The cafe is not incidental to the sport and leisure use of the site and provides a new use in the green belt.
- The site has an important function in maintaining the openness of the green belt, which acts as a buffer between the urban area and registered park.
- Insufficient 'very special circumstances' apply to the proposed development, and the very principle of the proposal on this site must not be supported.

The applicant proposes that because the development comprises the redevelopment of previously developed land for the same purposes as currently exists and will not give rise to a disproportionate increase in the scale of built development, that the proposal represents appropriate development within the Green Belt.

However, Officers disagree with this assertion, which adopts a mix of the different aspects of what might be considered to be appropriate development.

The NPPF allows for the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. The NPPF also allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

However, neither of these exceptions are considered to match closely to what is proposed, which is the demolition and replacement of an existing building, with additional car parking facilities. Therefore, Officers conclude that exception "d" of paragraph 149 of the NPPF is most relevant in this instance, being the "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".

Officers have calculated that the existing floorspace of the building is approximately 2,362sqm. The floorspace of the proposed building is calculated as approximately 5,813sqm, which is an increase of 146%.

Whilst the new building would be in the same use as the current building, it cannot be agreed that the building is not materially larger than the one it replaces.

Even if the other exceptions referred to by the applicant were considered, the test for previously developed land is the works not having a greater impact on the openness of the Green Belt than the existing development. Moreover, the test for the potential acceptibility of an extension to an existing building is that it isn't disproportionate relative to the original building.

In considering proportionate extensions to dwellings, the Local Plan has identified that 30% addition in floorspace would generally be considered as to be proportionate. Whilst the leisure centre is larger in scale, the addition of 146% floorspace above the original building cannot be considered as proportionate in planning terms, and would have a greater impact on openness than the existing development.

In terms of the impact on openness, this should be considered in visual and spatial terms. There is no doubt that the scale of development would be larger than the existing and would extend the built form on the site.

The proposed parking area and increased traffic movements associated with the site would also have an impact on the openness of the Green Belt. However, the site still remains contained in the sense that the increased parking area is positioned in between the existing building and residential development to the east of the site. Nevertheless, it is recognised that the level of harm to the Green Belt has to be judged as significant given the size of the development.

It is therefore necessary to consider whether any very special circumstances exist which would outweigh the harm to openness and any other harm identified. The applicant has set out that there are four main very special circumstances to justify the development and outweigh any harm identified which are summarised below:

1. Significant health and recreational need

The proposed development is being brought forward in the context of the Council's 'Indoor Sport and Leisure Strategy', which was updated in 2018. This strategy included an assessment of swimming pools, sports halls, health and fitness suites and other specialist indoor sports provision, primarily within Council control but also extending to those run by schools, private companies and community providers. It drew on contributions from Sport England and other key sporting bodies as well as from local community groups and from public consultation feedback. The evidence underpinning the Strategy has confirmed that whilst the District has a rising healthy and active population, participation levels are at risk of being detrimentally impacted by:

- sports hall stock being reliant on a number of school sites which, in some instances, have no community use agreements in place and carry a risk of long term availability;

- sports hall stock being ageing and becoming less usable and attractive to users;

- a lack of purpose built dance studios and studios for activities such as pilates and yoga;

- very little spare capacity within existing sports halls at peak periods;

- a shortfall in the availability of dedicated health and fitness stations and an overall reliance on the private sector for this form of provision.

The updated Strategy in 2018 highlighted that, despite interventions, there remained a pressing need to modernise and extend leisure facilities in some parts of the District - particularly in the north and around Kenilworth where there was evidence of lower participation levels, relative to other parts of the District and a significant number of residents travelling to facilities outside of the District, in south Coventry (with attendant detriment to sustainability measures including traffic patterns and air quality emissions).

Castle Farm Leisure Recreation Centre was noted as a significant issue in both the 2014 and 2018 studies. Its external roof and wall cladding is in a poor and deteriorating condition (the roof has subsequently been replaced), the majority of mechanical and electrical plant has reached the end of its economic life and the range and quality of indoor accommodation does not meet modern day standards. Its capacity is also a limiting factor, with peak time usage providing very little spare capacity (standing at 78%, against Sport England's comfort level of 80%). An express need for investment and re-provision is apparent.

Allied to these circumstances, the Scouts and Guides headquarters at Castle Farm is also a deteriorating facility. The organisation has been housed in the premises for over 30 years and are a strongly supported organisation in Kenilworth with a healthy waiting list. A fit for purpose building which is inclusive

and accessible for all, with direct access to open space as well as to parking, safe drop off/pick up areas for children and access for loading/unloading of equipment is a pre-requisite to sustaining their invaluable contribution to the health and wellbeing in the District.

2. Absence *of alternative sites*

The current planning application has been preceded by an extensive site search and feasibility stages, to determine whether the identified needs (whether together or in part) could be met on any alternative site (or sites) potentially outside the Green Belt. The following key factors were taken into account: accessibility, availability, and suitability. A thorough options evaluation process was undertaken of all alternative development options to ensure that the prescribed scale and form reflected customer requirements, as well as sporting and accessibility standards. Also key to the evaluation process was feasibility in design terms, underlying cost constraints and whether the mix would deliver flexibility in the long term and represent value for money.

A Preliminary Area Schedule was developed to specifically test the scale and mix assumptions and this was subject to extensive consultation and feedback, from key stakeholders and users during the summer of 2018. This process (for example) ruled out the inclusion of an 8 court sized sports hall and helped define the number of fitness suites needed. Consideration was given, as part of this process, to the option of integrating swimming pool provision on the one site and any flexibilities which could be applied in terms of the necessary ancillary parking and circulation requirements. The option of disaggregating the Scout and Guide HQ to a separate site was also fully explored, as was the level of outdoor changing provision.

Applying all of the above factors and consulting extensively, no alternative sites were found which satisfied the site search criteria. Whilst consideration was given to using land at the new Kenilworth School site for the new facilities this option had to be discounted at an early stage. Underlying covenants associated with the permissible uses on the site, coupled to landowner and CPO sensitivities as well as the associated cost of land purchase all rendered the co-location of school and leisure provision unviable. This site was in any event a less accessible option and would have led to key community assets being removed from the heart of the town.

Specifically, in respect of the Scouts and Guides facilities, there is an imperative to be near to Kenilworth town centre, and located within proximity to the main residential catchment, to the south east. As many of the young people attending the site travel independently, the need for the facilities to remain 'local' and to be highly accessible by all the 2,000-3,000 people involved is key. A more peripheral geographical location would not only disadvantage many members, who cannot rely on a private car, but would create a 'void' in the provision of activities in this part of Kenilworth.

3. Necessary facilities mix and scale

The Leisure Strategy presented has confirmed the clear requirement for any new site to be capable of accommodating a multi-use sports hall, studio space and gym facilities, fully accessible changing rooms and associated storage, amenity and service space, together with new accommodation for the Scouts and Guides:

- The scale of the sports hall, studios space and gymnasium space has been expressly calculated based on the output of the leisure needs assessment. This reflects the overall scale/quality of supply in other parts of the District, specific unmet needs (eg for women) and forecast demands based on population growth.
- The number and size of changing rooms has been dictated by the size and type of facilities mix, with reference to Sport England guidance and leisure industry standards and best practice.
- The allowance for a catering area and for viewing space reflects the essential need for an integral, multifunctional social space to act as a core meeting point within the foyer, as well as to generate income capable of contributing to the overall viability of the scheme.
- Minimal circulation space is provided. Necessary allowance has had to be made to allow for groups congregating, for wheelchair and buggy parking, for staffrooms and management offices and for effective escape in case of fire or other emergency.
- A rigorous options appraisal was undertaken during 2017 and 2018, which involved extensive consultation with user representatives. The appraisal process involved defining the Scouts and Guides' key accommodation requirements and testing how this might be laid out and managed efficiently, taking due account of the need for the resultant design to be flexible, accessible, inclusive, value for money and viable and also that, given the Green Belt context, it was commensurate with the need identified. The options appraisal also included consideration of various space saving innovations, such as individual, non-gender-specific toilets and removable room dividers. Whilst the new accommodation reflects an increase in some areas of function and a reduction in others, the overall increase in floor area, relative to existing, represents the incorporation of one additional key meeting room, to meet the specific needs of Explorers, alongside other identified expansion activities.

4. No conflict with purposes

The baseline conditions mean that the existing, inherent openness of the site and its contribution to Green Belt purposes is relatively limited and that the degree of potential impact might be relatively low. It is submitted that the development does not carry a risk of urban sprawl, merging of towns or encroachment into the countryside or associated potential for conflict with the purposes of including land within the Green Belt. This is on the basis that it is a fully contained development, where there is a clear, defensible boundary with adjacent open land protected through the extant allocation for outdoor sports activities. Through increasing public access to this site and through beneficial reutilisation of the existing poor quality facility, the purposes of the Green Belt will not, in any way, be undermined.

Assessment of very special circumstances

The applicant has provided a thorough justification of the need for the development of this size, and that Castle Farm specifically is in need of updating. The Council Sports and Leisure Strategy is specifically referred to within the Local Plan as a supporting document, and this clearly defines that additional sports facilities are needed to support Kenilworth. The selection process for these improved facilities has demonstrated that other than this site, there are no alternative viable options which can deliver the sports facilities required in time for the forecasted demand and that the type of facilities provided are determined through a needs basis.

Officers agree that the development is unlikely to conflict with the purposes of including land within the Green Belt. The development would for example remain contained within the site and the replacement of one building with another (albeit larger) would not lead to unrestricted sprawling development.

Although it is recognised it is on a larger scale than the existing building, overall the context of the site remains the same as the existing arrangements. There would be no concerns regarding neighbouring towns merging into one another in this location. The development would not result in any particular encroachment into the countryside - the development is still read as the edge of the urban area and forms part of an allocated area for outdoor sport, with car parking and associated infrastructure, therefore overall the impacts in this regard are minimal. There are no concerns regarding the preservation of the setting and special character of historic towns and the purpose of assisting urban regeneration is not relevant in this instance.

Importantly, the updated facilities would deliver <u>significant</u> benefits in terms of meeting a demonstrated need for sports facilities. These are key priorities within local and national planning policy. Therefore these benefits are considered to comprise very special circumstances and should be afforded significant weight in the assessment of the application.

Drawing the above considerations together, whilst the level of harm to the Green Belt has been judged to be significant, the benefits of the scheme are considered to be substantial and comprise very special circumstances which are sufficient to clearly outweigh that harm. Therefore, due to the existence of compelling very special circumstances, it has been concluded that the proposals comply with national and local Green Belt policy.

<u>Impact on Sports Pitches</u>

As the proposed building would be larger than the existing footprint, the development has a potential to impact on existing sports playing fields, therefore Sports England were consulted. Following concerns that the development could result in impact on one of the sports pitches, the applicant submitted an amended plan which showed the reorientation of the sports pitches. Sports England have no objection to the revised proposal, but consider that there would be a loss of potential sports pitches i.e. land which could be used as sports

pitches as part of the wider allocation, however when assessing this against Sports England policy, they consider that the proposal meets the following exception, which states:

'*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field*.'

In summary, they consider that the proposal meets the above planning policy exception. They however express concerns over certain elements of the design, but confirm that this can be controlled by condition. They also strongly urge the WDC leisure team to fully engage with the Football Association/Football Federation on the issues they have raised during the consultation to ensure proper dialogue going forward.

The recommended condition has been added, and a note to the applicant will be added to encourage them to engage with the Football Association/Football Federation. Sports England have confirmed that the condition can be worded so that works below ground level can be carried out prior to the submission of the required information. Overall, they have no objection to the proposed development.

Design and Impact on Heritage Assets

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan seek to ensure that development proposals achieve a high quality design. Increased emphasis on good design is proposed by the updated NPPF (2021).

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

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

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by

impacting on important views and groups of buildings within and beyond the boundary.

To the north of the application lies the character area 5 of Kenilworth Conservation Area, the Fishpond complex – a Scheduled Monument – and boundary of Kenilworth Castle's Grade II* listed Registered Park and Garden. Although there are no heritage assets on the site itself, the development site is nonetheless highly sensitive due to the proximity of designated heritage assets. The existing building however is of poor quality and is not considered to be of any architectural merit. The loss of this building is therefore acceptable.

Historic England and the Conservation Officer initially expressed concerns regarding the lack of visualisations provided, particularly from key vantage points from heritage assets. Concern was also expressed regarding the increased bulk and mass of the building and potential to impact on the setting of nearby heritage assets, and use of materials. Members of the public consider that the development results in a loss of rural-urban fringe character to a historic part of Kenilworth, that the development would be harmful to a sensitive area and that public benefits do not outweigh the harm to heritage assets. The Conservation Area Forum (CAF) suggested that too many materials are proposed and that the scale was too large, with an incoherent design. They considered the rear elevation appeared more industrial than the existing building and noted that what should be a 'soft edge' to the town, given views to and from open countryside, would be particularly impacted upon by the proposed development. It should be noted that comments from CAF however were submitted prior to the visualisations being provided.

Visualisations of the scheme were provided which enabled Historic England and the Conservation Officer to consider the impacts of the proposed development in more detail. The key vantage points from important views show that owing to the position of the development, and surrounding screening, the proposed building would not have a detrimental impact on the setting of the aforementioned heritage assets as it would not materially impact on these views. The Conservation Officer has confirmed that they have no objection to the proposal. Historic England have informally confirmed that they no longer have concerns regarding the proposal, but have requested that the revised documentation (heritage statement etc.) need to be updated to demonstrate that the setting would not be harmed to any great degree, before any objection can be formally removed. Councillors will be updated on this matter prior to the meeting.

The visualisations show that whilst a reasonably large structure, the use of glazing across the front elevation, and complementary materials provides visual interest and interaction between the internal and external realms. The glazing also provides a more lightweight appearance to the front of the building and softens what could be a reasonably stark frontage. The materials also help to break up the different sections of the building, to reduce the overall bulk and mass, and provide coherence between the pair of two storey elements either side of the central glazed section when observed from the front elevation. Careful consideration will need to be given to the final choice of materials, which will be secured by condition.

WCC Landscape have made requests regarding the location of the proposed tree planting which can be positioned to soften the impact of the development. This can be secured via a detailed landscaping scheme which will be secured by condition.

Therefore, the proposal is not considered to have a harmful impact on heritage assets and adopts a high quality design which responds well to its setting, and would be vast improvement in comparison to dilapidated and incongruous existing building. The proposal is considered to be in accordance with the aforementioned policies.

Archaeological Impact

Members of the public suggest that there would be a harmful impact on items of archeaological importance.

Initially, Historic England and WCC Archaeology raised concern regarding the impact of the development on items of archeaological importance, and lack of information on this matter. Discussions were held between these parties and the applicant, and further information was provided in support of the application to address this matter. Both WCC Archaeology and Historic England have confirmed that following the submission of this additional information, they are now reassured that the development can proceed without (presumably) harm to items of archaeological importance, subject to a condition for the provision of a program of archaeological works. This has been added.

The development is therefore considered to be in accordance with Local Plan policy HE4.

Impact on amenity

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed.

Members of the public have expressed concerns regarding additional noise and light disturbance, and request that additional fencing and hedgerows are installed to reduce impacts. Objectors state that there is a lack of consideration for impacts on local residents, and that the development is incompatible to the scale of development in residential area. Members of the public consider that they will be prevented from using their own community land as a result of the proposed development and from the Wardens development. They state that the commercial use of the site will go uncontrolled and impact detrimentally on neighbours. The Town Council raise concerns regarding the potential for light and noise pollution and expect full mitigation as necessary.

The leisure centre is positioned within the centre of a large expanse of public open space / playing fields, and will be located in a similar position as the

building, being over 120 metres at the closest point to neighbouring properties. The proposed structure is therefore not considered to have a detrimental impact on outlook, privacy or natural light to neighbouring amenity.

Environmental Health Officers have assessed the application. They note that a noise report has been provided which considers commercial plant and breakout noise from the proposed development, as well as on-site traffic movement. The noise statement also sets out proposals for the assessment of additional off-site road traffic noise generated by the proposed development. Environmental Health also requested that the impact of vehicle noise from the extended car park is also included within the scope of the assessment report, which was updated.

The report has identified adverse/moderate noise impacts at residential receptors nearest to the site access road. The BS:4142 assessment has identified an adverse noise impact of +5dB above the existing background sound level. The report does note, however, that this increase is limited to the weekday site peak between 18:15 and 19:15, and that the noise level would be equal to or below the background sound level at all other peak times. The report also highlights that the background sound level measurement used in the assessment was taken at a time when the existing leisure centre was closed therefore it is likely to provide a more conservative assessment due to the absence of existing leisure centre traffic. The assessment has identified that minor noise impacts will occur during weekdays and Saturdays, but that moderate noise impacts could occur during Sundays.

In conclusion, the results of the noise assessment do indicate an adverse impact on neighbouring amenity. It is important to note that, in accordance with the Noise Planning Practice Guidance (July 2019), the appropriate planning policy response to this would be to mitigate these noise impacts and reduce to a minimum as far as reasonably possible, it is not a planning requirement to mitigate these impacts entirely. Environmental Health recommended that noise mitigation measures were explored for the site access road in order to reduce the potential adverse noise impacts on existing residential dwellings. Environmental Health have requested that the applicant demonstrates that they have considered all reasonable mitigation options. They have confirmed that this could be secured by a planning condition if necessary, which has been added.

Plant noise can be controlled by condition limiting the noise output, and Environmental Health also recommend that a condition is attached which limits the hours of delivery and any other noisy external activities, which have been added. To minimise any adverse impacts on local amenity arising from the demolition and construction phases of the proposed development, Environmental Health recommend that a condition requiring the submission of a construction management plan. This has also been added.

Environmental Health Officers have not raised any concerns regarding the impact of lighting.

The conditions are considered to be reasonable and necessary for the purposes of the development and have been added. The development is therefore

considered to be in accordance with Local Plan policy BE3 and Neighbourhood Plan policy KP13.

Impact on Trees

Members of the public expressed concern regarding a loss of trees and whether relocated trees will survive.

A tree survey was provided in support of the application. WCC Landscape and the Tree Officer initially raised concerns regarding the removal of three oak trees in order to facilitate the provision of the petanque pitch. These will now be relocated elsewhere within the site boundaries so will not be lost. The Tree Officer sought additional information from the applicant in order to gain confidence that the relocated trees are likely to survive and is confident in their findings. To implement the design proposal there will be an overall loss of 4no. individual trees, 2no. groups and 1no. hedgerow. These comprise of 1no. category B and 6no. category C retention value. There will be an additional part-loss of 2no. category C groups. The proposed removals are of moderate to low quality and are positioned internally to the Site. As such, the tree removals should have a minimal impact on the amenity value and scene of the surrounding area. Replacement tree planting is also proposed as part of the scheme.

The Tree Officer now has no objection to the proposal, subject to a condition requiring the provision of an arboricultural method statement and tree protection plan. This has been secured by condition.

Car Parking and Highway Safety

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

The Town Council have deferred making formal comments, which are expected shortly. Councillors will be updated with their comments prior to the committee meeting. The Town Council did however make some informal comments on the original submission documents, stating that traffic is a key concern, and that the Transport Assessment is not considered robust due to conflicting circumstances.

They consider that an additional 500 traffic movements are not acceptable in terms of impact on neighbouring properties and that traffic movements associated with all Local Plan designated sporting activity in this location (SP1) should be included in any assessment. Members requested a review of the existing Travel Plan and Transport Assessment, having regard to the aforementioned concerns. Regarding the Travel Plan, the Town Council noted that most visitors may be expected to arrive by car but provision for cycling/pedestrians should be prioritised and fully integrated with this development. No detail was provided on safe cycle/pedestrian movement, and

members felt pedestrians and cyclists should be given clear priority as part of the attempt to minimise vehicular flow and promote active travel.

Members of the public express the following concerns regarding highway safety, access and parking:

- The transport assessment is based on assumptions that are too optimistic, principally car and coach traffic flows and parking. The data provided is unreliable, based on assumptions not fact and undertaken when the site was not working at its busiest, up to date data is required. The transport assessment is flawed and does not take account of Wardens development or impacts from COVID19.
- Increased traffic will impact on nearby surrounding residential streets which cannot cope with additional demands, cars park already on the verges and both sides of the road, there is no additional capacity.
- Claims of consultation within the transportation statement with local residents is untrue.
- False statements regarding width of the roads and current parking along nearby road contained within Transport Statement.
- Coach visits to the site are likely to increase and this is not accounted for, roads are not wide enough to accommodate coaches.
- Will encourage speeding on surrounding roads and congestion.
- Increasing numbers of commercial vehicles in nearby residential roads are not accounted for in the traffic note from the applicants.
- The Transport Statement and Technical Note should not be relied upon as accurate and contain inaccurate, unsubstantiated statements.
- Swept path analysis is inadequate.
- Safe pedestrian and cycle access unproven - dark and dangerous, with no lighting or natural surveillance.
- Site is accessed by crossing busy roads with no pedestrian crossings leading to conflict with vehicles.
- Impact on pedestrian safety - particularly re nursery children - lack of cumulative impact assessment.
- Clarification sought regarding where double yellow lines are to be installed and how they will be enforced.
- Proposals would result in significant impact on highway network and insufficient mitigation measures have been proposed to mitigate impacts.
- Lack of parking for the Wardens and inadequate parking provision generally which does not accord with requirements of Vehicle Parking Standards.
- Impact of the Wardens relocation is not taken into consideration as part of the proposals.
- Lack of coach parking.
- Lack of control of parking along Fishponds Road and access to Castle Farm. Yellow lines should be used to control parking. Verges should be reinstated.
- Disabled and older people will find dealing with level of traffic at junction and surrounding area extremely difficult and frightening.

Highway Safety

The Travel Plan for this application sets out a number of measures and initiatives to promote sustainable transport to the Leisure Centre, which can be expected to reduce the use of private cars, including through initiatives such as the promotion of car sharing, use of public transport and cycle parking.

Initially, WCC Highways raised concerns regarding the access to the site for coaches and requested further analysis on this matter. The applicant has submitted a swept path analysis showing that a large coach can access the site along Brookside Avenue and Fishponds Road. Objectors have noted that other routes exist into the site which could be used, however, WCC Highways consider that the suggested route is the most direct access from a classified road, therefore is the most likely route. This point could be managed by the provision of signage to the facility. In terms of coach trips to the site, it should be noted that this maintains the existing situation, as confirmed by the site operators, Everyone Active; and whilst the Scouts and Guides may occasionally book a coach for special events (no more than 2-3 times per year), this also reflects the existing situation which is managed safely and effectively without detriment. Footpath access to the site and disabled parking is provided within the site boundaries.

Some objectors have raised the issue of parked vehicles on Brookside Avenue and Fishponds Road hindering access for large vehicles. However, the likelihood of large coaches accessing the site is considered low by the applicant. WCC Highways have no reason to dispute this and suggest that on the few occasions large coach access is required, temporary traffic management could be arranged through the Local Constabulary, much as would be the case with other large events at similar locations.

Transport Planning have reviewed the Transport Assessment and taken into account the objections received from the Castle Farm Neighbour Group and concluded that the traffic counts were undertaken between January and February 2019, before COVID19 and outside the school holidays, therefore this data is considered robust. The parking surveys were carried out in February 2020, before lockdown was introduced.

This data was used to assess the trips and the junction capacity modelling, therefore they find no concerns in this respect and the modelling raised no issues. The relocation of the Wardens Cricket Club is also considered within the Transport Assessment in terms of site access capacity.

On this basis, WCC Highways have no concerns regarding the proposed development on highway safety. Officers have no reason to dispute these findings.

It is noted that members of the public consider that there would be a detrimental impact on the highway network, and by virtue of this, the application should be refused as being contrary to the NPPF. However, the test within the NPPF is that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The test within the Local Plan is

that development should not have a "detrimental impact to highway safety." The Highways Authority have assessed the detailed modelling exercise undertaken by the applicant, which includes the Warden development, and has determined that there would be an *acceptable* impact on the highway network, which would not be severe. Therefore the relevant tests are met in this regard.

Parking

The existing main pedestrian and vehicle access off Fishponds Road is to be retained as existing. Pedestrian and cycle access, via the pedestrian/cycle link from Borrowell Lane, will also be retained. The existing car park is to be redeveloped and extended to provide a total of 198 vehicle spaces of which 54 standard bays would be accommodated in an overflow area, or 42 standard bays and two coach spaces. Of the 198 spaces, 8 will be EV charging spaces. A further 8 motorcycle spaces and 47 cycle spaces (of which 5 are secure cycle lockers) will be provided.

The current parking requirement for the site is 179 in accordance with the requirements of the Vehicle Parking Standards, however, there are 77 spaces currently provided at the site. A total of 439 spaces would be required for the proposed development in accordance with the Vehicle Parking Standards, and there are 198 provided. The net increase requirement is 260 spaces, with the actual net increase providing 118 spaces. However, paragraph 4.7 of the Vehicle Parking Standards sets out that there may be occasions where these standards are applied flexibly. A parking assessment therefore was undertaken to identify an appropriate amount of parking to facilitate the proposed development, whilst ensuring no overspill into the local highway. The parking assessment has been undertaken utilising existing parking usage and demand, and takes account of opportunities to promote journeys via sustainable transport modes.

The parking assessment identified a peak demand of 185 spaces. The proposed car park and overspill car park will provide a total of 198 spaces. It is therefore considered that the proposed car park can accommodate the parking demand. It should also be noted that this is in a highly sustainable location within the urban area of Kenilworth, within walking distance of the local community which it would serve, and also close by to public transport options and a national cycle route, which can be picked up to the north east and south of Abbey Fields. WCC Highways have raised no concerns regarding the parking provision and method of assessment of parking required for the site. Officers have no reason to come to an alternative conclusion.

Based on this assessment, the Highway Authority is satisfied that the development proposals will not have a detrimental impact on the safety, operation or capacity of the local highway network, and accord with the NPPF. Therefore, the response of the Highway Authority is one of no objection. Given that the parking surveys show that the car park will provide ample parking for the site, it is unlikely that the proposal would result in additional on street parking in nearby residential streets which would be harmful to amenity.

The development is therefore considered to be in accordance with the aforementioned policies.

Sustainability

Local Plan policy CC3 states that all non-residential development over 1000 sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent), unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed with the Council. Neighbourhood Plan policy KP15 states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance.

Members of the public state that the development goes against the Council's sustainability policies and will emit more carbon than the existing site, and should be designed to be net carbon zero. It is considered that inadequate sustainability measures are proposed by the applicant, and that the existing building should be refurbished. The Town Council state that the decision not to meet net zero carbon standard due to cost is shortsighted and will merely result in expensive retrofitting. The Town Council request a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period for a high energy performance building.

The applicant proposes an alternative sustainability strategy to address the requirements of the Local Plan, which is a 'low-carbon approach' and is compliance with Part L for non-domestic buildings. The proposal will include photovoltaic panels, alongside air source heat pumps for heating and cooling and a voltage optimisation system.

The applicant outlines that BREEAM assessment is a tool which is very well suited to standard building types. However, it can be constrained when applied to more bespoke building types. In the case of the leisure centre at Castle Farm, which falls within this bespoke category, it must be recognised that the opportunity to secure several of the standard credits is limited. It is relevant to note that the Council is currently drafting a Net Zero Carbon DPD, which will move away from the use of BREEAM as a measure of sustainability.

It must also be acknowledged that where a new building is being built on an existing site (as proposed in this application), the location of the site and the extent of available land will also have a bearing on the opportunity to obtain credits and that these factors will frequently restrict a development's performance against BREEAM standards. Given how prescriptive BREEAM is and that it has acknowledged limitations when applied to a non-standard building type, such as is proposed at Abbey Fields, it is widely recognised that other sustainability assessment tools may often provide a more appropriate and more effective alternative.

Officers agree that for the above reasons, BREEAM can be restrictive and that for a bespoke site and development, such as with this application it would be suitable to consider an alternative option, given that the site is constrained and

the location cannot be altered, and that the proposal is for a leisure centre. Officers requested that the applicant demonstrate whether the proposed low-carbon approach would have similar energy saving as that which would be achieved by a BREEAM development. The Sustainability Addendum submitted addresses this. Within the document, this shows that many measures which are required through BREEAM will be adopted by the applicant as part of their strategy, such as responsible construction practises, energy monitoring, water consumption and monitoring, responsible sourcing of construction products and operational waste, would actually achieve an "excellent" rating from BREEAM, rather than the Council's required level of "very good". Notably, these elements are a betterment of what would be achieved through the BREEAM very good requirements.

Importantly, the building adopts a 'fabric-first' approach towards construction, which will reduce carbon emissions. Fabric and passive efficiency measures will enhance the building u-values, improving the values over the Building Regulations requirements. There will also be active energy efficiency measures incorporated into the design to reduce energy use and carbon emissions, and there will be a Building Management System to ensure there is regular monitoring of energy use and review. The applicant advises that the proposed building would have a 46% reduction in carbon emissions than the existing building.

The Addendum has considered alternative and additional energy saving measures, however, these were not considered financially viable. As per the wording of Local Plan policy CC3, financial viability is a material consideration.

The report concludes that the scheme would result in a 10% reduction in energy demand and 8% reduction in carbon emissions in comparison to building regulation requirements.

Many comments relate to the Council's Climate Change Emergency Declaration and the fact that the building would not be net carbon zero. An important distinction needs to be made between the Council's Climate Change Emergency Declaration as a declaration from a public body, and the requirements of the Local Plan as the adopted Development Plan, only the latter of which this application must be assessed against. The NPPF, Local Plan and Neighbourhood Plan do not have a requirement for the proposed building to be net carbon zero. What must be considered is whether the applicant's 'low-carbon strategy' is a "suitable alternative sustainability strategy" as required by Local Plan policy CC3.

In Officer's view, given the significant constraints of this site, bespoke nature of the development and restrictive nature of BREEAM, an alternative approach can be considered. The applicant has shown that many measures will exceed the 'very good' standard required by Local Plan policy CC3 and that other energy efficiency measures had to be discounted due to financial viability concerns. On balance, Officers consider that the alternative sustainability approach meets the requirements of the aforementioned policy.

Air Quality

Members of the public express the concern that the development will result in a detrimental impact on air quality, with inadequate mitigation measures proposed. Members of the public consider that the development which will generate a substantially higher amount of traffic through the Warwick Road AQMA and through the Abbey Fields and Barrow Road LSOAs, so is contrary to WDCs Air Quality Impact Assessment, Warwickshire Joint Strategic Needs Assessment July 2020, WDCs Air Quality Action Plan (AQAP) June 2015, and is contrary to WDCs own proclaimed carbon-neutral targets, so must not be supported. Objectors consider that the proposal constitutes 'development that results in significant negative impacts on air quality within identified Air Quality Management Areas' and will cause unacceptably ' significant negative impacts on the health and wellbeing of people in the area as a result of pollution'.

The applicant has provided a revised air quality assessment report which considers the air quality and dust impacts arising from the demolition and construction phases of the development, as well as the local air quality impact of additional vehicle trips generated by the operation phase of the development. Environmental Health Officers have assessed the document and concluded that there would be negligible impacts as a result of the proposed development on air quality. However, in accordance with the triggers set out in the Council's Air Quality SPD, conditions should be added to secure the provision of 13 standard electric vehicle charging points, 3 rapid electric vehicle charging points and the implementation of the applicant's submitted travel plan. These have been added.

On this basis it is unlikely that the proposed development would result in adverse air quality impacts that would warrant the refusal of planning permission.

Ecological Impact

Local Plan policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that development proposals will be expected to ensure that they lead to no net loss of biodiversity, and where possible a net gain, to protect or enhance biodiversity and to avoid negative impacts on existing biodiversity. There is a requirement in the updated NPPF to ensure a net biodiversity gain from development proposals.

The Town Council stressed the need for full protection of the nearby watercourse and attendant wildlife, noting the reported presence of otters. They requested the preparation of an Ecology Report and an assessment of any Net Biodiversity Gain, as required. Members of the public consider that the development would have a harmful impact on protected species and wildlife habitats, and that improvements should be made to watercourse as this is in poor state.

An Ecological Assessment and Preliminary Roost Assessment have been undertaken and are submitted with application. The Assessment identifies the Kenilworth Moss potential local wildlife site situated within the south-west corner of the application site. An ecological mitigation and enhancement plan is submitted as part of this application which includes a number of bird and bat

boxes, insect hotel, wildflower planting, and replacement trees and hedgerows. The Assessment concludes that the proposal will provide a positive biodiversity net gain, and is not considered to have any adverse impacts on ecology.

Initially, WCC Ecology considered that a Preliminary Ecological Appraisal (PEA) should have been carried out, and requested that a Biodiversity Impact Assessment (BIA) was provided. However, after the applicant provided further rationale, WCC Ecology confirmed that a PEA is not required. A BIA was provided which shows that there is a small net biodiversity gain as a result of the development.

WCC Ecology have provided updated comments on the additional information from the applicant and confirm that impacts on protected species can be mitigated via conditions, to include provision of a construction environmental management plan and a landscape and ecological management plan. WCC Ecology also confirm that a biodiversity net gain will be achieved on site, and this can be secured through the aforementioned conditions.

WCC Ecology have a query regarding the proposed lighting within the car park - this has been sent to the applicant and Councillors will be updated on this matter prior to the planning committee meeting.

The development is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) was submitted in support of the application. The proposed leisure centre is located within Flood Zone 1, with the car park in Flood Zone 2, and parts of the overflow car park in Flood Zone 3. Development must be resilient to surface water, fluvial and pluvial flooding. Where new development lies in an area of flood risk it must be designed to be flood resilient with safe dry access for vehicles and pedestrians. It must be noted however, that the proposal seeks to replace an existing building, which is considered to be one which is low vulnerability, with another in the same use. Less vulnerable uses are deemed appropriate within flood zone 1-3 which means that the sequential test is passed and there is no requirement to apply the Exception Test to the proposed development.

Members of the public express concern regarding increased areas of hard standing and increased risk of surface water flooding and the proposed drainage strategy.

The Environment Agency has submitted a stance of no objection to the proposal, subject to a condition relating to the provision of details on ground levels of the development.

The applicant proposes a pumped outfall arrangement, and the LLFA have stated that all other methods of surface water disposal should be exhausted prior to using a pumping station. Details regarding the proposed pumping station are

also required. The applicant is in the process of obtaining this information which will be sent to the LLFA for consideration prior to the planning committee meeting.

Subject to no objection from the LLFA, the development is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Other Matters

WCC Fire and Rescue have requested a condition for the requiring a scheme for provision of adequate water supplies and fire hydrants. This has been added.

The applicant has submitted a ground investigation report which reviewed the site history and surrounding land uses to determine the potential of contamination being present at the site and the likelihood of such contamination being at sufficient concentrations to present a risk to human health or the natural environment. The conclusions of the report have identified that there is a negligible risk to human health and a very low risk to controlled waters, and that no further investigation is necessary. As the ground investigation was completed whilst the existing sports centre is in-situ, no sampling or investigation has been completed beneath the footprint of the existing structures. It is possible that made ground or other materials used for site levelling could be present beneath the existing site. Therefore Environmental Health recommend that a watching brief is maintained during the demolition and construction phase in the event that any previously unidentified contamination is discovered. This can be secured by condition which has been added.

Members of the public objection owing to the fact that an environmental assessment has not been provided. However, as with all planning applications, the proposal was screened at the point of validation, when it was determined that an environmental statement was not required.

Members of the public consider that a larger car park will encourage anti-social behaviour. However, Officers have no evidence to suggest that this would be the case.
Members of the public suggest that the planning and transport consultants have no local knowledge of the site. However, the applicant is considered to have provided sufficient information to assess the proposal.

Members of the public suggest that the development would result in the devaluing of nearby properties and query about what is being done about drug taking behind sports centre. Neither of these matters are considered to be material planning considerations.

Conclusion

The proposed development represents inappropriate development in the Green Belt, which should be offered significant weight. However, there are also substantial benefits to the scheme, including the provision of enhanced sports facilities which meet an identified local need, delivering a more energy efficient

building, which replaces a dilapidated building in need of repair. These significant benefits in this case are considered to provide a set of very special circumstances which outweigh the harm caused to openness and outweigh the harm to the Green Belt.

The development would also not have an adverse impact on the highway network, is considered to have an acceptable impact on neighbouring residential amenity and would not be harmful to protected species or biodiversity, subject to conditions. Parking provision will meet with the forecasted demands and the development would have negligible impact on air quality.

The proposed development is therefore recommended for approval.

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 site location plan and approved drawings:

12944-DB3-B02-XX-DR-A-20000 Rev B (ground floor plan), 12944-DB3-B02 -01-XX-DR-A-20001 Rev C (first floor plan), 12944-DB3-B02-RF-DR-A-20002 Rev B (roof plan), 12944-DB3-B02-XX-DR-A-90004 Rev A (site sections), 12944-DB3-B02-ZZ-DR-A-20200 Rev A (N & E elevations 1), 12944-DB3-B02-ZZ-DR-A-20201 Rev B (S & W elevations 2), 12944-DB3-B02-ZZ-DR-A-20202 Rev # (elevations 3), 12944-DB3-B02-ZZ-DR-A-20300 Rev B (building sections), 12944-DB3-B02-ZZ-DR-A-20301 Rev A, 18/2995/E63-EX01 (lighting plan) submitted on 28th January 2021, and

12944-DB3-B02-XX-DR-A-90002 Rev H (site plan) and 12944-DB3-B02-XX-DR-A-90007 (Rev A) sports pitches location submitted on 9th August 2021,

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

3 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of

materials associated with the development process. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see pollution and noise control measures during the development, and details concerning appropriate working practices and safeguards for bats, nesting birds, badgers, otters, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

5 No development shall take place until:
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

6 Prior to the commencement of the development hereby approved (including all demolition and all preparatory work) an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be considered in the AMS and TPP shall include, without being limited to:

- The location and installation of services/utilities/drainage.

a) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate).
b) Details of construction within the RPA or that may impact on the retained trees.
c) Recommendations for the specification for the construction of any roads, parking areas, driveways or the like that encroach over the RPA's of the retained trees, including the extent of those areas to be constructed using a no-dig specification.
d) Recommendations for protective measures to safeguard the retained trees during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
e) Recommendations for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
f) Recommendations for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate).
g) A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
h) Recommendations for site setup (including access, internal roads, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete), complete with suitable control measures to protect the retained trees from harm from those facilities or activities.
i) Details of an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.
j) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has 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 walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

8 The development hereby permitted must not be commenced until such time as a scheme to ensure no raising of ground levels in areas identified as being within flood zones 2 and 3 has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **Reasons:** To ensure that there are no detrimental impacts to flood storage or flood flow routes in accordance with the requirements of Policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.

9 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.

10 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

11 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

13 Prior to commencement of first use, the sports pitches shall be laid out in accordance with the approved drawings. **Reason:** To ensure that playing fields are retained and can be accessed in accordance with Policy HS2 of the Warwick District Local Plan 2011 - 2029.

14 No development shall be carried out above ground level until details of the design and layout of sport hall, the sport hall storage and the changing accommodation (to include all environmental details, colour finishes in the sports hall, floor and wall construction in the sports hall, storage area layouts, changing room details, section through the sports hall shown lighting and heating units, position of all wall mounted electrical equipment) have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports hall, sports hall storage and changing accommodation shall not be constructed other than in accordance with the approved details. **Reason:** To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy HS5.

15 No development shall be carried out above slab level until the a noise mitigation scheme has been provided and agreed in writing by the Local Planning Authority, demonstrating that the noise impacts of the development have been reduced to a minimum as far as reasonably possible. The agreed mitigation measures shall be implemented in full prior to first use of the site and shall be retained in perpetuity. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

16 Within three months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the 'low-carbon strategy' have been implemented. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

18 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

20 Prior to the occupation of the development hereby permitted, thirteen 32amp (minimum) electric vehicle recharging points and two rapid electric vehicle recharging points (43kW AC/50kW DC minimum) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

21 The development shall be carried out in accordance with the submitted travel plan produced by SLR Consulting Ltd (Ref. 418.05578.00006, Version 1.1, dated January 2021). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.