Planning Committee: 14 September 2021 **Item Number: 5**

Application No: W 21 / 0170

Registration Date: 28/01/21
Town/Parish Council: Kenilworth **Expiry Date:** 29/04/21
Case Officer: Helena Obremski
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Abbey Fields, Swimming Pool, Bridge Street, Kenilworth, CV8 1BP
Demolition of existing swimming pool and outdoor pool and redevelopment to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatment 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

Planning permission is sought for the demolition of the existing swimming pool and outdoor pool and redevelopment of the site to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatments and landscaping. The scheme also includes the provision of a small sub station building within the red line boundary.

The proposed development will provide a new 25m (5 lane) swimming pool with spectator seating, a 15m family pool, accessible changing and toilet facilities, reception area and foyer, café with seating area and an outdoor terrace. The existing play area, pavilion and tennis courts will be retained.

The proposed building is predominantly a single storey structure with a double height element over the pool area. The elevations are proposed to be a combination of red sandstone facing stonework and timber cladding. Glazing is proposed on the east, south and west elevations, with the north elevation being predominantly timber cladding and stonework to reflect the fact that this elevation houses the plant areas within the building. Timber louver panels are proposed in this elevation to provide access to the plant areas.

An aluminium standard seam roof system is proposed with zinc standing seam cladding also proposed for elements of the roof structure. Glazed roof lights are proposed over the family pool area. Solar panels are proposed to the roof.

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. There have also been the following changes to the design of the scheme:

- Installation of timber louvers at the pool hall windows.
- The timber cladding has been orientated in the same direction throughout to assist in harmonising the external appearance of the north elevation.
- Timber louver panel doors are now proposed in place of aluminium panel doors.
- At ground floor level, areas previously proposed as white render have been amended and are now proposed as red brickwork.
- The materials serving the exterior of the substation have been amended to timber cladding.

THE SITE AND ITS LOCATION

The application relates to an existing leisure centre building, which is positioned in the central section of Abbey Fields, an area of public open space serving Kenilworth. The site benefits from one indoor swimming pool and one outdoor pool, with changing facilities and cafe. An outdoor play area, pavilion building, tennis courts and car parking area serves the wider site.

The site is located within character area 7 of the Kenilworth Conservation Area and is of high heritage significance. To the north of the proposed development, in close proximity to the application site, lies the Grade I listed Abbey Ruins (Gatehouse and Abbey Barn) and Grade I listed Church of St Nicholas to the northeast. Abbey Fields also contains a Scheduled Monument – the surviving standing, earthwork and buried remains of Kenilworth Abbey and its wider monastic precinct.

Key views exist towards these Grade I listed buildings and further afield across the Abbey Pool towards Grade I listed Kenilworth Castle and its Grade II* listed Registered Park and Garden. Abbey Fields is also a locally important park and garden, as recognised in policy HE2 of the Local Plan, and forms part of the wider setting of Grade II listed buildings along Castle Hill, High St, Bridge St and Abbey Hill.

Inchford Brook Tributary potential Local Wildlife Site and Kenilworth Moss Local Wildlife Site are located nearby to the site. The application site is also located within Flood Zone 3.

RELEVANT PLANNING HISTORY

There are various previous applications related to this site, for alterations and extensions to the building, however, only the following is considered relevant to the assessment of this application:

W/21/0002 - (EIA) Screening Opinion for works at Abbey Fields Swimming Pool, for the provision of a new indoor swimming pool and associated changing facilities, cafe and landscaping - Environmental Statement not required.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- 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

Kenilworth Neighbourhood Plan (2017-2019)

- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP13G - Design Management in Abbey Fields
- 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: No objection, members made following comments:

- Major concerns were expressed on the ability of Abbey Fields to cope with the anticipated large influx of extra visitors by car. The Transport Assessment statement that this development will have no impact is not acceptable.

- Any proposed increasing use of on street parking was not considered realistic due to existing pressure. Access to existing off site car parks is poor. Notably walking from Square West is some distance and presents safety issues with unlit and steep sections.
- Poor disabled parking and access arrangements were noted, given that this will be a Centre of Excellence for disabled swimming.
- Members considered there to be a disconnect between the Design and Access Statement and the "WCC Healthy Travel Choices in Warwickshire" document.
- Provision for cycling should be fully integrated with this development.
- Cycling access to the Swimming Pool is essential. This proposal should take into account and fully integrate with other initiatives, including the Abbey Fields Management Plan and consultation for options for cycling.
  A decision not to meet net zero Carbon standard due to cost is shortsighted and will merely result in expensive retrofitting. This represents a significant lost opportunity.
- Is the CHP plant future-proofed in that it will convert to use other fuel sources eg. hydrogen?
- Will the Building Management System be used to ascertain that the actual in-use energy performance meets the declared energy use in the application? What action will be taken and who will be liable should there be a performance gap?
- KTC request a truly independent analysis of these proposals regarding the declared energy performance of this development with respect to its GHG footprint.
- Members specifically asked for a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period for a high energy performance building.
- There appears to be a disconnect between the Council's Climate Change Emergency declaration and working intentions.
- A comprehensive and explicit Construction Management Statement is required. Abbey Fields is a vital and highly used facility. The movement of construction traffic, location of storage compounds and other logistics will be intrusive and result in loss of amenity / impact on play areas / heritage assets.
- Members noted that the North façade will now be slatted timber clad. They assumed this material will maintain its appearance over a prolonged period, was sufficiently vandal proof and would enable appropriate maintenance of glazing.

WCC Archeaology: No objection, subject to condition.

Conservation Officer: No objection to amended plans, subject to conditions.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to condition.

CAF: Overall, the Forum felt that the revised scheme was an improvement and they approved the changes that had been made particularly to the materials and detailing.

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

Environmental Health: No objection, subject to conditions.

Environment Agency: No objection, subject to condition.

Historic England: No objection to amended plans.

WCC LLFA: No objection, subject to conditions.

Tree Officer: No objection, subject to condition.

Sports and Leisure: No objection.

Open Space: No objection, the development is exempt from open space requirements due to having less than 100 full time employees.

WCC Landscape: No objection, it would be useful to see visualisations of the existing site. Could hard surfacing be softened with some additional planting? This would also help to absorb surface water run-off. Some additional planting would help to soften views of the building and provide some visual interest. Detailed landscaping should be secured by condition. An arboricultural report required.

Natural England: No objection.

CCTV: No objection.

Warwickshire Wildlife Trust: Although it is noted that the site was previously developed, the new proposals appears to be larger than the former site with the potential to attract more tourism, noise and traffic. Construction work on the land is also considered to be an issue for the Local Wildlife Site, identified protected species and biodiversity and if allowed would need to be tightly controlled in order to avoid an impact on the Local Wildlife Site. There is also particular concern regarding permanent new lighting from the proposed scheme, especially on protected bat and otter species, and it is not understood how this could in reality realistically be reduced. The proximity to the large fish pond and Finham Brook is also an issue and the long term impact of noise from the extra number of visitors.

Public Responses: 4 Neutral: more parking is required; surprising to see that the cafe is not on the first floor to benefit from views of the surrounding area; request that rebuild is not carried out at the same time as the Castle Farm replacement; more information is required; the new pools could prove very popular.

Kenilworth Abbey Advisory Committee: no objection:
- supports recommendations from WCC Archeaology regarding conditions;
- welcome changes to exterior design;

- do not support the location of the sub station.

93 Objections:

Impact on amenity
- Increased noise and air pollution to neighbouring residential properties.
- Impact from construction traffic.
- Concern regarding baseline noise data.

Loss of outdoor pool / demand swimming pools
- The loss of the outdoor pool is a huge loss of community facility for the region as there are no others locally.
- Adverse impact on existing recreation facility.
- There is no demand for two indoor pools locally.
- The indoor pool attracts visitors who spend money in the cafe and local area, which will impact negatively on the economy.
- There are health benefits of outdoor swimming.
- Requests that swimming pool is relocated to Castle Fields and provision of a paddling pool rather than swimming pool.
- There is no need for indoor sunbathing area.
- The outdoor pool can be made profitable.
- The consultation exercise did not listen to local residents who want an outdoor pool, which could easily be accommodated.

Impact on the character of the area and heritage assets
- The proposals will increase the number of visitors to an unacceptable level which will have a detrimental impact on the landscape.
- Poor quality design which is already dated and does not respond to historic setting.
- Proposed location of gas metre and electricity substation is visually intrusive.
- Harmful impact on items of archeaological importance.

Highway safety / parking
- Insufficient parking, increased visitors will impact on surrounding residential streets.
- Inadequate vehicle, cycle and pedestrian access to the site cannot cope with additional demands, which will cause additional safety issues.
- The Travel Plan promotes cycle to the site, however, cycling is not permitted within Abbey Fields.
- Inadequate disabled parking provision.

Other
- The plan goes against the council's sustainability policies and will emit more carbon than the existing site.
- Concern regarding increased areas of hard standing and increased risk of surface water flooding and proposed drainage strategy.
- Query why alternative SUDS measures are not being considered and that the flood evacuation plan is not sufficient.
- Concern regarding ecological impacts.
- Concern regarding financial impact of the proposal.

- It is a waste of taxpayers money.
- Queries whether a cost / benefit analysis has been carried out.
- The site should be lit until midnight owing to safety concerns walking through Abbey Fields in darkness.

Friends of Abbey Fields Committee: Objection:
- the cafe would be better sited on the north elevation;
- the siting of the sub station should be relocated to avoid harm;
- terrace area should be screened and concern regarding light spill onto lake;
- flood risk;
- lack of information on landscaping.

Kenilworth Lido Campaign: objection:
- loss of sport and recreation facility, with no alternative to the outdoor pool provided;
- no additional parking provision despite increase in visitors, leading to impact on neighbouring residential streets and congestion;
- inadequate disabled parking provision;
- lack of provision of electric vehicle charging points;
- detrimental impact on highway, cyclist and pedestrian safety;
- detrimental impact on ecology;
- failure to consider the historic environment;
- inadequate sustainability measures;
- visual intrusion within Abbey Fields and surrounding vistas;
- demolition and construction work will impact on nearby residents;
- there is no demonstrated need for an additional pool, an indoor pool brings greater benefits;
- queries regarding how construction works will impact on surrounding facilities (tennis, play equipment) and to pavilion building, and carnival and funfair;
- an outdoor pool would better meet needs of District: health and wellbeing benefits, consumer demand, outdoor exercise reduces risk of transmission of coronavirus;
- the Covenants of Abbey Fields requires that the area is used for recreational purposes, rather than commercial purposes, which has not been addressed;
- the additional documents fail to adequately address the issues raised.

13 Support:
- Requests additional disabled parking and that staff are not permitted to park nearby to the site.
- Requests outdoor paddling pool for young children.
- The proposed development will provide opportunities for exercise and play.
- Access and sanitary arrangements reference out of date standards. Queries disabled pool access arrangements.
- The existing pool and facilities are in desperate need of updating.
- The design is a significant improvement on the current building, using appropriate materials.
- Conditions can address the concerns from historic england regarding impact on items of archeaolgical importance.
- It will become a focal point for social gathering and relaxation.
- Enhanced facilities.

- Queries regarding accessibility of cafe, outdoor kiosk, request for splash pool, whether the glass doors can open onto Abbey Fields lake and how they will be cleaned.

Assessment

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

- the principle of development;
- 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

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 there is a predicted shortfall in swimming pool provision in Kenilworth.

The Strategy provides analysis of swimming pool provision in the District. It explains that when taking into account the projected residential development and associated population growth up to 2029, if supply remains unchanged, demand for swimming pool provision will slightly exceed supply. The unmet demand in Kenilworth equates to 15sqm of water. Paragraph 1.67 of the Strategy states that further modernisation of Abbey Fields Swimming Pool is needed to ensure that the building can accommodate the projected higher levels of usage. It is

therefore considered that part 'a' of Policy HS5 is met, as there is a clear projected unmet need for additional swimming facilities in Kenilworth.

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, and just 150 metres from the edge of the town centre boundary. There are a number of bus stops surrounding the site along Abbey Hill, the A452 and High Street. 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.

Members of the public have strongly objected to the loss of the outdoor pool in terms of the loss of this as a public facility, which has health and wellbeing benefits, consumer demand, and state that outdoor exercise reduces risk of transmission of coronavirus. They object on the basis that there is no demonstrated need for an additional pool, and the indoor pool brings greater benefits.

Members of the public suggest there are health benefits associated with outdoor pool and express concerns that the consultation exercise on the proposed leisure plans by the applicant did not take on board local residents' requests to retain the outdoor pool. Supporters of the proposal however state that the proposed development will provide opportunities for exercise and play, and that the existing pool and facilities are in desperate need of updating.

Whilst the above comments from local residents are noted, Local Plan policy H5 regarding the principle of improving sport and recreation facilities specifically refers to the Council's Sports and Leisure Strategy. This document clearly shows that there is a demand for the proposed facilities and there will be an undersupply of swimming pools by 2029 if no enhancements are made.

There is no planning policy requirement to retain the outdoor pool, if equal or enhanced facilities are provided in its place. In this case the Council's Leisure Strategy is clear that there is demand for enhanced swimming pool facilities, which are provided in place of the outdoor pool. This is clear and convincing justification that the principle of development is acceptable.

For the above reasons it has been concluded that the proposals are in accordance with Local Plan Policy HS5.

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).

Policy KP13G provides specific guidance for development within the Abbey Fields Character Area, stating that development should have regard to relevant design characteristics, such as significant views across the Fields; the importance of the lake as a water feature; consideration of the heritage assets within the park; and the importance of trees within the Fields. The policy specifically refers to the swimming pool and children's play area occupying a significant location with views from Abbey Hill, that the 1925 bowls pavilion should be retained and that building materials are generally masonry, brick, render, timber cladding and slate tiles.

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.

Members of the public consider that the proposals will increase the number of visitors to an unacceptable level which will have a detrimental impact on the landscape. They consider the development to be poor quality design which is already dated and does not respond to the historic setting.

Comments suggest that the proposed location of gas metre and electricity substation is visually intrusive. It is stated that there is a lack of information on landscaping. However, supporters of the proposal state that the design is a significant improvement on the current building, using appropriate materials and that it will become a focal point for social gathering and relaxation.

The proposed building would be a one and two storey building, predominately being single storey, with a double height section over the pool area. It would have a modern but simple design, with the use of materials to break up the different sections of the building, and add visual interest. Overall, the scale of the building would be read similarly to that of the existing building, providing an appropriate form of development which responds to the existing built form. The proposal also includes the provision of a modest substation building to be clad in timber to the north of the main building.

The applicant states that the scale and massing of the proposed building has been designed to follow the low ridge and eaves as on the existing building, to minimise its physical impact on the park setting. The existing landscape features of the park will be retained. The applicant advises that the proposed materials of red sandstone and timber have been chosen to reflect similar materials in the nearby townscape.

Initially, both Historic England and the Conservation Officer raised concerns regarding the proposed design, noting that the existing building, although not particularly attractive, sits well in the landscape given its low eaves and use of dark materials. The proposed building was considered to create an overall impression of greater bulk and massing, with the north elevation appearing particularly prominent, rising to full height, with a mixture of materials. Concern was raised regarding the height of the north elevation and use of solar panels. The use of sandstone as an appropriate material was supported, but concern was raised regarding the proposed wider mix of materials, which led to an incoherent appearance. The position of the sub station was questioned as being in a location which impacted on important views from the heritage assets within the park.

The applicant confirmed that the location of the substation is dictated by the distance that it is required to be from the swimming pool building and this standard is set by Western Power for safety reasons. Similarly, the size of the substation is set by the requirements of Western Power. The applicant has attempted to enter into negotiation with Western Power on this matter, but they have not been willing to amend the restrictions regarding the distance of the sub station from the main building. There are therefore limited options in terms of where the substation can be positioned, and this is a requirement to facilitate the development.

It must be noted that the comments from the Conservation Officer and Historic England were provided without the benefit of visualisations of the proposed development, which were then provided, along with amendments to the materials as requested.

The visualisations highlighted that the more muted colour palette for the north elevation, with use of timber which is a natural material, has softened this

elevation. The use of vertical timber cladding now also moves the focus away from the width of the building, which helps the development to harmonise with its surroundings. The cladding of the sub station also allows the building to blend in with the main building from important views from the north, and means it is also more complementary to the design of the nearby wooden pavilion building.

The Conservation Officer has commented on the amended plans that the development proposes a simpler, more refined palate of materials with white render removed and arrangement of timber cladding consistent on each elevation. He has no objection to this proposal and recommends that details of all facing materials be covered via condition. Historic England provide similar comments and conclude that they now have no objection to the proposed development.

The Conservation Area Forum have confirmed that the revised scheme is an improvement and they approved the changes that had been made particularly to the materials and detailing. WCC Landscape provided comments on the initial drawings, stating that it would be useful to see visualisations of the existing site and could hard surfacing be softened with some additional planting. Visualisations have been provided. A detailed landscaping scheme will be secured by condition.

The existing building is not considered to have any particular architectural merit, and therefore it's removal is acceptable in principle, as it does not make a positive contribution to the Conservation Area. The proposed development is considered to represent good quality design which responds well to the existing setting in terms of scale, massing and form, and would be a vast improvement in comparison to the existing building. The use of appropriate, natural materials aids in the development harmonising with its setting within the parkland. This helps to ensure that the building, access and open space surrounding it relates well to each other, and provides a safe and attractive environment, which is requirement of Local Plan policy BE1.

Therefore, it is considered that the amendments have satisfactorily addressed the concerns raised by the Conservation Officer and Historic England, and would therefore preserve the Conservation Area, and not have a harmful impact on designated heritage assets. The development is considered to provide a high quality design which is appropriate for its purpose and setting. 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 Archeaology raised concern regarding the impact of the development in 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 Archeaology and Historic England have confirmed

that following the submission of this additional information, they are now reassured that the development can proceed with harm to items of archeaological importance, subject to a condition for the provision of a program of archeaological 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 increased noise pollution to neighbouring residential properties. They also have concerns regarding the impact from construction traffic and regarding baseline noise data provided by the applicant.

The leisure centre is positioned within the centre of a large expanse of public open space, on a low lying parcel of land. The proposed structure is therefore not considered to have a detrimental impact on outlook, privacy or light on neighbouring amenity.

Environmental Health Officers have assessed the application and note that whilst the site is a reasonable distance from residential and other noise sensitive premises, construction works could impact on amenity. They therefore recommend that a condition is attached for the provision of a Construction Management Plan, which was also requested by the Town Council. Environmental Health Officers also request a condition which restricts the noise emitted from plant equipment to protect neighbouring amenity. Environmental Health Officers have thoroughly assessed the information provided by the applicant, and these conditions are considered to address the concerns of members of the public.

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

There are no proposed alterations or removal of any trees within the site boundaries. However, the Tree Officer requested an Arboricultural Method Statement be submitted in order to demonstrate that no trees would be harmed during the construction of the development. This was provided by the applicant and it has been assessed by the Tree Officer. Initially, there was concern regarding the lack of detailed information, and an updated Tree Report was provided by the applicant in order to address these concerns. Following receipt of this information, the Tree Officer has no objection to the development, subject to

a condition which ensures that the submitted tree protection measures during the construction works are put in place, which has been added.

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.

Members of the public consider that there is insufficient parking, that increased visitors will impact on surrounding residential streets, and there is inadequate disabled parking provision. Members of the public also consider that there would be inadequate vehicle, cycle and pedestrian access to the site, which cannot cope with additional demands, and will cause additional safety issues. It is stated that the Travel Plan promotes cycle to the site, however, cycling is not permitted within Abbey Fields. A query is raised regarding how construction works will impact on surrounding facilities (tennis, play equipment) and to the pavilion building, and carnival and funfair.

The Town Council state that they have major concerns on the ability of Abbey Fields to cope with the anticipated large influx of extra visitors by car. The Transport Assessment states that this development will have no impact is not acceptable.

Any proposed increased use of on street parking was not considered realistic due to existing pressure. Access to existing off site car parks is poor, notably walking from Square West is some distance and presents safety issues with unlit and steep sections. Poor disabled parking and access arrangements were noted, given that this will be a Centre of Excellence for disabled swimming. Members considered there to be a disconnect between the Design and Access Statement and the "WCC Healthy Travel Choices in Warwickshire" document.

They state that provision for cycling should be fully integrated with this development and that cycling access to the Swimming Pool is essential. This proposal should take into account and fully integrate with other initiatives, including the Abbey Fields Management Plan and consultation for options for cycling.

Highway Safety

WCC Highways have assessed the application and note that the application is supported by a Transport Assessment which considers the impact of the development proposals on the Highway Network. It is noted that there will be an increase in vehicle movements following completion of the development which equates to between 169 and 251 additional pool users per day compared with the current facility on the site. However, importantly owing to the type of use of the site, the peak hour flows will only increase slightly, therefore there will be no adverse effect on the public highway in terms of safety or capacity as a result.

Parking

The proposed development does not include any additional car parking to serve the development. Based on the existing floor area, the parking demand would be 233 spaces. The proposed development would generate a demand of 240 spaces, an increase in 7 spaces, because the floor area is broadly similar, however a small area of spectator seating increases the overall demands slightly.

Any staff and visitors to the new swimming pool who arrive by car will use existing public parking facilities in the vicinity of the site. Dedicated vehicular access to the building will only be available for disabled users and service vehicles.

The Transport Assessment provides parking survey data which shows that there is only a short period (on Friday late afternoons/early evenings) when the Abbey Fields car park operates near to capacity. It is observed that much of the demand at this time arises from local children using the pool for swimming lessons – a cohort who are regular customers who will be familiar with the local conditions, may be able to travel using sustainable modes and/or able to find suitable alternative parking arrangements. This cohort will be a particular target of the Travel Plan.

The data also confirmed that much of the on-street car parking use around Abbey Fields is linked to commercial and employment activities in the local area and therefore, as spaces become available late afternoon and into the evening, capacity becomes available for swimming pool users.

The Transport Assessment also identifies that parking requirements will be able to be accommodated within the residual capacity available within other publicly available car parking facilities. This includes the Square West car park which is located 400m from Abbey Fields, which is identified in the Warwick District Car Park Strategy as being significantly under utilised. Dedicated parking spaces for use by disabled users have been included and entry to these spaces will be controlled via a security barrier, which will only allow access to blue badge holders. This is a continuation of the existing arrangements.

WCC Highways note that the parking provision falls short of the requirements of the 2018 Parking Standards. However, they accept the conclusions of the Transport Statement, which demonstrates that there is sufficient capacity off site to accommodate any additional demand over the provision.

Parking for 30 cycles is proposed as part of this application, which complies with the Council's requirements. As part of the Travel Plan, the operators are required to monitor the use of the cycle parking bays and should demand approach the level of provision, additional cycle parking will be provided.

The Highway Authority consider that a thorough and robust assessment of the development proposals has been undertaken. 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, subject to a condition for a Construction Management Plan.

The residents concerns regarding the impact of additional parking is noted. However, the submitted information shows that there would likely be a few hours per week when the Abbey Fields car park would operate at capacity, and that there is space within the surrounding streets and car parks to accommodate any overflow. On the basis of this evidence, it is not considered that Officers have grounds to refuse the application on the basis that there would be a material harmful impact on amenity in this regard.

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. It is considered that inadequate sustainability measures are proposed by the applicant.

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. They ask is the CHP plant future-proofed in that it will convert to use other fuel sources such as. hydrogen and will the Building Management System be used to ascertain that the actual in-use energy performance meets the declared energy use in the application?

They question what action will be taken and who will be liable should there be a performance gap? The Town Council request an independent analysis of these proposals regarding the declared energy performance of this development with respect to its GHG footprint and 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'. A Combined Heat and Power Plant (CHP) is proposed to provide hot water and heat generation. Air Source Heat pumps for heating and cooling are proposed for the café and entrance and office areas of the proposed development. Solar panels to

the roof are also proposed. The applicant advises that the proposed measures minimise carbon dioxide emission, energy consumption and water use have resulted in a bespoke strategy tailored to the circumstances on the site, and associated viability considerations.

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 new swimming pool at Abbey Fields, 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 attempt to 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, 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 33% 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 6% reduction in energy demand and 18% 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.

However, the submitted air quality report has identified that the proposed development is unlikely to have an adverse impact on local air quality. The development has been classified as a medium scheme in accordance with Warwick District Council’s air quality supplementary planning document (AQ SPD) (2019) and therefore Type 1 and Type 2 mitigation measures would be necessary. The proposed combined heat and power (CHP) plant has also been reviewed in accordance with the Council's required emission limits in the AQ SPD and have been confirmed as compliant.

No additional car parking is proposed as part of the development therefore the air quality report identifies that Type 1 mitigation would not be necessary, which Environmental Health Officers agree with. For Type 2 mitigation, the report recommends the implementation of a site travel plan. Environmental Health recommend that a suitably worded planning condition is included with any permission that may be granted requiring the implementation of a travel plan as well as the proposed CHP being installed and maintained to meet the emission limits set out in the AQ SPD and applicant’s air quality report.

Conditions to secure these details have been added.

Comments are made that there is a lack of provision of electric vehicle charging points. As no additional parking is provided, it is not reasonable to insist on the provision of electric vehicle charging points, in accordance with the requirements of the AQ SPD.

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.

Concern is expressed regarding ecological impacts, and it is stated that the site should be lit until midnight owing to safety concerns walking through Abbey Fields in darkness.

A Low-Impact Ecological Impact Assessment was provided with the application. This has been assessed by WCC Ecology who consider that given the length of time since bat surveys of the site were carried out, that updated surveys are required. This can however be secured by condition. A Construction and Environmental Management Plan is required in order to protect species such as amphibians, reptiles, nesting birds, hedgehogs, water voles and otters. Measures to protect the Finham Brook potential Local Wildlife Site, the Abbey Fields Local Wildlife Site and trees must also be considered within the Construction and Environmental Management Plan. This information can be secured by condition. A condition for the provision of bat boxes and hedgehog housing will ensure a net biodiversity gain as a result of the development.

Additional information was requested regarding the compound area and lighting. This information was provided and there has also been consultation between WCC Ecology and the applicant. Following changes to scheme to provide blinds which will limit the light spill from the building, which can be secured through the condition for additional bat surveys and mitigation measures, WCC Ecology have confirmed that they have no objection to the proposal.

The concerns raised by the Warwickshire Wildlife Trust regarding the impacts on the Local Wildlife Site and lighting are considered to have been adequately addressed by the additional information to satisfy WCC Ecology. It is noted that Natural England have no objection to the proposal. The site cannot be lit until midnight owing to the impacts on protected species. It should be noted that the site is not currently lit until midnight, so there would be no change in this regard.

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

Flood Risk and Drainage

The application site is located within Flood Zone 3. Local Plan policy FW1 states that there is a presumption against development within 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 of a similar scale, in the same use.

Members of the public express concern regarding increased areas of hard standing and increased risk of surface water flooding and the proposed drainage strategy. A query is raised why alternative SUDS measures are not being considered and that the flood evacuation plan is not sufficient.

Initially, the Environment Agency and LLFA objected on the basis that additional information was required. An updated Flood Risk Assessment was provided which has satisfied both consultees requirements. The LLFA have requested conditions for the provision of a detailed surface water drainage scheme and detailed maintenance plan.

The Environment Agency have requested that the development is carried out with the amended information contained within the updated Flood Risk Assessment, which will be controlled by condition. Neither consultee consider that the development, subject to conditions, would lead to increased surface water flooding or that alternative SUDS are required, or that the flood evacuation plan is not sufficient.

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.

Environmental Health have commented that the submitted ground investigation report has identified the potential for localised contamination to be present at the site due to made ground from current and previous on-site buildings, minor hydrocarbon spillages, and possible ground gas from decomposition of organic materials in made ground or other underlying strata. Additional investigations are therefore required, which can be secured by condition.

The Council's Open Space Team have confirmed that the development is exempt from open space requirements due to having less than 100 full time employees.

Members of the public state that the proposal is a waste of taxpayers money, and queries whether a cost / benefit analysis has been carried out. This is not a material planning consideration.

Members of the public state that the Covenants of Abbey Fields require that the area is used for recreational purposes, rather than commercial purposes, which has not been addressed. However, restrictive covenants are not a material planning consideration, and is a matter for the applicant to address outside of the planning process.

Conclusion

The proposal represents the provision of the replacement of and enhancements to leisure facilities in an appropriate location, to meet an identified local need.

The development has been designed to respond sensitively to the surrounding area, including heritage assets. The development would preserve the character of the conservation area and has an acceptable impact on heritage assets, and would not have an adverse impact on the highway network.

Acceptable parking arrangements are provided and the development would not cause harm to trees or ecology. It is therefore recommended that the application is approved.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

12943 - DB3 - B01 - 00 - DR - A - 20001 Rev B (ground floor plan) and 12943 - DB3 - B01 - RF - DR - A - 20003 Rev C (roof plan) submitted on 28th January 2021, and

12943 - DB3 - B01 - XX - DR - A - 90002 Rev H (site plan), 12943 - DB3 - B01 - XX - DR - A - 90004 Rev C (site sections) and, 2021 submitted on 9th March 2021, and

12943 - DB3 - B01 - ZZ - DR - A - 20201 Rev F (elevations 1), 12943 - DB3 - B01 - ZZ - DR - A - 20202 Rev C (elevations 2), , 12943 - DB3 - B01 - ZZ - DR - A - 20301 Rev E (general sections), 12943-DB3-B01-ZZ-VF-A-00002 (photomontage b/a sht 2), 12943-DB3-B01-ZZ-VF-A-00003 (photomontage b/a sht 3), 12943-DB3-B01-ZZ-VF-A-00005 (photomontage b/a sht 5) and 12943-DB3-B01-ZZ-VF-A-00007 (photomontage b/a sht 7) submitted on 29th June, and

12943 - DB3 - B01 - XX - DR - A - 90007 Rev A (substation details) submitted on 22nd July 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 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.

4 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: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. 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.

5 The development hereby permitted (including demolition) shall not commence until updated bat survey/s of the site, in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan, including a schedule of works, timings, and measures to minimise light spillage from the building onto the watercourse, has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

6 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 expects to see pollution and noise control measures during the development, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, otters, water voles, nesting birds, 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.

7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust),

evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 No development shall take place until: -

- A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

1. A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

- All development of the site shall accord with the approved method statement.

2. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

3. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding

contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

9 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.

10 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat boxes and hedgehog houses within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure a net biodiversity gain in accordance with the requirements of the NPPF and Policy NE2 of the Warwick District Council 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 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.

13 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.

14 A travel plan must submitted to and approved in writing by the LPA within 12 months of first use of the hereby approved development to set out how the operator will encourage low emission/sustainable travel to the site by customers and staff. The approved Travel Plan shall be implemented and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

15 The hereby approved Combined Heat and Power Plant must be installed and maintained to meet the emission limits set out in the Council's Air Quality SPD and the applicant's air quality report. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

16 The development shall be carried out in accordance with the submitted flood risk assessment (reference7380-P2-FRA1, revision P2, dated 13/04/21) and the following mitigation measures it details:
1. In accordance with section 6 of the submitted amended Flood Risk Assessment finished floor levels to be set at 75.15m above ordnance datum.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy FW1 of the Warwick District Local Plan 2011 - 2029.

17 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.

18 The Construction Management Plan required by condition 4 above (including all demolition and all preparatory work), must incorporate the tree protection measures referred to in the Arboricultural Method Statement and appended plans from Wharton Natural Infrastructure Consultants (reference 210324 0884 AMS V1d and issued on 9th June 2021). Throughout the development hereby approved (including all demolition and preparatory work) those tree protection measures 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.

19 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

20 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.