

Application No: [W 23 / 1460](#)

Town/Parish Council: Kenilworth

Case Officer: Adam Walker

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Registration Date: 16/10/23

Expiry Date: 15/01/24

Abbey Fields, Swimming Pool, Bridge Street, Kenilworth, CV8 1BP

Variation of condition no. 2 (Approved Plans) attached to planning permission Ref. W/21/0170 for 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

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 delegation of authority to the Head of Planning to impose all necessary and relevant conditions, including those set out within this report.

DETAILS OF THE DEVELOPMENT

The application seeks a minor material amendment to planning permission W/21/0170. The planning permission allows for the demolition of existing swimming pools and redevelopment to provide two new indoor swimming pools and associated changing facilities and cafe.

The basis for the application is that archaeological investigation carried out during the demolition of the original facility has revealed medieval and later remains in the eastern part of the site. These remains lie at a level that would be impacted by the foundation design of the approved development and the extent of these remains is such that the new building's foundations could not be constructed without significantly impacting on the archaeological heritage. As such, an alternative design has been developed which involves raising the foundation level of the building by 500mm so that all ground beams and utilities would lie above the remains, along with the majority of pile caps. To minimise the impact of lifting the building, eaves heights and some roof pitches have been adapted and reduced. The effect of this has been to limit the overall increase in the ridge height to 350mm over and above the permitted scheme. The increase in foundation level also necessitates some changes to the external ground levels and amendments to the landscaping to facilitate access to the building.

The proposed changes to the scheme comprise:

- Raising the foundation level by 500mm
- Minor design changes, including alterations to eaves height and some roof pitches, with an overall increase in ridge height of 350mm above the permitted scheme.
- External levels amended to reflect the raising of the building's foundation
- Ramped access added on the western side (rear) of the building due to increase in finished floor level. Black metal handrails provided to ramps.
- Height of the approved retaining wall to the external terrace areas overlooking Finham Brook increased to reflect change in external levels. Extent of the retaining wall extended alongside the brook and around the entrance to the building due to the proposed change in levels. Black metal hoop railing (1100mm) provided on the new section of retaining wall.
- Fire escape from the pool hall relocated from western elevation to northern elevation.
- Amendments to the positioning of the external access doors of the pool plant area on the northern elevation
- Internal layout change: Pump pit relocated to avoid clash with historic remains
- Amendment to the external substation enclosure, with a reduction in building footprint. This is also due to the discovery of archaeological remains in this part of the site. The substation itself remains as per the original design but smaller in size
- Revisions to the approved hard and soft landscaping scheme to reflect the proposed layout and levels changes
- Minor changes to the approved drainage scheme for the development, with the levels of all proposed drainage altered to reflect the change in floor levels. The outflow headwall has also been moved westwardly down the brook to avoid archaeological remains. The original drainage design connected into an existing surface water pipe on the east elevation, however this has been found to have extensive damage and as such it is to be replaced. Drainage channels have been added to the sun terrace area.

As part of this application, updated information has been submitted in relation to certain conditions where the proposed amendments impact on the details previously approved under the discharge of pre-commencement conditions. Updated information is submitted in relation to the following conditions:

- Condition 7 (Surface Water Drainage)
- Condition 8 (Site Investigation and Method Statement)

- Condition 9 (Hard and Soft Landscaping)
- Condition 11 (Floor and Site Level Details)

The use and proposed internal facilities remain as permitted under the original planning permission.

THE SITE AND ITS LOCATION

The application site is located within Abbey Fields, an area of public open space to the northwest of Kenilworth town centre. The site previously contained the Abbey Fields Swimming Pool complex which consisted of an indoor and an outdoor pool along with changing facilities and cafe. The original facility has now been demolished to make way for the new swimming pool complex as approved under planning permission W/21/0170. The development site is currently fenced off with construction hoarding. The application site boundary also includes an outdoor play area, pavilion building and tennis courts to the north east.

The site is located within the Kenilworth Conservation Area. To the north of the development site lies the Grade I listed Abbey Ruins (Gatehouse and Abbey Barn), with the Grade I listed Church of St Nicholas lying 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. 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.

PLANNING HISTORY

W/21/0170 - 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 - Approved 16/09/2021

Planning permission W/21/0170 has been subject to a single non-material amendment (NMA) application. This sought to amend the wording of condition 5 (bat surveys) to allow demolition works to take place in the presence of a qualified bat worker. This was on the basis that the required bat surveys were unable to take place prior to these works commencing. The NMA was approved on 10th March 2023.

All pre-commencement planning conditions attached to planning permission W/21/0170 have been discharged. Condition 12 (external facing materials samples) is required to be discharged prior to the commencement of above slab-level development and remains to be discharged.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE3 - Locally Listed Historic Assets
- HE4 - Archaeology
- 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
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking

Kenilworth Neighbourhood Plan

- 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

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Support the application. Members made the following comments:

- Members asked Officers to ensure the energy efficiency of the design was maximised and encouraged a re-consideration of the energy credentials for the development.
- Members recognise that, whilst not yet formally approved, the aspirations within the forthcoming Development Plan Document should be a consideration for this project.

WCC Archaeology: No objection subject to condition requiring the development to be carried out in accordance with the previously approved Written Scheme of Investigation (WSI). The changes to the foundation design and, as a consequence, raising of the roofline, which have necessitated the current variation of condition application will allow the development to be undertaken in accordance with the agreed WSI.

Conservation Officer: No objection

WCC Ecology: The increase in overall height of the building does not have an ecological impact. The only changes that gives rise to concern is the reduction in proposed planting. It is recommended that native bulbs be added to the planting scheme (as also suggested by the Landscape team) as this would help compensate for the value to pollinators lost through the reduction of honeysuckle.

Environmental Health: No objection to the proposed revisions to the scheme. The applicant has submitted an additional ground investigation report to update the previously approved details of condition 8. The ground investigation report includes additional ground gas monitoring completed at the site to provide an updated assessment. Further information/clarification is requested on this alongside details of the proposed methods of ventilation for the building.

Environment Agency: No objection subject to a condition requiring the development be carried out in accordance with the submitted flood risk assessment and the proposed mitigation measures that it details.

Historic England: No objection. The proposed amendment to the approved development addresses our concerns to safeguard important archaeological remains and the form of the proposal remains dominantly the same as that previously approved under W/21/0170.

WCC LLFA: No objection. It is recommended that a separate application is made to vary the drainage details as previously approved under condition 7 or updated drainage calculations for the revised drainage scheme would be required to support the re-discharge of condition 7 under the current application.

Tree Officer: No objection.

WCC Landscape: Neutral: The proposed alteration in overall height would be imperceptible in views. The application also seeks minor changes to the approved hard and soft landscaping scheme and

these include a path leading from the relocated fire exit on the north-west side of the main building. This new path will require the shrub planting to be relocated adjacent to the bin store. However, there will be a reduction in overall plant numbers for this part of the site. It is recommended that native bulbs are planted amongst the dogwood to help increase seasonal interest. The reduced footprint of the substation has reduced the number of climbing plants needed from 5 to 3. The substation will be framed by a narrow linear band of evergreen shrubby honeysuckle. If the intention is to manage this as a hedge it should be planted at closer centres (30cm apart) either in a single or a double staggered row.

WCC Open Space: No comments received

Public Responses: 7 objections and 2 representations in support have been received. A summary of the comments made is provided below.

Objections:

- Irresponsible use of public money to provide the proposed changes to the scheme and for questionable benefit, especially when no one will be able to see or appreciate the historic remains. The money would be better spent elsewhere, including reducing the carbon footprint of the district and helping families suffering through the cost-of-living crisis.
- Costs are unsustainable and not value for money.
- Recent site photographs clearly show that in 1980, the concrete footings for the now demolished structure built in 1980 cut through the medieval remains. These remains have now been carefully excavated, mapped, filmed and preserved by replacing the soil. Does Historic England really think that in 40, 50 or 60 years time, future generations are going to re-study these remains that will sit within 200 concrete or steel piles?
- The facility is already being built to an out-of-date design resulting in both higher energy costs and carbon emissions and the construction of some 200 concrete or steel piles accompanied by a suspended concrete floor slab will substantially increase the carbon footprint of the building. This is inconsistent with the Climate Emergency Action Plan.
- The original foundation solution should be used or the facility moved to an alternative location.
- The plans for the swimming pool should be scrapped. Original lido should have been retained / Lido should be reinstated.
- Discovery of archaeological remains on the site only adds additional reasons to simply not build here
- Hard to accept the new plans of drilling post holes into an Abbey's foundation is being considered an option. The Abbey's foundation is century's old and most likely additional unforeseen problems will arise.
- Abbey Fields is for the Abbey and its history for all to enjoy without swimming pools.
- Impact of the swimming pool construction on users of Abbey Fields and neighbouring residents. Another 3 years of disruption is unacceptable. The pause in construction has negatively impacted the park.

- Proposed plans are damaging to an important local heritage site. Inappropriate to have such a large building in this setting.
- Building design is an eyesore that has no place in a historic setting
- Proposed swimming pool is inferior to neighbouring facilities
- Current plans are far too big for the site and will ruin what is a beautiful leisure space in Kenilworth
- Traffic generation and access are a serious concern due to the very limited parking, poor site access for vehicles and badly lit pedestrian pathways.

Support:

- Kenilworth needs good quality swimming facilities and the proposal will help to mean that the pool is built as soon as possible.
- The pool is an essential facility in the town and will encourage active and healthy lifestyles.
- There has been a pool on this site for over 100 years so it is not a completely new concept for the site.
- With the current Climate Emergency, it does not make sense for swimmers to be travelling a 12-mile round trip to Leamington or Warwick, often several times a week.
- Having attended the open meeting in St Nicholas Church I support the new application and hope that building can resume as soon as possible. This town needs to provide swimming facilities.

ASSESSMENT

Introduction

The application seeks to make a series of changes to planning permission W/21/0170 for the demolition of existing swimming pools and redevelopment to provide two new indoor swimming pools and associated changing facilities and cafe. The proposed amendments have been driven by the discovery of significant medieval archaeological remains below the proposed new building and the need to preserve these remains in situ.

The application is submitted under section 73 of the Town and Country Planning Act 1990 (as amended). Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended.

Under such applications it is only the effect of the proposed change/s together with the conditions imposed on the original permission that fall to be considered. The principle of the development has already been established and is not germane to the assessment of the current application.

Design and Impact on Heritage Assets

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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan (KNP) seek to ensure that development proposals achieve a high quality design. The NPPF also places great emphasis on the importance of good design and its role in achieving sustainable development.

Policy KP13G of the KNP 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 [previous] swimming pool and the 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.

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.

Policy HE4 of the Local Plan relates to archaeology and states that there will be a presumption in favour of the preservation of locally and regionally important sites, except where the applicant can demonstrate that the benefits of development will outweigh the harm to archaeological remains. Paragraphs 194, 195, 199, 202 and 205 of the NPPF are relevant when considering the archaeological heritage asset.

The application is supported by a Heritage Statement which includes a summary of the preserved archaeological remains found during current construction works and considers the impact of the revised design of the development. The application

also includes a series of photomontages that show the approved development alongside the proposed amended design.

The proposed amendments are a direct response to the discovery of well preserved archaeological remains within part of the footprint of the demolished swimming pool. The remains are part of the wider medieval monastic complex of Kenilworth Abbey and make a positive contribution to the significance and understanding of this designated heritage asset. The revised design has been informed by consultation with Historic England and is intended to ensure harm is minimised, including ground beams and pile caps being sited in locations of less archaeological sensitivity.

As part of the consultation on this planning application, Historic England has advised that it has no objection on heritage grounds, with the proposed amendment to the foundation design safeguarding important archaeological remains whilst also ensuring that the form of the proposal remains dominantly the same as that previously approved. The preservation of the archaeological remains is a significant material planning consideration and is to be afforded substantial weight.

While the foundation design would result in the building being raised by 500mm, the overall increase in ridge height is limited to 350mm. This has been achieved by adapting eaves and ridge heights, with high level roof lines and parapets reduced by 150mm. These changes have meant that the pitch of some elements of the roof have also changed slightly, although the supporting information states that this has been limited to areas that cannot be seen from ground level.

As a consequence of lifting the building's foundation, it is also proposed to amend the external ground levels and alter the landscaping around the building to facilitate access. Some minor alterations to some of the fenestration are also proposed, which involve repositioning of plant and fire escape doors for the swimming pool. The detached substation building would be reduced in size.

Officers consider that the proposed increase in the height of the building would be almost imperceptible in the context of the approved development and the overall form of the building would remain true to the original design principles. The proposed amendments to the fenestration, external ground levels and surrounding hard and soft landscaping scheme would also have very limited visual impact. As such, it is considered that the amended proposal would not have any materially greater impact on the character and appearance of the Kenilworth Conservation Area, wider views across Abbey Fields and the setting of nearby built heritage assets in comparison to the approved development. It is worth noting here as well that no changes are proposed to the facing materials. Condition 12 on the original permission requires approval of samples of the facing materials and it would be necessary to reimpose that condition on any new permission granted under this section 73 application.

In summary, given the limited impact that has been identified and considering the significant benefits to the identified archaeological heritage, officers conclude that

the application is acceptable and is in accordance with the aforementioned policies and guidance.

Ecology, Trees and Landscaping

The proposal would result in a small reduction in the overall amount of planting. The proposed path from the relocated fire door to the north-western corner of the main building would replace some of the approved planting in this part of the site, although this would be largely compensated for by a new strip of landscaping between the relocated fire door and the bin store. The proposed changes to the substation would also result in a reduction in climbing plants in this part of the site (5no. reduced to 3no.).

Both WCC Ecology and WCC Landscape team have recommended that some native bulbs are added to the planting scheme. This would help to compensate for the value to pollinators lost through the reduction of honeysuckle around the substation and increase seasonal interest. Officers have requested that the soft landscaping scheme is updated to incorporate this recommendation and a revised plan is awaited. WCC Landscape team has also recommended that the linear band of evergreen shrubby honeysuckle adjacent to the substation should be planted at closer centres (30cm apart), either in a single or a double staggered row, if it is to be managed as a hedgerow.

All existing trees are to be retained as part of the development in line with the existing planning permission. The Tree Officer has not raised any issues with the application.

Some minor changes are also proposed to the boundary treatments, including a short extension of the metal hoop top railing towards the eastern side of the building and inclusion of handrails to the proposed new ramps to the western side of the building. The changes to the boundary treatment are very minor in nature and the design of the features is in keeping with the previously approved boundary treatments.

The proposals do not alter the details already approved under condition 10 of the original planning permission which relates to the provision of bat boxes and hedgehog houses within the site.

Subject to a revised plan to secure some additional compensatory planting, it is considered that the proposed changes to the scheme would not result in any material reduction in the development's biodiversity value or diminish the overall quality of the approved landscaping scheme.

Transport and Parking

There are no changes proposed in relation to transport and parking as part of this application and as such there is no reason to revisit such matters.

Flood risk and drainage

The proposal involves changes to the finished floor levels of the building and external ground levels. The application is accompanied by an updated flood risk assessment (FRA) which considers the risk of flooding to the development and the potential impact on off-site flooding. The Environment Agency has been consulted and has raised no objection, subject to the proposed flood mitigation measures as detailed within the FRA being incorporated into the development (including minimum finished floor levels). A condition is recommended with regards to this.

The proposal involves several minor changes to the approved drainage scheme for the development and updated drainage details have been provided as part of this application. The Lead Local Flood Authority (LLFA) has been consulted on the application and no objections have been raised. The LLFA has however recommended that a separate application is made to vary the drainage details as previously approved under condition 7. Alternatively, updated drainage calculations for the revised drainage scheme would be required to support the re-discharge of condition 7 under the current application. Updated drainage calculations have recently been submitted and the applicant has advised that the proposed changes to the scheme have not affected the outcome of the calculations. The LLFA have subsequently been re-consulted and a response is awaited at the time of writing.

Sustainability

Kenilworth Town Council and members of the public have commented on the sustainability of the building's design. The Town Council has requested that officers ensure that the energy efficiency of the design is maximised and have encouraged a re-consideration of the energy credentials for the development, particularly in the context of the emerging Net Zero Carbon Development Plan Document.

Whilst not yet adopted, weight is to be attached to the Net Zero Carbon DPD when assessing planning applications given that it has reached an advanced stage of preparation, however full weight cannot be afforded to the DPD until it is formally adopted.

The sustainability of the building's design was considered in detail under the original planning application and found to be acceptable, subject to a condition requiring a report to be submitted within three months of the first occupation of the development demonstrating that the approved energy efficiency measures have been implemented in full.

Given that the application is seeking relatively minor changes and has been submitted in response to address a specific issue encountered during construction, officers do not consider that it would be reasonable to now seek to apply different standards to the energy efficiency of the development.

The applicant has confirmed that the proposed amendments would have no impact on the approved Energy Strategy Report approved under the original planning application and it is considered that these remain acceptable for the proposal as amended. It would be necessary to impose a similar condition to ensure the previously approved measures are also provided for the revised scheme.

Other matters

Seven objections have been received as well as two representations in support of the application. Objectors have raised concerns with the cost of the works to preserve the archaeological remains and the value of doing so. However, the cost of the works is not material to the assessment of this planning application. It is only the planning merits that are to be considered and there is a requirement to pay due regard to heritage assets when determining applications, as set out earlier in this report. The proposal provides an appropriate technical solution to safeguarding the medieval remains and the consequential planning impacts, including the changes to the scale and design of the development, have been duly considered by officers and found to be acceptable.

The concerns raised by objectors with regards to the principle of a new swimming pool in this location are also not material to this section 73 application. The issue of impacts arising from construction activities were addressed through a condition for a Construction Management Plan on the original permission. A CMP has been approved and a condition would be necessary to require the development as amended to be carried out in accordance with this document. The other matters raised by objectors are considered to have been addressed within this assessment.

The applicant has submitted an additional ground investigation report to update the previously approved details of condition 8. The ground investigation report includes additional ground gas monitoring completed at the site to provide an updated assessment. Environmental Protection have requested further information/clarification on this alongside details of the proposed methods of ventilation for the building. Such information has recently been submitted by the applicant and Environmental Protection have subsequently been re-consulted.

The proposed changes would have no impact upon the approved Air Quality Assessment report that was submitted in support of the original planning application.

Conclusion

The proposed amendments to the approved scheme would provide a significant benefit by safeguarding important medieval archaeological remains and which make a positive contribution to the significance and understanding of Kenilworth Abbey. In turn, the proposals would help to facilitate the delivery of the new swimming pool complex and the associated benefits that would derive from that (as set out within the assessment of the original application). The consequential effects of the new foundation design on the form and appearance of the development would be limited and would not result in any significant planning impacts over and above the already consented scheme. As such, the application is considered acceptable and is therefore recommended for approval.

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

- Proposed Elevations 1 12943-DB3-B01-ZZ-DR-A-20201 Rev P02
- Proposed Elevations 2 12943-DB3-B01-ZZ-DR-A-20202 Rev P02
- Sub-Station Enclosure 12943-DB3-B01-XX-DR-A- 90007 Rev P02
- Proposed Site Sections 12943-DB3-B01-XX-DR-A-90004 Rev P01
- Proposed General Sections 12943-DB3-B01-ZZ-DR-A-20301 Rev P02
- Proposed Site Plan 12943-DB3-B01-XX-DR-A-90002 Rev P05
- Proposed Roof Plan 12943-DB3-B01-RF-DR-A-20003 Rev P02
- Proposed Ground Floor Plan 12943-DB3-B01-00-DR-A-20001 Rev P02
- Overall Landscape Layout 211216 0884 Land V12 L001
- Detailed Soft Landscape Layout 211216 0884 Land V8 L002
- Proposed boundary treatments plan and details 211221 0882 LAND V3 L003
- Fencing and Furniture 21_198_SP01B
- External Works Layout AFK-CCE-00-00-D-C-0322 Rev P02
- Private Drainage Layout AFK-CCE-00-00-D-C-0310 Rev P04

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3, HE1, HE4 and NE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

2 Archaeology

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted archaeological mitigation strategy document produced by Hampton Heritage Design & Consultancy, reference 'Abbey Fields Leisure Centre, Kenilworth Written Scheme of Investigation: Mitigation', dated May 2023, Version 2.

Reason: In order to ensure that remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

3 Construction Management Plan

The development hereby permitted shall be carried out in accordance with the Construction Management Plan received on 22/03/2022.

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 Construction and Environmental Management

The development shall be carried out in accordance with the Construction and Environmental Management Plan V6 prepared by Kier received on 23/05/2022.

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 Surface water drainage

* Final wording of condition subject to submission of updated drainage calculations as discussed within this report *

6 Site Investigation

* Final wording of condition subject to submission of further information/clarification to satisfy Environmental Protection, as discussed within this report *

7 Hard and Soft Landscaping

The hard and soft landscaping of the site shall be provided in accordance with the following plans and documents:

- Proposed Site Plan 12943-DB3-B01-XX-DR-A-90002 Rev P05
- Overall Landscape Layout 211216 0884 Land V12 L001
- Detailed Soft Landscape Layout 211216 0884 Land V8 L002 [* subject to additional planting as discussed within this report *]
- Proposed boundary treatments plan and details 211221 0882 LAND V3 L003
- Fencing and Furniture 21_198_SP01B
- Hard Landscape Materials 21_198_SP02

All hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within three months of the first use of the development hereby permitted. 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 Bat boxes and hedgehog houses

The bat boxes and hedgehog houses as detailed on the Hedgehog Shelter Location Plan received on 19/05/2022 (Ref 220406-0884 EMEP V1a E001a) shall be provided in accordance with the approved details and thereafter retained as such.

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.

9 Finished Floor and Ground Levels

The finished floor and ground levels for the development shall be provided in accordance with the following plans and retained as such:

- Proposed Site Sections 12943-DB3-B01-XX-DR-A-90004 Rev P01
- Proposed General Sections 12943-DB3-B01-ZZ-DR-A-20301 Rev P02
- External Works Layout AFK-CCE-00-00-D-C-0322 Rev P02

Reason: In the interests of visual amenity and to preserve the significance of heritage assets and to accord with Policies BE1, BE3, HE1, HE4 and NE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

10 Facing Materials

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 Noise

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.

12 Travel Plan

A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of first use of the 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 promote sustainable forms of transport and to ensure mitigation against air quality impacts associated with the proposed development in accordance with Policies TR2 and NE5 of the Warwick District Local Plan.

13 Heat and Power Plant

The hereby approved Combined Heat and Power Plant shall be installed and maintained to meet the emission limits set out in the Council's Air Quality Supplementary Planning Document and the Air Quality Assessment report reference SLR Ref: 418.05578.00006, Version No: v2.1, May 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.

14 Flood Risk Mitigation:

The development shall be carried out in accordance with the submitted flood risk assessment (reference Abbey Fields Swimming Pool, Bridge Street, Kenilworth, CV8 1BP, Flood Risk Assessment, Final Report V1.1, dated 28/09/2023) and the following mitigation measures it details:

1. In accordance with section 4.6 of the submitted amended Flood Risk Assessment finished floor levels to be set at 75.65m 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 and guidance contained within the National Planning Policy Framework.

15 Tree Protection Measures

The Construction Management Plan approved pursuant to condition 3 shall 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 construction of the development hereby approved 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.

16 Energy Efficiency

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 Revised Energy Strategy Report (Issue 3, March 2021) submitted to the Local Planning Authority on 6th April 2021 have been implemented in full. 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 Maintenance of Surface Water Infrastructure

No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the Local Planning Authority (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.

18 Fire Safety

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 the development being brought into use and shall be retained as such.

Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.
