

Application No: [W 20 / 1402](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 08/09/20
Expiry Date: 08/12/20

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Kenilworth Rugby Football Club, Warwick Road, Kenilworth, CV8 1FE

Full Planning Application for the relocation of Kenilworth Rugby Football Club including the construction of a new clubhouse, sports pitches, landscaping, earthworks, parking, access and ancillary facilities FOR Kenilworth Rugby Football Club

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

That planning permission be GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

This proposal relates to the relocation of Kenilworth Rugby Club from the existing site at Glasshouse Lane to this new site located on land to the east of Warwick Road, Kenilworth.

The proposal consists of a new clubhouse building which is a modern two storey structure. The premises contains a range of facilities for the club including at ground floor - 6 changing rooms together with separate match officials changing rooms together with associated facilities including a conditioning gym, stores, plant rooms, toilets, a reception area and a match day café.

On the first floor, the clubhouse contains function facilities including a function room with bar, club room and meeting rooms/sponsor lounges together with associated facilities such as kitchen areas and toilets.

Also at first floor is the provision of stewards accommodation. This is a self-contained unit accessed from within the building. Due to the location of the site, it has been recommended that on-site accommodation is provided for security of the site.

Externally, a total of 7 pitches are proposed, 5 senior and two junior. A total of 328 car parking spaces are proposed with 14 electric vehicle charging points are proposed. In addition to car parking, 6 coach spaces are proposed together with 40 bicycle parking spaces. A running track is also proposed within the site.

THE SITE AND ITS LOCATION

The proposed site is located to the south of the town and comprises of two parcels of land split by the Leamington to Coventry railway line. The western parcel is accessed off Warwick Road to the south of Kenilworth Cricket Club and the new Pavilions residential development.

The land is currently allocated in the Warwick District Local Plan and the Kenilworth Neighbourhood Plan for Outdoor Sports Use. The two parcels of land are connected by two "accommodation" bridges built in approximately 1844 as part of the construction of the Leamington to Coventry railway line.

The proposal is within the West Midlands Green Belt.

PLANNING HISTORY

W/20/0989 - Construction of two ponds in the southernmost corner of the site
- **GRANTED 15.10.2020.**

RELEVANT POLICIES

- National Planning Policy Framework

Kenilworth Neighbourhood Plan 2017-2029

- KP8 - Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP21 - Flooding

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- DS23 - Land for outdoor sports and recreation in Kenilworth
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Guidance Documents

- Air Quality & Planning (Supplementary Planning Document - January 2019)
- Parking Standards (Supplementary Planning Document - June 2019)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members were impressed with this well thought out application, which includes an essential Travel Plan and an Energy Statement. This development will provide a valuable asset for the Town.

In expressing this support, they made the following COMMENTS:

- Acknowledging other recent development in this area, integrated Sustainable Transport connectivity is a key issue. Warwick Road needs to be safe if families are to be encouraged to cycle and walk along it.
- Members noted that this cannot be realistically achieved at present, due to the speed of traffic on Warwick Road, a view cogently expressed by several residents. Clear speed governance measures are required and Planning Officers were asked to liaise with the Highways Authority on this specific issue.
- Parking bays appear to cross a footpath. Members felt this could be redesigned, with a footpath behind parking bays.

With reference to the WDC Local Plan policy SC0 "Sustainable Communities" and the Kenilworth Neighbourhood Plan policy KP15 "Environmental Standards of New Buildings", Kenilworth Town Council requests that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development and in ensuring that water efficiency is optimised in line with policy FW3 of the WDC Local Plan.

For the target of a net zero carbon development this aim needs to be incorporated into every decision made at each design stage and during construction. Amongst many other innovative elements of the design we would strongly encourage the following to be included: -

- i. A Quality Assurance scheme to be put in place to confirm that the in-use performance of the completed facility meets the de-signed levels of performance.
- ii. The incorporation of solar electricity generation capacity on the large south/west facing roof.
- iii. Installation of a three-phase electricity supply which would allow for rapid charging electric vehicle points and installation of effective air source pumps in the future

Leek Wootton & Guys Cliffe Parish Council: This Council's interest in this application, as you will be aware, is the field that is within our parish and is to provide for two pitches, 100 car and 6 coach parking spaces, as well as the access road with its lighting to the main portion of the development (from the Warwick Road). This field is within the 'Green Belt' that importantly separates Leek Wootton from Kenilworth and this 'Green Belt' status should be taken into account with all the considerations of the development of this field, which we fully understand is designated in the Local Plan and to which we do not object.

We consider it essential that the planting and hedging of the southern boundary to maintain the 'Green Belt' further to the south, that is promised, is undertaken with mature plants.

We are also very concerned about traffic movements that will be created along Warwick Road and through the village of Leek Wootton by traffic entering and leaving the new Club development. The vehicular movement figures as set out in the application do not, in our view, reflect what will actually occur. The figures have been arrived at by taking the traffic figure from December 2019 on Warwick Road to which have been added the traffic movements to and from the Club's present site on Birches Lane. These figures do not take into account:

1. That the proposed development has a larger Club House with a larger function room;
2. There are more rugby pitches at the proposed development than at Birches Lane;
3. No account has been taken of the current development of 125 new houses, and their associated traffic, immediately to the north of the Club site and also accessed off Warwick Road;
4. The numbers that will be using the function room for other social events at other times of the day/week.

We consider that the traffic movement figures need to be recalculated to reflect these omissions, and referred to Highways, before the application is fully considered.

The speed limit on Warwick Road at the proposed entry point to the development is currently 50 MPH and the application proposes that pedestrians, and cyclists approaching the Club from the south, should cross Warwick Road from the footpath on the west side of the road to the entrance without any crossing provision being provided.

Whilst the application proposes that the Club will advise visitors to approach the Club from the Kenilworth direction, we all know that human beings and sat nav systems will take the direct route from the south, which will bring traffic from the Gaveston roundabout, off the A46, through Leek Wootton, adding to the problems that already exist with traffic through the village.

WDC Tree Officer: I have no objection in principle to the development proposal. The surrounding Ancient Woodland is sensitive, and the proposals have given due consideration to that; the justification for the removal of some low quality trees, scrub and hedge to allow the site to be developed as a rugby club has been well made. The efforts to retain the venerable oaks within the site by adjusting the layout to provide as much protection for those trees as possible is to be applauded. A detailed arboricultural method statement will be required if the proposal is approved, which must embrace the measures to protect the woodland boundary as well as those trees of merit within the site. There would not seem to be any reason why that should not be sought by condition – from the work reported in the impact assessment the development of the site is unlikely to conflict with the tree protection measures that will be required.

WDC Health and Community Protection: Following receipt of additional information, no objection subject to conditions regarding noise, land contamination, air quality and construction management plan.

WDC Policy: Application commensurate with allocation and is in alignment with Local Plan Policies. Need to be satisfied that the scale of facilities is proportionate to the use. Subject to this being agreed, scheme should be recommended for approval.

WCC Landscape: - No objection but comment as follows: It appears that the applicant has explored other layout options in order to retain the pond but have concluded this is their preferred approach. Whilst it's disappointing that an existing landscape feature will be lost, I'm not sure that it is enough for an objection, especially given that they are creating two new ponds. This is with the proviso that adequate measures are given to protecting the existing oak tree which is to be retained. This opinion is from a landscape perspective only and the ecology team may feel differently.

I understand the roadside hedge works are to accommodate visibility splays and is therefore unavoidable. The replacement hedgerow can be dealt with through a condition, but as I said previously I would expect to see some large size trees planted along this boundary. If it is possible to retain any of this hedge then that would be better than removing it all and replanting.

I would prefer to see additional planting, including strengthening of the southern boundary, included on the plans at this stage so that it can be factored into the overall design and provision made for it. Detailed landscape proposals such as species etc. can be dealt with by condition. However, I will leave this to your judgement as case officer.

WCC Ecology: Following receipt of further information, no objection subject to condition to secure the net biodiversity gain.

WCC Flood Risk Management: Require further details of surface water drainage methodology.

Historic England: No comments to make.

Natural England: No comments to make. Refer to standing advice regarding protected species and ancient woodland.

Network Rail: No objection in principle. Raise some concerns about the potential impacts on the operational railway and recommend an assessment of ball-catch fencing together with anti-trespass fencing.

Warks Police: Have worked with the applicants to ensure the premises and grounds are designed and built to provide a safe environment for all those that visit. Proposed live-in steward is supported to provide 24 hour presence on site in this isolated location.

Warks Fire & Rescue: No objection subject to a hydrant condition.

Sport England: Support the application subject to conditions.

Severn Trent Water: Foul sewage to connect to mains which is acceptable and will require separate agreement with Severn Trent. Surface Water to be disposed of on-site and no objection is raised.

Public Response: A total of 10 letters of objection, 53 letters of support and 3 general comments received. Comments made;

Objection Comments

- No measures for reduction of speed limit on Warwick Road.
- Increased traffic harmful to highway safety.
- Pedestrian and cycle access is inadequate.
- No street lighting past the Kenilworth boundary sign.
- Ecological Survey is deficient and fails to address impact on hedgehogs and diversity of wildlife using the site.
- Object to loss of any trees.
- Oppose the option of a public footpath to Leamington Road in the interests of highway safety.
- Potential for noise disturbance from events at clubhouse.
- Would seek a limit on the use of floodlights to minimise light pollution.

Support Comments

- Single ground will create a true community atmosphere.
- Will improve traffic with being edge of town location.
- Will be able to provide a base for touring teams.

- Will provide facilities for all age groups.
- Will encourage health and wellbeing as well as social contact.
- Will benefit the wider community.
- Support the development but would like to see a 30mph speed limit.
- KRFC has a large financial impact drawing money and footfall to the town.
- Well thought out scheme that will offer state of the art facilities.

General Comments

- Need to be clear on rules for late night noise from events.
- Any access from Leamington Road needs to address potential roadside parking before any installation takes place.

Background

This application has come forward as part of the East of Kenilworth Strategic Development proposals as set out within the Local Plan. The existing rugby club site forms part of the East of Kenilworth housing allocation and as a result, an alternative site was required for the rugby club to relocate. Through the Local Plan, this site was allocated for the rugby club. This application is in accordance with the site allocation.

An earlier application for the creation of wildlife ponds was approved so that these works could take place in advance of the main application works in order for the ponds to be established as part of the ecological mitigation strategy.

Principle of Development

Policy DS23 identifies this site for the creation of new sports facilities to serve the needs of Kenilworth. Specifically, this site has been identified for the relocation of Kenilworth Rugby Football Club.

The Policy allows for the establishment of the use together with appropriate facilities associated with the provision of outdoor sport which will be permitted provided that they preserve the openness of the green belt and do not conflict with the purposes of including land within it.

Policy KP6B supports the use of the site for sport and recreation uses provided that the scheme delivers the appropriate facilities associated with the provision of outdoor sport and do not conflict with the purposes of the Green Belt, suitable access is provided, appropriate cycle and pedestrian uses are provided within the site, an ecological strategy is submitted demonstrating minimal impact on biodiversity or produces a net gain and a drainage strategy incorporating SUDS features to suit the site is submitted.

The proposal incorporates the new clubhouse building which is the main structure on the site together with ancillary structures for grounds-keeping equipment and a small covered shelter.

In assessing the level of the facilities proposed, evidence has been provided that the facilities proposed are reasonably necessary for the club to maintain their operation as well as provide for facilities to meet the standards of both Sport England and the Rugby Football Union to allow the club to progress within the UK Leagues. It is also noted that the facilities have been amalgamated into a single building to rationalise the use compared the existing site set up that consists of facilities spread across a number of smaller buildings.

Within the building is a self-contained flat for occupation by a steward. This has been considered by the applicants in consultation with Warwickshire Police to allow for on-site security outside of normal hours. The building is fairly remote and the provision of the steward's accommodation would provide a 24 hour presence to provide security and surveillance of the site. Whilst the provision of residential accommodation may not be a standard feature of the provision of sporting facilities, the location within the main building demonstrates that it is intrinsically linked to the operation of the club and would not be suitable for any other occupant. On this basis, it is considered appropriate to provide a condition to secure the occupation.

Whilst having a single building does increase the scale in order to provide the facilities, this results in a single focal point for activities on the site with the facilities providing for all the needs of the club moving forwards without any requirement for significant expansion.

Officers have assessed the facilities provided and the justification provided by the club and are satisfied that the development meets the test of appropriate facilities.

The proposal is therefore considered acceptable in principle.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

Paragraph 145 b) allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

As set out above, the site forms a strategic allocation within the local plan for the relocation of an existing sporting facility to facilitate the East of Kenilworth Urban Extension. The facilities provided have been assessed and are considered to represent appropriate facilities for outdoor sport.

The proposal is therefore considered to be appropriate development within the Green Belt.

Whilst the proposal represents appropriate development in the Green Belt, an assessment must be made as to the impact on the openness of the Green Belt as required by Paragraph 145 b).

The majority of the site will be set to playing pitches and parking only so will not result in any built form. Officers are satisfied that these areas would not impact on the openness of the Green Belt.

In terms of the clubhouse building, this represents a structure in what is currently an open field within the Green Belt. In this respect, Officers clearly acknowledge that there will be some impact on the openness as a result of the provision of the building.

The mitigating factors in this case are the fact that the building is identified as being an appropriate facility for outdoor sport. Moving to the design, this is set out in more detail below but the design uses a palette of materials that would be akin to the materials utilised in modern agricultural buildings. The distance from the public domain would also help to mitigate the perceived impact. From a distance, the simple design would have the appearance of a modern agricultural building that would be a common feature in Green Belt locations. In addition, the building would be viewed against a backdrop of mature woodland which would further diminish any impact on openness.

In addition, the proposal incorporates flood lighting that is specifically required for the provision of outdoor sport. Physically, the floodlight columns have very little visual mass and Officers are satisfied that the floodlights themselves would not harm the openness of the Green Belt. Whilst in use, the lights will illuminate the local area, albeit for a limited time. However, the use of lights in itself would not harm openness by virtue of illumination. It is also noted that the hours of use of the floodlights are limited so any perception of harm would be minimal.

In light of the above circumstances, Officers are satisfied that whilst the development would have some impact on the openness of the Green Belt, this is satisfactorily tempered by virtue of the development being appropriate development and also subject to mitigating factors.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance

of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

In addition, a range of principles for new development are set out with Policy KP13 of the Kenilworth Neighbourhood Plan that set out a framework for setting a benchmark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design.

The main element of the scheme that has the potential for visual impact is the clubhouse. This is a modern design building that has been designed to provide the necessary facilities for the club whilst providing an attractive focal point for the site.

The roof has two mono-pitch slopes offset at the ridge to create a continuous run of horizontal louvres to service the ventilation and extraction requirements of the building. The eaves on each side are extended to provide shelter to the balconies to allow covered viewing of the adjacent pitches. A matching dual pitched roof extends out over the terrace seating to the south to provide cover for spectators.

The indicated materials are for a standing seam colour-coated steel cladding system with concealed fixings for the roof structure with red multi facing bricks dressed with a banding of blue engineering bricks. The brickwork is proposed to have piers to break up the mass. Weatherboarding is proposed at first floor level to the end elevations with the main front elevation being curved to add architectural interest. Windows are to be powder coated framed windows.

The longer north and south elevations have a colonnade of painted circular steel columns with glass balustrade with powder coated handrail to protect the open edge of the balconies.

The overall design rationale for the colour palette is to give reference to modern agricultural buildings that are often viewed within this setting.

The building is also set on the eastern parcel of the site away from the public highway on Warwick Road against a backdrop of mature trees. Officers are satisfied that the location of the building is such that its prominence in the landscape is limited.

The wider site is set to pitches only which retain openness and only have limited impact on the character and amenity of the area.

Whilst the site is in use, there will be vehicles parked on the land and the activity of the matches themselves. However, this would be an intermittent use and Officers considered that this in itself would not be harmful to the character of the local area.

The proposal also includes the provision of external lighting for both safety and floodlighting of pitches. The use of external lighting for the car parking areas would be low level to avoid light spillage beyond the area being lit. It is noted that the use of this lighting would be only during events and the lighting would not be

used out of these periods. Officers note that the new housing development to the north of the site would also benefit from street lighting so the local environment would not be devoid of lighting which mitigates the use of low level lighting on the application site.

The scheme also proposes floodlighting to serve the main two pitches that flank the clubhouse together with further lighting on one side of the third senior pitch on the eastern parcel of the site. A lighting diagram demonstrates that the lights would result in minimal light spill. Any use of floodlighting would result in some visual impact during the hours of darkness. The Environmental Health Officer has recommended the submission of details to include a limit on the hours of use to prevent prolonged use of lighting that would be harmful to visual amenity. A restriction on the hours of use would also be beneficial in ecological terms.

The scheme will retain the majority of trees and hedgerows across. Some works will be required to the roadside boundary to facilitate the visibility splays. However, Officers consider that further details of the access can be secured by condition together with any required mitigation works to offset any loss of trees or vegetation.

Overall, Officers consider that subject to the imposition of conditions to confirm the final details of the scheme, the proposal is considered acceptable having regard to Policy BE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Policy KP13 of the Kenilworth Neighbourhood Plan requires an assessment to be made on the impact on existing and future residents as a result of development proposals and potential impacts from noise, light or air pollution must be assessed and addressed.

The site lies adjacent to the new housing development on Warwick Road. The Western parcel of the site flanks the southern boundary of the housing development. This area is limited to two pitches that are offset from the boundary by approximately 25 metres. The dwellings on the adjacent site are also set back behind an access drive and a 3 metre wide foot/cycleway giving a further offset from the playing pitches.

The Eastern parcel of the application site sits adjacent to the boundary of the site, albeit separated by the existing railway line. The area that flanks the residential development is again only playing pitches. In this area, the properties are set back behind a private drive as well as an area of public open space that greatly increases the distance from the site boundary with the railway.

The use of the pitches is intermittent and would be limited to day time use only. Whilst there is some potential for noise, the nature of the use would be limited in

its duration and with the dwellings fronting the site, the buildings would provide natural shielding from the noise source.

The main potential noise source would be from the clubhouse building itself. The application included a noise assessment that demonstrated that suitable noise mitigation measures have been incorporated into the proposed design. This has been subject to assessment by the Environmental Health Officer who is satisfied that the study is robust and recommends a condition that the development be carried out in accordance with the submitted report.

A condition requiring the submission of a construction management plan has also been requested that will control on-site measures during construction works to minimise the impact on the neighbouring properties. Further conditions requiring details of lighting have also been requested to ensure acceptability prior to installation.

Subject to the requested conditions, Officers are satisfied that the scheme would not result in harm to the amenity of neighbouring residents and is therefore considered to be in accordance with Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Policy KP5 of the Kenilworth Neighbourhood Plan states that in considering proposal for new developments that result in additional traffic, priority should be given to pedestrians and cyclists, improve safety and assist traffic flow whilst also accommodating the needs of public transport.

The proposal includes the provision of a new access onto the Warwick Road. This is to be constructed to the appropriate highway standards with 160 metre visibility splays which are appropriate for a 50mph road.

Comments received on this application seek the reduction of the speed limit from the current 50mph limit. Any potential alteration to the speed limit of the road is outside of the remit of this application. The benefits are acknowledged taking into account this development and the adjacent housing development. However, regardless of the speed limit, the access is proposed to meet the current 50mph speed limit standards.

The access point has been constructed to allow vehicles to pass adequately to ensure that no vehicles have to wait within the public highway for vehicles to exit the site.

The County Highways Officer had previously raised concerns regarding the proposed access and requested a Road Safety Audit to be submitted and this was provided by the applicant's consultant. This has now been considered by the County Highways Authority and a response of no objection has been received subject to conditions to secure the provision of the access to the appropriate highway standards together with the provision of the appropriate visibility splays before the access is brought into use.

In terms of pedestrian/cycle access, the proposal has been designed to link into the adjacent residential site through an access point that links into the proposed pedestrian/cycle way that runs around the perimeter of the residential development. This links the site to the Warwick Road and associated roadside footpath to give greater choice for accessing the site. This also removes the need for pedestrians and cyclists to use the main vehicular access. The main access also provides a footpath and is wide enough to satisfactorily accommodate vehicles and cyclists.

The site contains an appropriate level of parking for private cars as well as dedicated parking areas for coaches. Turning space is provided within the site for all vehicles to all entry and egress in a forward gear.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

As a pre-cursor to this proposal, planning permission has been granted for the provision of two new ponds to allow time for them to establish to provide mitigation for an existing pond that sits centrally on the site. The new ponds form part of a wider area of land for ecological enhancements including new native planting and the creation of a species rich environment. In addition, revisions have been made to the site layout, specifically the perimeter running track to keep the facilities away from the retained woodland areas to ensure that there is no resultant harm from the development proposals.

The site is currently open agricultural land and the scheme represents an opportunity to increase the biodiversity across the site. This includes the provision of a new hedge boundary to the southern boundary of the western land parcel which would create additional wildlife habitats and wildlife corridors across the site.

It is noted that works are required to facilitate the new access and associated visibility splays. However, this will be conditioned to ensure that losses are the bare minimum required to provide appropriate access and where any losses are unavoidable, mitigation through additional planting will take place elsewhere on the site.

Whilst the existing documentation demonstrates a biodiversity net gain, the County Ecologist has recommended a condition for a final assessment to

demonstrate that this has been achieved. Officers considers that this is appropriate.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

Other Matters

Drainage

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change.

The Lead Local Flood Authority has no in-principle objection to the scheme although have requested additional information regarding infiltration testing or if not possible, the submission of an alternative strategy. Negotiations are still ongoing but Officers are satisfied that the matter can be adequately controlled by a suitably worded planning condition to secure the appropriate details.

In terms of foul sewage, it is indicated that the development is proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

Trees/Hedgerows

A small copse of trees around the existing pond in the centre of the are to be removed to facilitate the use. However the veteran oak is to be retained as a tree of historic interest. Additional tree planting is to be secured to by condition to ensure an overall net gain on the application site.

The trees and hedgerows to the northern and eastern boundaries are all to be retained and appropriate conditions to provide protective fencing are proposed.

Whilst the access will require the cutting back of the roadside boundary to facilitate the visibility splays, Officers consider that these works can be satisfactorily mitigated with new planting to strengthen the retained planting along the revised boundary line outside of the splay.

The southern boundary will be formed by a new hedgerow running from the Warwick Road to the railway line to delineate the site and this will represent an significant enhancement to the amount of trees and hedgerows across the site.

Overall, Officers are satisfied that the development would result in a significant increase in trees and hedgerows in this location is acceptable.

Impact on the railway

The proposal has been assessed by Network Rail who have raised no objection to the scheme but have requested conditions and informative notes be added to any

approval given to ensure that the railway asset is not undermined or negatively affected by the proposed development. Having reviewed the requested details, Officers are satisfied that the requirements are achievable and reasonable.

Sustainability

As the development exceeds 1000 sq metres in overall floorspace, Policy CC3 requires an assessment against the BREEAM standards. As part of the submission, the applicants have submitted a BREEAM Action List to ensure that the appropriate level of BREEAM credits are received to ensure that the development meets the appropriate standards to be classified as "Very Good" as required by Policy CC3.

In addition, Officers consider it appropriate to secure further details of sustainable energy measures through the use of the an appropriately worded condition to ensure that the sustainability credentials are as high as possible.

Conclusion

The development has been submitted in accordance with a strategic allocation within the Local Plan. The proposal is considered to comply with the requirements of DS23 and is therefore also considered as appropriate development within the Green Belt.

Site specific details can be adequately controlled by condition and for the above reasons, Officers recommend that planning permission is GRANTED with conditions.

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 drawing(s) 4894-053, 4894-054, 4893-056, 4894-057, 19-7877-SK0005-P4, 19-7877-SK0006-P2, 7044.LSP.03.FINAL, 2257-EX-001-P1 and 2257-EX-002-P2, and specification contained therein, submitted on 8 September 2020, approved drawing 4894-052-Rev A and specification contained therein, submitted on 29 September 2020 and approved drawing 4894-051-Rev B and specification contained therein, submitted on 27 November 2020.

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

- 3 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: 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.

- 4 The development hereby permitted shall not commence unless and until arboricultural mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:

a] a comprehensive arboricultural method statement and robust tree protection plan that recognises in particular the significance of the Ancient Woodland on the site boundary and the three high quality oak trees within the site, the statement to be prepared in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development

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.

- 5 No development other than site clearance and preparatory works shall take place until a method statement and risk assessment for all works within the vicinity of the railway line has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, the development shall be carried out strictly in accordance with the approved method statement.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

- 6 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.

- 7 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

REASON: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 8 No development other than site clearance and pitch preparation works shall commence unless and until a surface water drainage strategy which demonstrates an appropriate site outfall and a surface water discharge rate limited to QBar is provided have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

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.

- 9 No use of the proposed playing pitches of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the adjacent residential development and proximity of the railway line to the

development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

REASON: In the interests of visual amenity and to safeguard the amenity of adjacent occupiers and the safe operation of the rail network in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 10 No development shall be carried out above slab level until further details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques, materials, natural ventilation methods and sustainable energy sources shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029.

- 11 No development other than pitch preparation works shall commence unless and until an updated soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of additional landscaping works shall include further details of the proposed landscaping along the Warwick Road boundary, additional tree planting to the southern boundary, planting to car parking areas together with additional planting areas within the site.

Thereafter, 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.

12 No lighting or illumination of any part of any building or floodlighting within the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority to include the hours of use. Thereafter, the use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

13 No development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority.

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 No development other than site clearance and preparatory works shall take place unless and until:

- a) A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number 7044/ASP3 shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

REASON: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy HS4 of the Local Plan.

15 Prior to the bringing into use of the playing fields of Kenilworth RFC, a Management and Maintenance Scheme for the facility including

management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields at Kenilworth RFC.

REASON: To ensure that new playing fields are capable of being managed and maintained to deliver playing fields which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Policy HS4 of the Local Plan.

16 Prior to the occupation of the site a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Warwickshire County Council metric version 19.1 and should there be a net biodiversity loss the scheme shall include:

1. Proposals for off-site offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures for a minimum of 30 years).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

REASON: To ensure the proposal results in a net biodiversity gain in accordance with Policy NE3 of the Local Plan, Policy KP6B of Kenilworth Neighbourhood Plan together with national guidance contained within the NPPF.

17 The proposed clubhouse building shall be constructed in accordance with the noise mitigation measures proposed in the Hepworth Acoustics noise impact assessment report (Ref. P20-197-R01v1, dated December 2020) and the installed mitigation measures being retained thereafter.

REASON: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 18 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 19 The accommodation identified on the approved drawings as "Stewards Accommodation" shall be occupied by persons solely working at the rugby club and any spouse or dependents only and at no time shall the premises be occupied by person(s) not associated with the operation of the club.

REASON: The accommodation is needed for occupation by staff members only working on the site and in order to protect the Green Belt, occupation is restricted so that the dwelling continues to serve the needs of business only and does not create an unrestricted dwelling in an open countryside location, in accordance with Policies DS18 and H12 of the Warwick District Local Plan.

- 20 No works shall be carried out within the Great Crested Newt protection area until the appropriate licence has been granted by Natural England. Thereafter, all works shall be carried out in accordance with the terms of the licence.

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.

- 21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the local planning authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 22 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

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.

- 23 The development shall not be brought into use until visibility splays have been provided to the vehicular access to the site with an 'x' distance of **2.4** metres and 'y' distances of **160** metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of **0.6** metres above the level of the public highway carriageway.

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.

- 24 The development hereby permitted shall not be occupied unless and until the parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

REASON: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.