

## **Planning Committee: 17<sup>th</sup> August 2021**

### **Observations received following the publication of the agenda**

#### **Item 5 - W/21/0179 – Former Mothercare**

##### *Legal Agreement*

WCC Legal Services have confirmed the detailed wording of the legal agreement restricting the use of the “existing Aldi” site, which would be as follows:

The legal agreement contains an obligation not to use the existing site for retail uses falling within class E (a) of the TCPA 1990 (which is display or retail sale of goods other than hot food).

It also states that prior to any re-occupation of the existing site the owner will **obtain any necessary consents**. This has been drafted on the basis that Aldi would move out to their new store and then **Aldi or any new owner would need to make an application for planning permission for the existing store for retail use.**

The legal agreement has been worded in this way to ensure that any new retail occupier would need planning permission before commencing use. This is required so that the parking provision can be assessed when a new occupier comes forward.

##### *Conditions:*

It was agreed between Officers and the applicant that condition 6 (provision of a hard landscaping scheme) can be amended to allow for works up to slab level (rather than prior to commencement), and condition 8 (provision of a sustainability statement) be amended to allow for works of demolition to take place before the details be provided (rather than prior to commencement).

WCC LLFA have also agreed that condition 5 (detailed surface water drainage scheme) can be amended to allow for works of demolition (rather than prior to commencement).

An additional condition is proposed to Councillors:

The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas, and cycle parking 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.

Should Councillors resolve to grant planning permission it is requested that these conditions be amended / added accordingly.

*Additional response from Councillor Chilvers:*

"Highways consider the overall impact on the highway network to be low, i.e. an uplift of around 3%, but this is only on the basis that the vehicular trips have been reassigned from the existing Aldi store." This is not correct. WCC Highways asked Aldi to model on the basis of a 22% uplift based on the increase in Gross Floor Area between the old store and new.

The report presents the following as fact, but it is actually Aldi's unevidenced view: "In reality, the trip generation linked to the site is highly unlikely to have a linear relationship to the gross floor area increase, which is recognised through dealing with a number of similar supermarket expansion applications."

Aldi agreed to model on the basis of a 22% uplift in journeys. They say they don't think this is accurate but haven't provided evidence for an alternative model. It seems likely that the increase in journeys will neither be as low as 3% or as high as 22%, but until Aldi can provide evidence for an alternative model the 22% they originally agreed to should be treated as the figure the committee uses.

This 22% figure means that the WCC Highways concluded that the road network will not cope with the new Aldi \*unless\* the WCC-3 scheme is implemented. The CIL justification for the original £110000 states "Part of the WCC-3 scheme includes for cycle connectivity". All 3 cycle routes that were originally requested provide this connectivity for WCC-3 that must be implemented in order to avoid a negative impact. Therefore in order to ameliorate the impact of the development it is reasonable for Aldi to pay the full contribution to this aspect of WCC-3 of £110000 rather than the reduced figure of £64000.

*Response from Planning Officers and WCC Highways to Councillor Chilvers' comments:* The proposal is for a new store and should therefore be assessed as a new store. From Warwickshire County Council's own surveys of discount retailers at 9 sites in Warwickshire, there is a clear relationship between size of store and trip generation. The current Leamington site had the greatest trip generation per GFA. This is the basis on which the modelling was undertaken, with a **22% uplift** based on the increase in Gross Floor Area between the old store and new, as per Councillor Chilvers' statement above. Note: the 3% uplift quoted in the Officer report was an error.

The modelling results, based on a 22% uplift in traffic, concluded that the development would have an acceptable impact on the highway network, based on the available highway network capacity. **The cycle contribution is not directly related to the outcomes of the modelling assessment**, but it is required to meet the needs of addressing sustainable transport connections, and aiding modal shift to address the pressure of Air Quality and Climate Change. The request is linked to the distribution of the trips and putting the infrastructure in that is required.

The reduction in the level of cycling contribution was the result of discussions held between Senior Management at Aldi and the Assistant Director for Communities at Warwickshire County Council. These discussions concluded that it is clear that Routes 1 & 2 are needed to fill in the necessary gaps and ensure effective cycle

infrastructure serves the new store. Route 3 however is more desirable than necessary, as a cycle link already exists from the Old Warwick Road, alongside Europa Way, to Queensway, this route does offer a more attractive route and there is a clear desire line, however, for cyclists there is only a small reduction in journey times.

The proposed cycle routes form part of an overall strategy for this area and other developments will be required to contribute as necessary to enable the full infrastructure to be completed.

### **Item 6 – W/21/0458 – Victoria Park**

Officers which to provide the following additional clarification:

#### *Parking:*

Provision for 400 vehicle spaces for spectators has been arranged, away from the town centre (thus avoiding congestion in the town). This parking will be the nominated parking for the Games that is identified when people buy tickets.

Given the importance of displacement resident parking, a separate “parking” sub group has been set up for WDC officers (Head of Cultural Services) and B2022 to meet with representatives of residents of Archery Rd, Victoria St and Victoria Rd, bowls club and tennis club, to discuss parking specific issues. Residents’ displacement parking has been highlighted as the number one priority for this group and a significant amount of work has been done to progress a range of options for residents parking. Until this has been agreed, the other event related parking (excluding spectators parking) has been paused as this will depend on the solution found for residents.

#### *Access to the park:*

The impact on access to the park will be phased and wherever possible B2022 have made plans to reduce the amount of time that users of the park will be impacted. For example, the car park at Princes Drive end of the park will be used during Games time as the vehicle security area – but the car park will remain in use (or at least sections of it) until close to the start of the Games and will only be taken out of use when the infrastructure is ready to be installed. Dates will be shared with stakeholders as soon as they are confirmed. Parking on Archery Rd will only be impacted from July to mid-August, not 3 months suggested by some residents’ objections.

Similarly, pedestrian access to the park along the riverside path from York Walk to the park, will remain in use until security restrictions have to be put into place before the start of the Games. Subject to Police agreement, this pathway will remain in use until the day before competition starts and will reopen the day after the final event – so a maximum of 11/12 days.

**Officers also refer Councillors to the accompanying letter from B2022 which seeks to clarify certain access / parking arrangements.**

Additional consultation responses:

2 Objections: Whilst the planning is sought for a temporary structure, it will deprive the residents and visitors to Leamington of a valued asset. This is a vanity project of Birmingham city council, and has no benefit to residents of Warwick district. There will be destruction and disruption all of which is not necessary and should be turned down.

Have the council fully exhausted alternative solutions to closing the Adelaide Bridge entrance? There is no obvious reason why it needs closing at all. Could a temporary path be provided along the river bank instead? At the very least, could the public be given an explanation of why this path needs to be included in the site, and access removed? If it really isn't possible, then can there at least be a condition that this access is kept open until no more than 3 days before and from 3 days after the event itself?

A separate concern I raised, which does not seem to have been addressed in the report, was that the spectator seating seemed to go right over the yew hedge and railings around the bowls club. I could find nothing that said the hedge and railing would be retained and protected, can this also be made a condition?

Friends of Victoria Park: Objection, this is a second Comment submitted on behalf of Friends of Victoria Park, a not-for-profit community group.

There are two major misconceptions about Leamington's welcome hosting of the 2022 Commonwealth Games Bowls competitions:

1. The Commonwealth Games Bowls is merely a slightly larger version of the National Bowls Championships that have been held at the Victoria Park bowling greens since 2014.

WRONG. The impact of the Nationals - usually a 4-week event - is confined to restricting access to Victoria Park's public amenities by closing public parking in Archery Road and the Old Tennis Courts area of the Park solely during the time of the competition.

The Commonwealth Games event, on the other hand, has 9 days of competition but has a planning application that covers a 3-month period. The Committee Report states that the parking at Archery Road (including the Old Tennis Courts part of the Park) and Princes Drive (Victoria Park Car Park) will be closed from early July to mid-August and that parking at Adelaide Bridge Car Park and Station Approach will be used for Games-related motorists

2. The problems threatened for Leamington have been experienced and overcome in previous host locations.

WRONG. The bowling greens used in Glasgow in 2014 or the Gold Coast in 2018 weren't sited next to a public park let alone a large, extremely popular park with family-friendly amenities

Hosting the 2022 Commonwealth Games represents a new challenge for Warwick District Council. So the Council needs to contribute decisively proactively to the management of a hugely successful sporting event that impacts as little as possible on the enjoyment of local users of Victoria Park's many other attractions. And next year, these will include a new £300k Council-funded play area.

Friends of Victoria Park have been represented at nine Stakeholder meetings and three local issues meetings dealing with the interests and concerns of Victoria Park users and nearby residents. We have heard crucial information, particularly from senior Birmingham 2022 officials, that is just not included in the Planning Department's Committee Report.

It is this information, often confirmed in confidential meeting minutes, that leads us to request six specific new Conditions of Use.

1. The south-eastern (Avenue Road) entrance to Victoria Park to remain open at all times.

The feasibility of achieving this was specifically confirmed in writing by a Birmingham 2022 official and this move would keep one of the three Park entrances on the eastern (town) side of the Park open to those arriving by foot and bicycle

2. Riverside Walk on the Park-side of the river to remain open except for a maximum period of 12 days subject to confirmation from WM Police

Again, confirmed by a Birmingham 2022 official

The Riverside Walk entrance to the Park is significantly more convenient for many Park users than Avenue Road

3. Part of Victoria Park Car Park to remain available for parking by local visitors at all times except the nine days of Bowls competition between 29 July and 6 August 2022 and up to two days either side

Again, confirmed by a Birmingham 2022 official

This will provide some, if limited, opportunities for motorists to carry on using the Park, particularly early morning dog walkers

4. Archery Road to remain open to residents and the public except for a maximum period of four weeks

This stipulation and 5. below has not yet been confirmed by Birmingham 2022 who have said that this timing is currently 6-7 weeks and needs to be reviewed by their newly-appointed Turnkey Supplier.

However, we know that the installation plan is to start with erecting stands on Green A before moving onto to stands alongside Archery Road. Crucially, we have just witnessed stands to hold just under 1,200 spectators being installed in just

two days in advance of this year's National Championships. The Commonwealth Games may be planning for slightly double that number of spectator seats and, of course, has rather more concerns about security, but those circumstances surely don't warrant installation taking up to twenty times as long?!

This is an important issue for local constituents because about one-third of visitors to Victoria Park's public areas come by car for reasons of limited mobility, bringing small children, distance etc. Are they to be denied access for most of the summer holidays?

5. The Old Tennis Courts part of Victoria Park to remain open for informal parking except for a maximum period of five weeks

Rationale as for 4. above but giving more scope for Birmingham 2022's contractors

6. Parking for Games spectators away from public car parks to be clearly defined and incentivised

We understand that such plans are nearing finalisation and will help prevent traffic congestion around the Park

7. All Conditions of Use to be replicated in the Venue Use Agreement to be signed by Warwick District Council

Understandably, Warwick District Council wants to co-operate closely with Birmingham 2022 in hosting a very successful event. But co-operation shouldn't be at the expense of having some regard for the interests of many hundreds of local users of the non-bowls parts of Victoria Park

#### Conditions:

The applicant requested that the first two bullet points from condition 15 (drainage details) are amended as follows:

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations up to and including the 1 in 5 year return period plus an appropriate allowance for climate change considering lifespan of the development.
- Evidence that the proposed discharge, generated by all rainfall events up to and including the 1 in 5-year return period plus climate change, has been limited /to QBAR / as far as reasonably practicable—~~providing a minimum of 50% betterment on the existing run-off rates where appropriate.~~

Officers have liaised with the LLFA, who have confirmed that this is acceptable.

The applicant suggested that condition 3 (construction management plan) be worded, to include details of the *phasing* of the construction works, in order to

give further reassurances around the access and parking restrictions. Officers agree with this suggestion.

The applicant requested that condition 9 (restriction of noise emissions of plant / equipment) has a time limit. This has been discussed with Environmental Health Officers, who confirmed that if a time limit is absolutely essential, they recommend that the more sensitive hours of the evening are protected, therefore the condition should take effect between 19:30 and 08:00.

Additional recommended conditions from WCC Highways / WCC Legal Services:

1. Commencement shall not take place until full details of the parking strategy and provision associated with the proposed temporary use have been submitted to and approved in writing by the local planning authority and implemented in full accordance with the approved strategy. The strategy shall include full details identifying the areas where parking is to be located, the number of spaces for all elements associated with the temporary use (displacement resident parking (for Archery Road Victoria Street and Victoria Road), visitors, competitors, competitor families, CWG organisers, media and all other ancillary), identification of the location of the car parking spaces, including parking spaces for people with disabilities.

2. Prior to commencement, a plan setting out the points of access to be used for all associated construction vehicles for the commission/de-commissioning of the associated infrastructure for the temporary use shall be submitted to and approved in writing by the local planning authority. This shall include areas for parking, manoeuvring, loading and unloading, including swept path analysis of vehicles accessing/egressing to/from the vehicular access and internal area. The area shall be provided in accordance with the approved details and shall thereafter be retained solely for the temporary use for the agreed duration.

3. Prior to commencement, a scheme for the Traffic Management of the event including temporary route signing of the event for all associated traffic (non-event traffic including pedestrians and cyclists, event visitors-arriving by both car and public transport, competitors, competitors' families, organisers, construction traffic, etc), traffic regulation orders (TROs) and associated highway improvements shall be submitted to and approved in writing by the local planning authority. These shall remain in place for the agreed duration of the event, including commission/de-commission of associated infrastructure.

It is recommended that should Councillors resolve to grant planning permission, that all of the above conditions / amended conditions are attached to the approval.

### **Item 7 – W/21/1078 – 30 Palmer Road, Whitnash**

Reasons for refusal:

The recommended reason for refusal has been revised to reflect the July 2021 update to National Planning Policy Framework, with particular regard to paragraph

134 and the weight afforded to high quality design. The reason now reads as follows.

*Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The Whitnash Neighbourhood Plan includes similar provisions. Paragraph 134 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area, especially where it fails to reflect local design guidance and supplementary planning documents. The Council has also adopted the Residential Design Guide as a Supplementary Planning Document, which includes provisions in relation to the width of side extensions and retaining the openness of corner plot sites.*

*In the opinion of the Local Planning Authority the proposed first floor side extension constitutes an incongruous feature in the street scene. As a result of both its scale, bulk, mass and siting within a prominent corner plot, the proposal would not be a subservient addition and would harmfully reduce the openness of this corner plot and compromise the building line along Palmer Road, thereby constituting bad design and harming the character and appearance of the street scene. The proposal would fail to reinforce the established character of the area, or respect surrounding buildings in terms of scale, height, form, and massing.*

*The development is thereby considered to be contrary to the aforementioned policies.*



Our Reference: 5200949/VIC/LCL/005



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17 August 2021

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Helena Obremski  
Warwick District Council  
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Via email

Dear Helena,

**Birmingham 2022 Commonwealth Games: Additional information pertaining to planning application ref. W/21/0485 for the erection of temporary overlay structures for the Birmingham 2022 Commonwealth Games at Royal Leamington Spa Victoria Park, Archery Road, Royal Leamington Spa, CV31 3PH.**

Further to your email dated 13<sup>th</sup> August 2021, Atkins, on behalf of the Birmingham Organising Committee for the 2022 Commonwealth Games Ltd (the "Organising Committee") has prepared this letter to provide an overview of key updates since submission of the above planning application (reference W/21/0485) in March 2021.

In summary, this letter relates to the following issues:

1. Requirement for planning permission to be secured at this stage;
2. Timings and arrangements for the closure of Victoria Park;
3. Arrangements for the closure of Princes Drive Car Park;
4. Spectator parking arrangements; and
5. Temporary car parking displacement.

While additional clarification is provided below, it should be noted that operational arrangements remain in development and will be confirmed in due course. In any event, the amenity of local residents will be a central consideration of all decision-making, with additional engagement to be undertaken when further details are available and during the regular stakeholder and Organising Committee meetings (currently scheduled for every two months).

**[birmingham2022.com](http://birmingham2022.com)**

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### **1. Requirement for Planning Permission at this Stage**

The Organising Committee recognise the importance of agreeing all operational details prior to commencement of the development. However, owing to the timescales associated with preparing for a major international event, planning permission is required to be secured as early as possible. As stated in the published Officer's Report, the principle of development has been assessed as acceptable and the planning application addresses all anticipated impacts, including noise, air quality and transport. Meanwhile appropriate planning conditions have been identified to ensure that all necessary details are provided prior to commencement of the development.

Notwithstanding the above, the Organising Committee had sought to secure planning permission prior to appointment of a Turnkey Supplier, who will be responsible for delivery of the Games overlay. As a Turnkey Supplier has now been appointed, planning permission is required as soon as possible to minimise the risk of delays to delivery. In particular, this will allow any planning condition requirements to be factored into the works programme at an early stage.

### **2. Timescales and Closure of Victoria Park**

The Organising Committee are not proposing to close Victoria Park to the public, with both the parklands and children's play areas to remain open and accessible throughout the installation, competition period and decommissioning stages. Meanwhile installation and removal of the secure fence line will be undertaken as close to the competition period as practicable.

A number of temporary alterations to public entrances will also be required to ensure the safety of park users. At this stage, access via the Archery Road entrance gate is anticipated to be unavailable to the general public from early July until mid-August 2022. Access via the Avenue Road entrance gate will also likely be impacted during this timeframe, however the Organising Committee are working with partners and stakeholders to reduce this timeframe where practicable. Meanwhile access from Adelaide Road (via the River Avon footpath) will be maintained for as long as possible ahead of the competition period. This entrance is therefore anticipated to be closed for a short time either side of the event (approximately 12 days, subject to confirmation of security check timeframes by West Midlands Police). During the competition period (between Friday 29 July and Saturday 6 August 2022, inclusive), public access will be available from the Princes Drive entrance only.

While the detailed arrangements remain in development, the Organising Committee remains committed to working with suppliers to maintain public access points for as long as possible. The final arrangements will therefore be confirmed to the LPA and other stakeholders in due course and secured via condition.

### **3. Closure of Princes Drive Car Park**

As with other elements of the proposed development, the Organising Committee is committed to limiting the extent and period of closure of Princes Drive Car Park. Suspension of public access will therefore only be required during the competition stage and a short time either side of this period. The Organising Committee will continue to work with suppliers and stakeholders to further limit these closure requirements if possible, with final arrangements to be confirmed in due course and secured via FA condition.



#### 4. Spectator Parking Arrangements

Transport for West Midlands (TfWM), on behalf of the Organising Committee, are supporting the planning and delivery of a spectator transport strategy for the venue. This includes securing a land use agreement for the proposed spectator parking arrangements. While the Organising Committee and TfWM will be promoting the use of public transport and sustainable travel across all venues, those spectators needing to travel via car will have the opportunity to pre-book a space at the designated spectator car park.

Given the pre-contract stage of negotiations, details of the proposed spectator car park remain commercially sensitive and therefore cannot be disclosed at this time. We can however confirm that the anticipated location is a private site and will therefore not remove any public car parking spaces within Royal Leamington Spa.

#### 5. Temporary Car Parking Displacement

The Organising Committee appreciate the concerns of local residents regarding the suspension of car parking at Archery Road, particularly with regard to timescales and alternative provision. The Organising Committee are therefore working closely with Warwick District Council to develop suitable arrangements. Details regarding the accommodation of deliveries, social care and refuge collections are also currently in development.

To date, a number of options for displacement parking provision have been identified and discussed with representatives of local resident groups. However, as the proposed approach remains a work in progress, the Organising Committee are not in a position to disclose the proposed arrangements at this stage. Full details will be confirmed in due course and secured via condition, with further direct engagement to take place with affected residents at this time.

As previously noted, emergency access will remain available at all times during the installation, competition and decommissioning stages.

#### Summary

We trust that the above provides sufficient information to clarify the developments that have taken place following submission of the planning application in March 2021. As noted, additional details of all arrangements will become available in due course and will be shared with both the Local Planning Authority, key stakeholders and affected residents at the appropriate time.

If you require further clarification or have any queries regarding the information contained in this letter, please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink that reads "Beth Harris".

Beth Harris  
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