

Planning Committee: 17 August 2021

Item Number: 6

Application No: [W 21 / 0485](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 15/04/21

Expiry Date: 15/07/21

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Royal Leamington Spa Victoria Park, Archery Road, Royal Leamington Spa, CV31 3PH

Temporary use of an area of Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls event for the Birmingham 2022 Commonwealth Games; erection of temporary structures including 4 no. spectator stands; operational/media compounds; media/broadcast centre; spectator arrival points; video screens and security fencing to the site boundary. FOR Birmingham Organising Committee for the 2022 Commonwealth Games Ltd

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

RECOMMENDATION

It is recommended that Planning Committee GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the temporary use of an area of Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls event for the Birmingham 2022 Commonwealth Games to include:

- Temporary stands for spectators alongside lawns A, B, C and D.
- Spectator arrival points.
- Operations compound, including workforce check-in/breakout and contractors/site management area.
- Media/broadcast centre.
- Video screen.
- Spectator toilets.
- Security fencing surrounding site perimeter.

The event would be set up, hosted and removed between early June 2022 and by the end of August 2022. The event itself is to last nine days, however, the site will be used for the installation, hosting, and decommissioning of the event over a period of three months. To confirm, the majority of Victoria Park and all of its play areas will remain open throughout the installation/decommissioning process, and the Lawn Bowls competition at the venue. However, access through the Avenue Road and Archery Road park *gates* will not be available from early July to mid-August. The tennis courts, bowls greens and a modest section of Victoria Park would have no public access during this time, along with the car parks accessed from Princes Drive and Archery Road which serve Victoria Park.

It should also be noted that in order to meet the timeframes in order to deliver the Commonwealth Games, the planning application is required to be submitted now, and cannot wait until closer to the event.

SITE & LOCATION

The application site relates to approximately half of Victoria Park, a Grade II Registered Historic Park situated within the Royal Leamington Spa Conservation Area. The site also includes the bowls greens which sit adjacent to Archery Road and the River Leam, tennis courts and car parking area to the south west of the park. The application site is within Flood Zone 2.

PLANNING HISTORY

There are various previous applications on this site, however, none are considered directly relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS8 - Protecting Local Green Space
- RLS11 - Leisure, Sport and Recreation Facilities
- RLS15 - Canal and Riverside Development

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection:

- Supports request from Tree Officer for AMS and more detailed drawings to protect trees.
- Supports recommended conditions from Environmental Health Officer.
- Concern regarding loss of parking for residents along Archery Road, could temporary permits be offered for nearby areas during the works.
- Further communication with local residents and park users required.
- Seeks assurances that detailed schedule of all works, with timetable are provided.

Councillor Clarke: Objection, although welcomes the Games because of the positive publicity for Leamington, and the many visitors for potential trade they will bring, I am very concerned that this application may limit access to the park for all users and seriously disrupt parking for residents for a period of up to three months. This, combined with the noise, extra traffic and therefore air pollution, will have a deleterious effect on the lives of residents for what could be as long as three months. I therefore urge the Council to ensure that any contracts made with B2022 minimise the time during which disruption is likely. The application as it stands is unspecified and insufficiently detailed and is therefore unacceptable

Councillor Nicholls: Objection, welcomes games, however raises concerns regarding the impact on neighbouring amenity and access to the park. The application should be resubmitted when timings for key activities are known and can be minimised. If the application is not withdrawn or amended, conditions of use should be applied stating that entrances to Victoria Park should not be closed more than 2 weeks in advance and 1 week after the games.

Green Spaces: Supports application, given the public benefits the scheme will bring. Removal of trees should be avoided, noise and lighting need careful consideration.

Environmental Protection: No objection, subject to conditions.

Tree Officer: No objection, subject to condition.

WDC CCTV: Request not to block any of the existing CCTV cameras.

WCC Public Rights of Way: No objection.

Conservation Officer: No objection, subject to condition.

WCC Archeology: No objection.

WCC LLFA: No objection, subject to condition.

The Gardens Trust: No objection.

WCC Ecology: No objection, subject to conditions.

Historic England: No objection.

Environment Agency: No objection, subject to the applicant undertaking a flood evacuation plan and receiving flood warning to ensure immediate action can be taken in the event of a flood.

Warwickshire Gardens Trust: No objection, the application submissions are difficult to interpret and seem almost designed to be obscure. That said, we take account of the fact that these works are intended to be temporary and consider that provided that the comments of the tree officer are observed, and that there is a full restoration of the park with the removal of all new structures and surfaces.

Public Responses:

65 Objections:

Pedestrian access to Victoria Park:

- public access to Victoria Park must be maintained from the eastern side (Adelaide Road) end at all times - to have limited access for three months is poor planning;
- clarification sought on how pedestrians will cross Adelaide Road and concern that pedestrians forced to take more complicated route to access the park;
- access needs to be maintained for exercise;
- no justification for length of time that access would be restricted;
- detrimental impact on mental health as a result of not being able to use the park;
- entrances to the park should only be shut no more than two weeks before the event and one week after it;
- concern that families will not be able to access new park facilities once installed in summer 2022.

Parking / Vehicular Access / Traffic:

- query regarding restrictions on access for deliveries / tradespeople / skips;
- query over which exit from Archery Road is referred to in the documentation;
- impact on residential parking;
- additional traffic has been underestimated;
- parking for Archery Road should remain available for residents up to two weeks before and no longer than one week after;
- parking should be free or low fixed rate during games and to encourage more visitors;
- more parking should be provided and Avenue Road should be one way to control traffic;
- emergency access and delivery vehicles restricted.

Impact on Neighbouring Amenity:

- disruption to neighbouring properties via noise, traffic and access;
- mitigation measures should be discussed with residents.

Lack of Detailed Information:

- lack of information provided with the application - request for vibration impact assessment, construction and vibration assessment, the criteria for applying city centre levels of acceptable noise levels;
- lack of information on parking dispersal and where this will be accommodated;
- lack of information on how development will reduce impact on neighbours to minimum;
- lack of information regarding working hours;
- lack of information regarding road closures;
- lack of information on security;
- timing for key activities need to be identified.

Other:

- lack of consultation with affected neighbours;
- breaks link of green spaces through the town;
- query will the Cricketers Pub be able to trade as normal;
- WDC should be listed as an applicant as it relates to use of its own facilities;
- the changes outside of the actual period of the bowls competition represents unreasonable interference with the property rights of the local residents and the enjoyment of the park;
- any approval must include comprehensive and specific binding guarantees to local residents to replace amenities or compensate them for losses, and to the population of the WDC area to ensure that no other green open spaces shall be lost in the short or long term for any reason;
- concern regarding impact on trees;
- temporary structures will cause damaged to the park and wildlife;
- no benefit to wider community, no legacy benefits.

Friends of Victoria Park (community organisation): concern regarding restricted access to the park and high priority should be given to allow safe and convenient access to the park for as much of the summer as possible. A revised application should be submitted when Birmingham 2022 can detail evaluated timings for individual construction and closure activities. This will allow WDC to finalise plans for mitigation for local residents and users of the park.

6 Neutral: No objection to principle of the event, but query on where residents will park during the event. Access required for those with reduced mobility, deliveries, visitors. Access to the park for families with young children is essential over the summer. Queries where park and stride facilities will be located. Concern regarding traffic congestion. Impact on air quality and local visual amenity. Queries that those with town centre car parking passes will be able to use these during the games.

2 Support: No comments.

Chairman of Royal Leamington Chamber of Trade: We fully support the application and potential it will bring to Leamington Spa. Comment that they would want to see a better connection route from Princes drive through the park into town. This either needs to be done via a walk way or via new signage pointing people along the river walk. We want as many fans to end up in the town centre as possible.

ASSESSMENT

It is considered that the following matters are relevant to consideration of the application:

- Principle of the Development
- Design and layout / Impact on Heritage Assets
- Impact of the proposal on the living conditions of neighbouring occupiers
- Parking and highway safety
- Air Quality
- Flood Risk
- Trees
- Ecological Impact
- Other Matters

Principle of development

Local Plan policy HS2 states that development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless certain criteria are met. Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) policy RLS11 echoes these requirements. Although the proposal represents development on public open space and sports facilities (namely the tennis courts and bowls greens), this is only for a very short temporary period of three months, and would be for the purposes of enhancing access to the Lawn Bowls event, for the Birmingham 2022 Commonwealth Games for spectators both locally, but also by broadcasting the event nationally. It is therefore considered that the proposal would not result in the permanent loss of an area of public open space or sports and recreation facility and that the aims of policy HS2 are met.

RLSNDP policy RLS8 designates Victoria Park as a local green space and development will not be supported in this location other than in very special circumstances. The hosting of the Commonwealth Games represents a likely unique, very special opportunity which would bring significant public benefits to the District. Again, as the use of the park is only for a temporary period, it is not considered that the proposal would prejudice the aims of policy RLS8. The hosting of the Commonwealth Games is considered to represent very special circumstances in this regard for permitting the development.

Therefore, the principle of the proposed temporary use of the site is considered to be acceptable.

Design and layout / Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

RLSNPD policy RLS3 states that proposals which directly affect a Conservation Area must assess and address their impact on their heritage significance. Proposals must demonstrate that the proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features; the relationship of the layout with the existing road pattern, plot size, and balance between buildings and garden sizes; building height, scale and rooflines sympathetic to the local setting; how the development interfaces with and respects non-designated heritage assets; retention or enhancement of gardens, trees and where possible planting of new trees; retention, restoration and reinstatement of period details; retention and creation of off street parking; and, use of hard and soft landscaping and suitable boundary treatments.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. 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.

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. Furthermore, Local Plan Policy BE1 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 the 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.

The Conservation Officer has been consulted on the proposal and has no objection to the development. He states that due to its temporary nature and the public benefits associated with the proposal, they have no concerns regarding the application. They note that it would have been useful to see contextualised visuals across the park and materials proposed, but however go on to say that an appropriately worded condition can be attached to ensure that the site is made good afterwards.

Historic England, The Gardens Trust and WCC Archeaology were also consulted on the proposal raise no concerns regarding the development.

Officers consider that there would some harm caused as a result of the proposed development to heritage assets, notably owing to the scale and design of the proposed development, which would be incongruous and out of keeping on this setting, however this is considered to be less than substantial. This harm would

be outweighed by the significant public benefits associated with the proposal and the fact that it is a temporary impact. The capacity of visitors at Victoria Park will be approximately 2,500 for the Lawn Bowls event, with many spectators anticipated to extend their stay in Leamington Spa and the surrounding area following the Games. This will increase spending within the nearby area, providing economic benefits within the District. The development would also provide significant social benefits by allowing greater access to the bowls events. As stated within the applicant's Planning Statement, the proposed development is considered to promote and build upon the profile of Leamington Spa as a centre of tourism, leisure and culture, whilst making use of a nationally renowned Lawn Bowls venue at a highly sustainable location. Officers agree with this statement and the associated benefits.

It will be necessary to secure the design details of the proposed development by condition, which will need to be pre-commencement to ensure that heritage assets are adequately protected. A condition will need to be added to ensure that the site is returned to its former condition and how this will be actioned.

Although there would be some temporary conflict with Local Plan policies BE1, and RLSNDP policy RLS3, as the development would be for a short period, and the longer term impact will be negligible, with the public benefits clearly outweighing any short term harm, Officers consider the development policy compliant in this regard. The public benefits outweigh the short term harm to heritage assets, making the proposal compliant with Local Plan policy HE1.

Impact of the proposal on the living conditions of neighbouring occupiers

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. Local Councillors and members of the public have raised concerns regarding the impact of the development on neighbouring amenity. Concern focuses on disruption to neighbouring properties via noise, traffic and access. Objectors consider that mitigation measures should be discussed with residents.

It is unlikely that the proposed physical structures required for the development would have a detrimental impact on light, outlook or privacy for neighbouring properties. The structures include operations compounds, seating areas, media/broadcast centre, video screen and toilets etc, with the heights of the structures being between 4 - 7.35 metres. Notwithstanding this, as they are for a short, temporary period, it is not considered that the *structures* would have a material impact on the living conditions of the nearby occupiers.

Environmental Health Officers have been consulted on the proposal and note that the applicant has submitted a noise impact assessment report which has considered the potential noise impacts of the event on the surrounding locale. As the proposed site layout and arrangements are subject to change, specific noise impacts on nearby residents have not been fully quantified. Whilst the development/event is temporary, existing nearby residents may still be impacted by noise from mechanical plant serving the event as well as public address and

sound systems. The noise impacts from spectators and sporting noise are harder to quantify, therefore this should be minimised through appropriate management measures. Existing noise levels have been measured at various residential locations around the event site and the report proposes noise level limits for fixed mechanical plant. The proposed noise limits, however, are +5dB above the existing background sound level. As this would be approaching an adverse noise impact, Environmental Health Officers therefore recommend that the plant noise emission limit is set at their standard plant noise criteria which specifies no increase above the existing background sound level. This can be secured by condition.

Furthermore, as the final site layout and arrangements have not been finalised, they recommend that any outstanding noise issues be addressed through a noise management plan required by a planning condition to minimise adverse impacts on residential amenity. Finally, as the noise report has identified that certain stages of the construction phase could give rise to significant noise impacts at local residential properties, Environmental Health Officers recommend that the construction and decommissioning of the event site be carried out in accordance with a construction management plan. This can be secured by condition.

As regards to proposed lighting of the event, to ensure that any temporary lighting required to illuminate the event site does not have an adverse impact on local residential amenity, Environmental Health recommend that the details and an assessment of any floodlighting to be provided is submitted to and approved by the local planning authority prior to its first operation. This can be secured by condition. The Town Council supports the recommended conditions from the Environmental Health Officer.

Subject to the above conditions which have been added, the proposal is considered to comply with Local Plan policy BE3.

Parking and highway safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes. Policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic. Policy TR3 states that development will only be permitted which makes provision for adequate parking in accordance with the adopted Vehicle Parking Standards SPD.

The Town Council and Local Councillors have raised concerns regarding loss of parking for residents along Archery Road, and request whether temporary permits could be offered for nearby areas during the works. Members of the public have raised the following concerns regarding parking, access arrangements and highway safety:

- query regarding restrictions on access for deliveries / tradespeople / skips;
- query over which exit from Archery Road is referred to in the documentation;
- impact on residential parking;
- additional traffic has been underestimated;

- parking for Archery Road should remain available for residents up to two weeks before and no longer than one week after;
- parking should be free, or low fixed rate during games and to encourage more visitors;
- more parking should be provided and Avenue Road should be one way to control traffic;
- emergency access and delivery vehicles restricted.

The proposal will result in the temporary loss of the parking areas serving Victoria Park (accessed from Princes Drive and Archery Road) during the entirety of the event. These are public car parks and the proposal is also likely to generate significant traffic numbers, although it is recognised that this will be for a temporary period. On street resident parking along Archery Road would also be restricted from use during the temporary period associated with the works.

There is no proposed parking for visitors for the temporary use of the site. The car park within Victoria Park which is accessed from Archery Road will be allocated for Emergency Services Parking, Commonwealth Games Association Parking, Critical Operation Parking and Priority T1 Parking. It is also proposed that car parking will be provided at the Adelaide Bridge Car Park for use by Media and Operational staff. Further parking is proposed at the Station Approach Car Park for Games Family vehicles. It is proposed that Blue Badge holders will be provided with parking at Adelaide Bridge Car Park, which would be booked in advance.

Resident parking along Archery Road will be restricted, however parking along Victoria Street and Victoria Road will be maintained. There will be a vehicle permit checkpoint to ensure residents can access the available residents parking areas. The Council's Cultural Services department are working closely with the applicant in order to provide convenient displacement parking for the residents of Archery Road, Victoria Street and Victoria Road. A number of options are being discussed and this information can be conditioned for provision once determined, as a pre-commencement condition.

This is a highly sustainable location, nearby to various methods of public transport and with a number of other public car parks within walking distance of the site to accommodate visitors. It should also be noted that the highest demands on parking are likely to be for a temporary 9 day period when the event is being hosted. A Transport Statement was submitted in support of the application, which takes into account the impact of the installation, sport competition period and decommissioning stages of the development. The Statement confirms that the proposed development will have an acceptable impact on the transport network subject to implementation of appropriate mitigation measures, including:

- an appropriate cycle parking location will be sought close to the venue which will link to local cycle routes;
- an appropriate spectator walking route from Leamington Spa Station which will be established and promoted;
- information regarding bus services, including routing and timetables, will be provided to spectators upon purchase of a ticket and on the Commonwealth Games 2022 website to encourage bus usage; and
- information about rail services, destinations and timetables will be provided to spectators upon purchase of a ticket and on the Commonwealth Games 2022 website to encourage travel by train;

- Local car parks will remain accessible and will not be advertised for use by Games Ticket holders.

WCC Highways requested additional information from the applicant, to confirm the likely visitor numbers, and associated vehicular movements, to assess the impact of the development on the highway network, which was provided. Junction capacity modelling has not been undertaken by the applicant, as the construction and event will take place in the school summer holidays and the reduction in background traffic would offset any Games traffic. WCC Highways have informally confirmed that they have no objection to the proposal, on the basis of the additional information submitted, and subject to conditions for the provision of a parking strategy, traffic management and a swept path analysis. Councillors will be provided with the wording for these conditions prior to the committee meeting.

Subject to the aforementioned requirements, the proposal is therefore considered to be in accordance with Local Plan policies TR2 and TR3.

Air Quality

The applicant has submitted an air quality screening assessment report which has considered the possible air quality impacts of the proposed event, including both the construction and operational phases of the development. As spectator parking is not proposed as part of the development, the air quality impacts arising from additional vehicle movements generated by spectators have not been assessed. The air quality impacts arising from construction, decommissioning, and operational vehicles have been considered and identified as not significant. The report has concluded that short term construction impacts on nearby residential receptors can be managed through the implementation of an appropriate mitigation scheme.

Whilst no spectator parking will be provided at the event site, the proposed development is located near to the Leamington Spa air quality management area (AQMA) therefore Environmental Health wish to ensure that additional traffic movements generated by the event are minimised. The applicant has submitted a Transport Statement to consider the potential highway impacts of the event. The transport statement has proposed that a Local Area Traffic Management Plan (LATMP) will be developed to encourage spectators and event workforce to utilise low emission and more sustainable modes of transport for the duration of the event. Environmental Health recommend that the proposal for a LATMP is secured by a suitably worded planning condition and is implemented throughout the duration of the event (including installation and decommissioning) to minimise any adverse impacts on local air quality.

This is considered to be reasonable and necessary for the purpose of mitigating the impact of the development on air quality, so has been added. The development is therefore considered to be in accordance with Local Plan policy NE5.

Flood Risk

The southern section of the site is located within Flood Zone 1 (low risk) while the northern section lies within Flood Zones 2 (medium risk) and Flood Zone 3 (high risk), due to the proximity of the River Leam. A Flood Risk Assessment was

provided in support of the application which considers the level of flood risk from all sources to not adversely impact upon the sites developability or the deliverability of the proposals subject to implementation of the following mitigation measures:

- Temporary cabins or similar facilities containing sensitive equipment having floor levels at least 0.3m above external ground levels; and
- All electrical and data distribution connections located at a high level.

The Environment Agency were consulted and state that as the proposed buildings and structures lie within Flood Zone 2 and Flood Zone 1, they consider the application is low risk and have no objections to the proposal. They refer to their standing advice which states that finished floor levels should be at least 0.3m above external ground levels, which as stated above, is the applicant's intention. This will be secured by condition. The Environment Agency also recommend that the applicant undertakes a flood evacuation plan and receive flood warning to ensure immediate action can be taken in the event of a flood. This will be secured by condition.

It is proposed that surface water runoff for both buildings and external hardstanding areas proposed as part of the temporary development be managed through means of allowing runoff to drain onto the existing hardstanding areas and into the existing drainage infrastructure on the site or infiltrate into the ground at source, where applicable.

Initially WCC LLFA objected to the proposal on the basis of a lack of information. The applicant confirmed that they intend to use porous materials for the proposed hard surfacing, but that they are currently not in a position to guarantee that the materials will not be impermeable. Following a discussion with the LLFA, they have confirmed that the details on this matter can be secured by a condition which either requires that hard surfaces are made of porous materials, or that additional information to show that additional surface water run off will be adequately dealt with.

On this basis, the development is considered to be in accordance with Local Plan policies FW1 and FW2.

Trees

The Town Council Supports the request from the Tree Officer for an AMS and more detailed drawings to protect trees. Members of the public have raised concerns regarding the impact of the development on trees.

The temporary overlay has been located to ensure that no trees require removal, while a Tree Protection Plan (TPP) has been prepared to demonstrate how retained trees will be protected from damage during all stages of development. While the exact location is not yet shown on the TPP, heras fencing is likely to be installed during the installation stage to establish a Construction Exclusion Zone (CEZ) and protect both the crowns and Root Protection Areas (RPAs) of all trees. The exact location of the heras fencing will be agreed with the Tree Officer, along with any other required mitigation measures and will be secured by condition. This will ensure that no trees of amenity value are impacted as a result of the development.

The Tree Officer has no objection to the proposal, subject to a condition to secure the aforementioned details, which has been added.

Ecological Impact

Members of the public have raised concerns regarding temporary structures causing damage to the park and wildlife.

WCC Ecology were consulted on the proposal and have no objection to the development, subject to conditions which secure the provision of a Construction and Environmental Management Plan and Landscape and Ecological Management Plan prior to commencement, which have been added. They note that their main concerns with this proposal are the potential impact on bats, predominantly through the impact on trees for lighting and other works, and the direct / indirect impact on existing habitats, such as the mature trees. Although WCC Ecology note that some further work needs to be carried out regarding the assessment of the impact on habitats and protected species, they consider that this can be satisfactorily controlled by the aforementioned conditions.

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

Other Matters

Access to Victoria Park

Members of the public have raised the following concerns regarding access to the park:

- public access to Victoria Park must be maintained from the eastern side (Adelaide Road) end at all times - to have limited access for three months is poor planning;
- clarification sought on how pedestrians will cross Adelaide Road and concern that pedestrians forced to take more complication route to access the park;
- access needs to be maintained for exercise;
- no justification for length of time that access would be restricted;
- detrimental impact on mental health as a result of not being able to use the park;
- entrances to the park should only be shut no more than two weeks before the event and one week after it;
- concern that families will not be able to access new park facilities once installed in summer 2022.

Local Councillors have also raised concerns regarding the limited access to the park during the games.

To confirm, the main grassed area of the park and all play areas will be unrestricted in terms of access during the games. For security reasons, access through the Avenue Road and Archery Road park gates will not be available from early July to mid-August, this cannot be avoided. Whilst it is noted that this may result in some residents or visitors having to take a longer route to access the facilities of the park, this is a temporary measure, and importantly the majority of the park will still be available for use during this time. Moreover, given the

significant local benefits already identified which the development will bring, any short term impacts in this regard are significantly outweighed.

Lack of Detailed Information

Members of the public and Local Councillors consider that insufficient information has been provided in order to fully assess the impacts of the development. Many request that the application is resubmitted once more definitive details are known by the organising committee, particularly relating to:

- lack of information provided with the application - request for vibration impact assessment, construction and vibration assessment, the criteria for applying city centre levels of acceptable noise levels;
- lack of information on parking dispersal and where this will be accommodated;
- lack of information on how development will reduce impact on neighbours to minimum;
- lack of information regarding working hours;
- lack of information regarding road closures;
- lack of information on security;
- timing for key activities need to be identified.

Owing to the lead time in order to prepare for this event, the planning application for the use of the site has to be submitted now. As identified above, the principle is acceptable, and all statutory consultees have confirmed that the games can be acceptably accommodated, subject to conditions for additional information. Whilst it would be ideal to have such information up front, planning decisions should not be refused where required information can be secured by condition.

Neighbourhood Plan

RLSNDP policy RLS15 states that along the riverside of the River Leam, River Avon or along the canalside of the Grand Union Canal, to be supported each development proposal should demonstrate that it has appropriately addressed the following which are considered to be relevant to the proposal:

- a) protects or enhances watercourses and their associated green infrastructure and habitats;
- b) respects the heritage and setting of the canal, Canal Conservation Area or riverside area;
- c) flood risk is assessed and, along the riverside, the natural storage of floodwater on floodplains is protected or restored;
- d) creates accessible linear routes along the river and canalside or retains the potential to create such routes in the future;
- e) protects and creates new access points for all users for walking and cycling;
- f) maintains and opens new views and vistas over and along the river and canal;
- g) includes environmental improvements (open spaces, stopping points, low-level lighting, signage etc.) along the river and canal towpaths;
- h) creates new links to the wider Green Infrastructure Network and enhances biodiversity;
- i) provides facilities to support the growth and development of recreation and tourism.

Although the proposed development would potentially conflict with some of the above points, notably point b and d, as the impact of the development is temporary, and can be mitigated by returning the site to how it is currently, whilst delivering economic and social benefits through the event itself, it is not considered that the overarching aims of policy RLS15 are compromised.

CCTV

The Council's CCTV department have requested that the development does not block any views from existing cameras. An informative note will be added to this effect.

Miscellaneous

The following comments have also been submitted by objectors to the development:

- lack of consultation which affected neighbours;
- breaks link of green spaces through the town;
- query will the Cricketers Pub be able to trade as normal;
- WDC should be listed as an applicant as it relates to use of its own facilities;
- the changes outside of the actual period of the bowls competition represents unreasonable interference with the property rights of the local residents and the enjoyment of the park;
- any approval must include comprehensive and specific binding guarantees to local residents to replace amenities or compensate them for losses, and to the population of the WDC area to ensure that no other green open spaces shall be lost in the short or long term for any reason;
- no benefit to wider community, no legacy benefits.

Officers have implemented the statutory consultation process regarding this planning application. The development is not considered to break up the green spaces in the town centre, as the park would remain accessible during the games, and the development is for a temporary period of three weeks. Officers have no reason to believe that the Cricketers Public House would not be able to trade as normal during the games. For the aforementioned reasons, the development is considered to have an acceptable impact on neighbouring residential amenity, subject to conditions. Any short term loss of access to facilities within Victoria Park are outweighed by the material benefits of the scheme. The proposal is considered to bring multiple benefits to the wider community, as outlined above. It should be noted that a condition to ensure that the access restrictions are kept to the minimum possible has been added.

Conclusion

The temporary use of part of Victoria Park to host the Lawn Bowls event for the Birmingham 2022 Commonwealth Games is considered to represent a unique opportunity to deliver significant economic and social benefits for the local community and District. Subject to the conditions listed within the report, the proposal is considered to have an acceptable impact on neighbouring amenity, heritage assets, parking, trees and ecology. The proposal is therefore recommended for approval.

CONDITIONS

- 1 Permission is granted for the temporary use and ancillary structures/infrastructure as detailed within the approved documents between 1st June 2022 and 31st August 2022. After this time, the use hereby permitted shall be discontinued and its associated ancillary works and structures removed from the application site and the land upon which the use occurred shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the discontinuance of the use and which shall then be implemented in accordance with the approved restoration scheme. **Reason:** The approved use of the site and associated works would have a harmful impact on heritage assets and visual amenity if retained longer than the approved temporary period.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings VIC LBO 930, VIC LBO 931, VIC LBO 932, VIC LBO 933, VIC LBO 934, and VIC LBO 935, and specification contained therein, submitted on 15th March 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No works of construction or decommissioning shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species, such as reptiles, bats, nesting birds and hedgehogs and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

- 5 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 6 Prior to the commencement of the development hereby approved (including all demolition and all preparatory work), the specification and alignment of all the ground protection measures required to prevent any damage to the assets within the Park shall be submitted to and agreed by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 7 No development shall commence unless and until detailed drawings of all of the temporary infrastructure required, including, but not limited to: temporary seating, tents, cabins, video screen, staging, power, fencing, flooring, lighting and signage, and their locations have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such 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.
- 8 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 9 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.

- 10 The use of the site permitted by this permission shall not be undertaken until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. Upon receipt of the written approval, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To ensure that the level of noise as a result of the approved use 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.
- 11 No lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and 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.
- 12 Public access to Victoria Park shall be maintained at all times, with the exception of public access to the area contained within the 'security boundary' as shown on approved drawing VIC LBO 930 submitted on 15th March 2021. Restricted public access within the 'security boundary' area shall be kept to the minimum length possible to facilitate the Commonwealth Games. **Reason:** To ensure the disruption and limited access to areas of public open space are kept to a minimum.
- 13 Ground floor levels of any buildings should be a minimum of 300 millimetres (mm) above the general ground level of the site. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
- 14 A flood evacuation plan must be provided to users of the site and the site should be registered with the Environment Agency to receive flood warnings to ensure immediate action can be taken in the event of a flood, here <https://www.gov.uk/sign-up-for-flood-warnings>. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

15 All hardstanding to be installed at the site shall be made of porous materials, **or** prior to the installation of any hardstanding which is to be impermeable, a surface water drainage strategy containing the following information shall be provided and agreed in writing by the Local Planning Authority:

- 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 100 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 100-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.
- Where discharging to the existing on site drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any increased discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
- Construction surface water management plan

The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of preventing increased risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
