



Our Reference: 5200949/VIC/CL/005

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Helena Obremski  
Warwick District Council  
Development Services  
Riverside House  
Milverton House  
Royal Leamington Spa  
CV32 5HZ  
Via email

Dear Helena,

**Birmingham 2022 Commonwealth Games: Submission of planning application 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 the approval of planning application ref. W/21/0485 in August 2021, Atkins, on behalf of the Birmingham Organising Committee for the 2022 Commonwealth Games Ltd (the "Organising Committee"), hereby submits a new full planning application to secure amendments to the consented development, to cover temporary overlay now required outside of the redline boundary for the purpose of using the Royal Leamington Spa Victoria Park for the Birmingham 2022 Commonwealth Games.

This planning application is submitted with the following description of development:

*"Temporary use of an area of Royal Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls and Para Lawn Bowls event for the Birmingham 2022 Commonwealth Games; erection of temporary structures, including vehicle trackway, solar panels and security fencing to the site boundary."*

The application has been submitted via the Planning Portal under reference PP-11007252. The following documents are submitted with the application:

- Completed Application Form (including completed Ownership Certificates) and fee;
- CIL Additional Information Form; and
- Supporting Statement (included within this Covering Letter); and

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- Flood Risk and Drainage Technical Note (document number 5200949-ATK-B2022-VIC-RPT-C-0107).

The following drawings are submitted in support of this planning application:

Drawing Title	Drawing Number
Site Location Plan (showing location of the Site, all land within the red line boundary)	VIC-LBO-905
Site Plan Existing	VIC-LBO-910
Site Plan Existing 01	VIC-LBO-911
Site Plan Existing 02	VIC-LBO-912
Site Plan Proposed	VIC-LBO-930
Site Plan Proposed 01	VIC-LBO-931
Site Plan Proposed 02	VIC-LBO-932

This covering letter has been prepared in support of the full planning application to provide an assessment of the amended development against key planning issues raised during the determination period of application ref. W/21/0485.

## Background

Following the grant of planning permission for use of an area of Royal Leamington Spa Victoria Park Lawn Bowls and Para Bowls in August 2021 (ref. W/21/0485), amendments have been made to the design and location of the temporary vehicle trackway required to access the Site. Temporary solar panels are now also proposed to this area. As illustrated in the Proposed Site Plan (drawing number VIC-LBO-930), the amended trackway and solar panels fall beyond the red line boundary approved under planning permission ref. W/21/0485. A new full planning application is therefore being submitted to secure permission for these amendments.

The decision to amend the vehicle route for athlete transport into Victoria Park, using trackway within the parkland rather than via the existing footpath to the south (as approved), has been made following discussions with the local stakeholder groups and having reviewed the operational arrangements for the National Championships during September 2021.

## Proposed Development

The approved route running along the southern footpath would require temporary closure of the pedestrian access from Avenue Road (A452), with the only pedestrian access to be retained throughout all stages of the Games being Princes Drive. Victoria Park is well utilised by residents and visitors of Royal Leamington Spa, and concerns regarding temporary removal of pedestrian access was raised during the statutory consultation period for planning application ref. W/21/0485.

Following engagement with local stakeholder groups, including Friends of Victoria Park, residents from Archery Road and Victoria Street, businesses around the park, and Warwick District Council, the



amended layout draws upon the approach taken for the National Bowls Championship in order to maintain the park footpaths open to local users through all stages of the Games.

The proposed inclusion of temporary solar panels will also support the Organising Committee to deliver upon its Sustainability Pledge<sup>1</sup>, which includes an ambition to deliver the Birmingham 2022 Commonwealth Games as the first carbon neutral Games. During the nine-day sport competition period the solar panels will allow the harvesting of solar energy during the day, which will then be used to power the venue during the following day.

The amended plans were presented at a stakeholder meeting in September 2021 where support was expressed from all parties due to the retention of pedestrian access via Avenue Road and the southern footpath within the park. The use of solar panels to provide power for the venue during the competition stage was also welcomed, with stakeholders supportive of the opportunity for Royal Leamington Spa to champion sustainability.

The following key dates are the current working assumptions for installation, operation and decommissioning of the proposed development:

Activity	Timescale
Installation	June – July 2022
Sport Competition Period	Events are scheduled to take place at the venue between Friday 29 July and Tuesday 02 August 2022
Decommissioning	August 2022

## Planning Policy

Planning applications at the Site will be required to give consideration to the following planning policy documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Warwick District Local Plan 2011 – 2029 (September 2017)
- Air Quality and Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Development Plan 2019 – 2029 ('Made' May 2021)

The following designations apply to the Site:

- Grade II Registered Historic Park and Garden;
- Royal Leamington Spa Conservation Area;
- A number of listed buildings in close proximity to the Site, with the closest being the Grade II listed Adelaide Bridge which lies adjacent to the north-eastern boundary of Victoria Park; and
- The Site predominantly falls within Flood Zone 1, with a small section to the western corner encroaching upon Flood Zone 2.

<sup>1</sup> [https://images.birmingham2022.com/wp-content/uploads/2021/03/B2022\\_Sustainability\\_Pledge\\_v05.pdf](https://images.birmingham2022.com/wp-content/uploads/2021/03/B2022_Sustainability_Pledge_v05.pdf)

## Planning Assessment

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, alongside paragraph 11 of the NPPF, confirm that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. As the principle of development has been established through approval of planning application ref. W/21/0485, this planning assessment focuses upon the key issues raised during the determination period of the extant planning permission. In summary these are as follows:

- Ecology;
- Arboriculture;
- Flood Risk and Drainage; and
- Heritage.

### Ecology

An Ecological Impact Assessment (Atkins, July 2020) was submitted in support of planning application ref. W/21/0485 to provide an assessment of the potential impact on biodiversity as a result of the proposed development.

The non-statutory Victoria Park Ecosite is located within the Site and the River Leam Potential Local Wildlife Site lies directly adjacent to the northern boundary. The habitats within the Site include amenity grassland, hardstanding, buildings, introduced scrub, species-poor hedge and individual trees. A number of general and species-specific mitigation measures were therefore identified to appropriately mitigate any potential ecological impacts as a result of the development.

The amended layout falls within the area surveyed and assessed by the July 2020 Ecological Impact Assessment and the impacts of the amended layout are not considered to be any different to those previously assessed.

Furthermore, in accordance with condition 4 of planning permission ref. W/21/0485, a Construction and Environmental Management Plan will be submitted prior to commencement of development and will detail how the recommended mitigation measures are to be implemented. Subject to accordance with this Plan, the proposed development is therefore not anticipated to adversely impact upon any designated sites, habitats, or protected and notable species. The proposed development therefore fully accords with Section 15 of the NPPF and Local Plan Policy NE3 (Biodiversity) which requires development to protect designates sites, important habitats and protected and notable species.

### Arboriculture

An Arboricultural Impact Assessment and Tree Protection Plan (Atkins, March 2021) was submitted alongside planning application ref. W/21/0485 to provide an overview of the potential impacts upon adjacent trees and hedgerows and outlines how these specimens will be protected during all stages of the development. The conclusions and recommended protection measures outlined in this document remain unchanged.

The amended layout proposes to move the vehicle trackway to the north, thus increasing the distance between existing trees and decreasing the potential for impact upon these specimens. The proposed

new alignment also avoids a large proportion of the areas of seasonal bulbs, which are located directly to the north of the southern footpath.

It is therefore considered to represent a betterment in arboricultural terms when compared with the approved scheme. Subject to the agreement and implementation of appropriate protection measures, as required by condition 6 of planning permission ref. W/21/0485, the proposals will not result in the loss or deterioration of existing trees or hedgerows. With regard to seasonal bulbs, the specimens at this location are understood to be Spring-flowering varieties of crocus, which are anticipated to be buried at a depth of approximately 10cm. As a result, mowing of this area will take place after the bloom has died back and the leaves have turned yellow, likely by the end of April 2022. No above ground foliage is therefore anticipated to remain on commencement of the installation stage in June 2022. This approach has previously been agreed with WCC's Tree Officer during determination of the extant planning permission.

Based upon the above assessment, the proposed development is therefore considered to comply with Section 15 of the NPPF and Local Plan Policy NE4 (Landscape) which requires trees and hedgerows to be protected from harmful development.

#### Flood Risk and Drainage

A Flood Risk Assessment (FRA) and Drainage Strategy (Atkins, December 2020) was prepared in support of planning application ref. W/21/0485 to consider existing flood risk and demonstrate that the proposals will not increase this risk either at the Site or within the surrounding area, in accordance with the NPPF and Local Plan Policy FW1 (Reducing Flood Risk). Despite areas of the wider Site being located within Flood Zones 2 and 3, the FRA considered that the level of flood risk from all sources does not impact upon its developability or deliverability, subject to the implementation of appropriate mitigation measures.

During the determination period for the extant permission, the Lead Local Flood Authority (LLFA) raised concerns regarding potential impacts upon surface water drainage as a result of the temporary overlay. As a result, condition 18 of planning permission ref. W/21/0485 requires all hardstanding to be made of porous materials or, prior to the installation of any impermeable hardstanding, the submission of a Surface Water Drainage Strategy for approval.

A new FRA and Drainage Strategy (Atkins, January 2022) has been prepared in support of this new planning application and confirms that the flood risk at the application site is low and will not impact the deliverability of the proposed development subject to the following design mitigation measures:

- Temporary cabins or similar facilities containing sensitive equipment should have floor levels at least 0.3m above external ground levels; and
- Electrical and data distribution facilities should ensure that all connections are at high level.

The FRA also considers there to be no issues with surface water drainage that could adversely impact on the proposed development, while the Drainage Strategy confirms that surface water run-off will be managed by means of allowing run-off to flow onto adjacent areas and drain via natural processes into the ground or overland into the River Leam.



## Heritage

A Heritage Assessment (Atkins, December 2020) was prepared in support of planning application ref. W/21/0485 to out the significance and setting of the Grade II Registered Spa Gardens Registered Park and Garden and the Leamington Spa Conservation Area, within which the Site is located. In addition, a further 47 listed buildings, largely to the north east of the Site, and 32 non-designated heritage assets were identified within 250m of the Site.

The Assessment confirmed that the wider works will cause limited, temporary impacts to the Spa Gardens Registered Park and Garden, Leamington Spa Conservation Area and Grade II listed Adelaide Road Bridge. However, the assessment concluded that, owing to the temporary nature of the development and absence of any permanent effects the impacts caused on both assets amounts to less than substantial harm. In accordance with the NPPF paragraph 202 and Local Plan Policy HE1 (Designated Heritage Assets), this harm must therefore be weighed against the public benefits of the proposal. In light of the temporary nature of the proposals, with the setting of all assets to be restored to their current state following the events, and the significant economic and social benefits to both Leamington Spa and the surrounding area, the benefits of the development were considered to clearly outweigh the anticipated temporary less than substantial harm. This assessment is considered to remain valid for this new planning application and therefore the proposals are considered acceptable with regard to both national and local heritage policies.

Previous consultation with Warwickshire County Council Archaeology in relation to the use of Victoria Park for the Commonwealth Games confirmed that no archaeological assessment is required as part of applications for the use of the Site (see **Appendix A** for correspondence on this matter).

## **Summary**

Following the grant of planning permission for use of an area of Royal Leamington Spa Victoria Park Lawn Bowls and Paralympic Bowls in August 2021 (ref. W/21/0485), amendments have been made to the design and location of the temporary vehicle trackway required to access the Site. Temporary solar panels are now also proposed to this area. Given that the amended trackway and solar panels fall beyond the red line boundary approved under the extant planning permission, a new full planning application is being submitted to secure permission for these amendments.

This Covering Letter has demonstrated that the proposed development fully accords with national and local planning policy objectives and there are no other material considerations that indicate a decision should be taken at variance with these policies. Section 38 (c) of Planning and Compulsory Purchase Act 2004 and paragraph 11 of the NPPF are clear that planning applications should be determined in accordance with the Development Plan unless material circumstances indicate otherwise. Accordingly, in these circumstances, Warwick District Council is urged to approve the application and grant full planning permission without delay.

The fee for the application is £2,028.00 + Service Charge, which has been paid online via the Planning Portal.

We trust that the enclosed provides the information required to register the application as valid and enable the processing of the application. If you require further information, or have any queries regarding the application, please do not hesitate to contact me.

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Yours Sincerely,

*Sam Rosillo*

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# Appendix A: Warwickshire County Council Archaeology Correspondence

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**Localities and Community Safety**

Mr G Talbot  
Environment and Heritage  
Atkins

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Planning Archaeologist  
Archaeological Information and Advice  
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Warwick CV34 4SX

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your ref            Planning advice pre-application PRE20/0096  
my ref             JR/Pre-App/PRE20\_0096\_Victoria Park\_Archery Road\_Leamington Spa.1  
date                1<sup>st</sup> April 2021

Dear Mr Talbot,

**Proposed:**        Installation of temporary structures for Birmingham 2022 Comonwealth Games Lawn Bowls Venue.

**Location:**        Victoria Park, Archery Road, Leamington Spa.

**ARCHAEOLOGICAL COMMENT**

Thank you for your consultation. The following comments are in respect of the archaeological implications of this scheme and are without prejudice to any comments Historic England or the Local Planning Authority's (LPA) Conservation Officer may provide in respect of any potential impacts the proposed development might have upon the Leamington Spa Conservation Area or on any historic structures within the vicinity of the application.

I have considered the information held by the Warwickshire Historic Environment Record and the information provided on the proposed development. I would confirm that no archaeological assessment prior to the determination of an application to develop this site will be required for an informed recommendation to be provided to the LPA in respect of the proposed scheme's archaeological implications.

Should any programme of archaeological work be required this would be secured through an appropriately worded condition attached to the planning permission. The scope of any fieldwork, if required, will be informed by the details submitted with the planning application.

I would recommend that you include a copy of this letter with the supporting information to the forthcoming application.

Please do not hesitate to contact me should you have any further questions.

Yours sincerely

John Robinson  
Planning Archaeologist