

Planning Committee: 05 April 2006

Item Number: 01

Application No: W 05 / 2053

Registration Date: 16/12/05

Town/Parish Council: Kenilworth

Expiry Date: 10/02/06

Case Officer: Martin Haslett

01926 456526 planning_west@warwickdc.gov.uk

20 Southbank Road, Kenilworth, CV8 1LA

Demolition of dwelling and construction of new youth centre and outdoor play court for Cobalt Estates Ltd

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: "Members had no reason to object to the general proposals but expressed CONCERN over the following issues:-

1. Further measures were required to mitigate nuisance issues to the surrounding areas including to the footway linking Abbey End and Southbank Road.
2. Action was needed to minimise the impact of the noise and light pollution created by both the indoor basketball area and the outdoor courts.
3. The position of the disabled ramp and access provisions in general required detailed review in relation to the car park layout.
4. The general safety of both building and car park users needed to be reconsidered, especially with regard to the provision of lighting, footways, crossing of the nearby service road, safeguarding of bicycles, location of car parking spaces, service provision and the avoidance of any dark areas.

They COMMENTED that they would wish to be reassured that those external finishes that had not yet been agreed would be neutral and complement to surrounding properties."

Neighbours: 9 letters of objection on grounds of :

- excessive height of building, visually out of keeping with the area, overlooking of adjoining dwellings;
- concern over height of proposed boundary walls, fencing inadequate, walls need to be 2.5m high;
- concern about security and vandalism, Abbey End is already a congregating area for youths, proposals will be an encouragement to vandalism, CCTV system required;
- likelihood of light pollution from outside lighting system;
- noise from outdoor and indoor games;
- concern over management of the club;
- concern over bats and hedgehogs
- the need is questioned.

One petition, signed by 9, has no objection in principle, but a brick wall is suggested along the footpath.

Residents of Central Kenilworth: concern over the following issues:

- external lighting needs to be controlled;
- the site needs to be properly managed to ensure that there are not problems of unsocial behaviour, alcohol and substance abuse;
- disabled ramp should have rumble strips to prevent skateboarding;
- the landscaped area to the rear should not be used for recreational uses;
- concern over bats and hedgehogs, could the landscape area be used as a wildlife refuge.

WCC(Highways): no objection. The planning authority should ensure that adequate pedestrian access is provided from the car park and that dedicated parking is available.

WCC(Fire and Rescue): no objection, subject to hydrant provision.

Environmental Health: no objection subject to conditions on hours of use of the building (not after 22.30) and of the outside play area (not after 21.00, including switching off of the lights).

Warwickshire Police (Architectural Liaison Officer): boundary fencing to car park should be 1.8m palisade fencing rather than chainlink; a police connected alarm system should be installed.

Kenilworth Society: support proposal in principle, but would prefer to see materials more sympathetic to Southbank Road, roof could be constructed out of coated metal tiles' there should be an entrance to the youth club from the footpath to the side: this would mean children did not have to enter the car park and there should be a dropping-off point in the car park. Elderly people also make use of the existing buildings and the new ones should take account of their needs.

Cllr. Mrs Blacklock: has put forward suggestions which came out of a meeting she convened with residents and our Youth Worker and the Chair of the Management Committee:-

'1. The shrubbery / buffer area at the rear -- needs to be capable of being inaccessible at night , a locked / padlocked gate, and the shrubs should be prickly !

This area should be an asset, not a security risk or a drinking den

2. There is a need for a bat survey, residents know there are bats living here or regularly using the site

3. Instead of a wall or fence along the Blundells boundary, the north side, of the site, could that be left open ?

This would integrate the Centre better with the surroundings.

The new improved wall protecting Hibberd Court would stop at the point where the Centre site begins instead of continuing towards the car park.'

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) RL7 - Provision of Additional Indoor Sports and Recreation Facilities (Warwick District Local Plan 1995)
- Distance Separation (Supplementary Planning Guidance)
- UAP9 - Directing New Leisure Development (Warwick District 1996 - 2011 Revised Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

The site has no significant planning history, having been used for a dwelling for many years.

The need to find a new site for the youth club results from the original decision of the planning committee to grant planning permission for a new supermarket fronting Bertie Road (W031259), which used the existing youth club site for the supermarket development. This decision is yet to be issued as there is need for a legal agreement.

The second application for a supermarket, which appears on this Report of the Head of Planning, also requires the existing youth club as part of the planning application site, although in this case for car parking.

KEY ISSUES

The Site and its Location

The dwelling occupies a large site to the rear of Hibberd Court through which it is currently accessed. Other boundaries of its garden are onto the public car park at Abbey End and the footpath which links that car park to Southbank Road.

The house itself was built in the first part of the 20th century and there are a number of trees in its garden. The building is clearly seen from the Station Road entrance to the car park.

Details of the Development

It is proposed to demolish the house and replace it with a new youth centre, which has been designed in association with the County Council. The new building would be to the rear of the site (when viewed from the car park), separated from the existing dwellings in Hibberd Court by a landscaped area (forming part of the site), a wall and the existing gardens of the Hibberd Court.

The building would measure 25m by 12.5m and would be 2 storey. It would be constructed of facing brickwork on the ground floor, with composite panels (of a colour to be agreed) on the first floor. The roof would be low-pitch metal, with standing seams, also of colour to be agreed. The uses within the building would be a mixture of quiet and less quiet, with the configuration of windows designed to minimise the transmission of noise to the adjoining dwellings.

The remaining part of the site, adjoining the car park, would be used as a hard-surface basketball court, which would be illuminated by 4 floodlights mounted on 6m columns. Full details of the floodlights have been submitted, showing a sharp cut-off to minimise light pollution. The remaining parts of the site would be used for circulation and landscaping, with access being formed from the car park on the southern side of the site.

Assessment

The principal issues to be addressed are the design/visual impact of the new building and the effects it could have on adjoining residents, the impact of the outdoor sports court and its lighting.

The application site has a rather unusual position, being in residential use and yet jutting out into a public car park. In pre-application discussions, the applicants were advised to make every effort to separate the application site from the adjoining residential area and make it part of the town centre, which would make best use of its unusual position.

The building would be of modern design and would form a feature in the open car park. Its design and size are not, in my opinion, unsuited to this location and the position of the landscaping and existing dwellings in Hibberd Court mean that its impact, in visual terms, on the surrounding residential area would be quite small.

The impact of the building in terms of noise and disturbance is a major consideration. As has already been described, the design of the building has minimised the impact of noise generated within the building. The windows on the residential sides of the centre are into 'quiet' rooms or toilets, so that transmission of noise will be limited. The 'noisy' uses, including the indoor sports area, are windowless. There are nevertheless, two emergency exits, which will need to be kept closed. The Environmental Health Officer recognises that there will be some disturbance to local residents and has recommended that all use of the building should cease by 10.30pm.

In response to the pre-application advice the applicants have shown a 1.8m high wall around the boundary of the site. This wall did not originally include the footpath to the north, but as an amendment to the current application, this is now included. Here, a landscape strip would front the footpath. The wall would have the effect of isolating the youth centre from the surrounding residential area and making it a part of the car park and town centre

environment. The wall would also reduce noise transmission to the adjoining residential properties.

The second set of issues relates to the outside basketball court and the associated floodlighting. The floodlighting has been designed with a very sharp cut-off so that light spillage onto adjoining premises will be minimised. The Environmental Health Officer has suggested a condition that the outside court should not be used after 9.30 each evening (and that the lights should be switched off at this time) and that the use should not commence before 8.00 in the morning. These conditions, the positioning of the court away from adjoining residential premises and the inclusion of the brick wall referred to earlier, will all help to reduce the effect on neighbours, but it must be acknowledged that there may be some noise experienced by adjoining residents. Nevertheless, in the absence of an objection from Environmental Health, a recommendation of refusal would not be appropriate.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 0133/P201 and P202 and the Youth Centre Lighting Study report and specifications contained therein, submitted on 16 December 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being

severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 No development shall be carried out on the site which is the subject of this permission, until details of the brick wall along the north, east and south boundaries have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details and the wall shall be completed before the buildings are first opened for use. **REASON** : To protect the amenities of adjoining residents, in accordance with the requirements of policy ENV3 of the Warwick District Local Plan, 1995.
- 6 The use of the building shall be restricted to the hours of 0800 and 2230 each day and the outdoor sports court shall only be used between the hours of 0800 and 2100 each day. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan, 1995.
- 7 The outdoor lights shall be installed and maintained strictly in accordance with the details submitted with the application and shall only be used from dusk until 2130 hours each day. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan, 1995.
- 8 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 9 The emergency exits shall be kept closed at all times and shall only be opened when in use during an emergency. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan, 1995.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of noise or light pollution which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.