

Planning Committee: 16 March 2011

Item Number:

Application No: W 11 / 0063

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

Registration Date: 26/01/11

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01926 456544 planning_west@warwickdc.gov.uk

Castle Farm Skate Park, Fishponds Road, Kenilworth, CV8 1EY

Erection of four freestanding 8m high light columns to the existing skate park
FOR Warwick District Council

This application is being reported to Planning Committee because it is submitted by Warwick District Council.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No reason to object.

Public response: Three objections and one comments received, from residents of Castle Road, Brookside Avenue and Fishponds Road. The lighting will be an eye sore, infringe privacy and increase already high noise levels late into the night. Why is the Council wasting money erecting such lights when we are all suffering cuts, including turning off street lights, and the park is under used? Some residents have said the skate park is well used, and some have said it is not well used. There is little need for the lights during the six months of British Summer Time and if the country changes to Central European Time there will be even less need. Most school children are escorted to school by parents for safety reasons so we can assume these parents will not allow children to use the facility on dark evenings; the lights will benefit a very small number of older teenagers for a short period of the year, but the biggest sufferers will be the closest residents of Brookside Avenue and Fishponds Road. Will the lights be on a timer and for what period? In the winter when trees are not in leaf the lights will be clearly visible from surrounding properties. High existing levels of vandalism would increase to an intolerable level. The light columns could be much lower without affecting safety. Can additional tree screening be introduced to prevent light from encroaching onto the Fishponds Conservation Area and thus becoming a nuisance to dwellings in the vicinity.

One letter of support from a resident of Brookside Avenue, provided the lights are on a timer that cuts out at 22.30.

WCC Ecology: Recommend amphibian, bird, and bats and lighting notes.

RELEVANT POLICIES

- Planning Policy Statement 25 : Development and Flood Risk
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

The sports pavilion was built following a consent in 1985.

KEY ISSUES

The Site and its Location

The application site is within the Council operated Castle Farm Recreation Centre which includes sports pitches, a skate park, a leisure centre and car parking, and is located on the edge of the town within the Green Belt. The site is accessed off Fishponds Road, with the skate park lying behind the car park and to the side of the leisure centre. The rear of residential properties on Fishponds Road, Brookside Avenue and Castle Road overlook the site.

The remains of Kenilworth Castle Fish Ponds lie about 80m away to the north, on the opposite side of an existing tree line forming the playing field boundary. The Fish Ponds are a Scheduled Ancient Monument, part of the Kenilworth Castle Grade II* Registered Historic Park and the Conservation Area. The site is also within a Flood Risk Zone 3.

Details of the Development

It is proposed to erect four 8m high flood lighting columns, with two lamps to each column, which will illuminate an area measuring 20m by 35m. The lighting will be operated by a coin operated meter to be positioned inside the leisure centre for security reasons, and the lights will be fitted with a timer to ensure they are turned off at 21.30 (although the leisure centre currently closes at 17.00 on a Saturday). Trenching will be required from the leisure centre to the skate park in order to install the power supply but this will be reinstated and landscaped.

The skate park is used by skate boarders and BMX riders but its use is limited during winter months due to shorter daylight hours (September to March). The skate park has evolved over several years and was upgraded and extended in 2005. Local skate representatives approached the Kenilworth Community Forum in December 2009 presenting a strong case to introduce flood lighting, and the Community Forum has not only supported the project but has also contributed financially. The lighting layout has been produced by a specialist flood lighting company and the height of the columns chosen to avoid glare to users, avoid shadowing and be achieved with the minimum number of columns and hence lowest cost.

Assessment

Since the proposal is within the Green Belt, it must be considered whether the proposal is inappropriate development, as there is a general presumption against this in the Green Belt. The proposal would be a case of 'other development' which is inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. The proposed flood light columns will maintain openness since there will only be four posts. Purposes of

including land within the Green Belt include to prevent the unrestricted sprawl of built-up areas, to assist in safeguarding the countryside from encroachment, and to preserve the setting and special character of historic towns. The proposal can be considered to comply with these purposes and therefore not constitute inappropriate development. The impact of the proposals in the hours of daylight would be limited to the visual impact of the lights and columns, whilst the impact during darkness would arise from the illumination. I can see no strong justification for objecting to the visual impact of the lights and columns, since these will not be readily apparent over longer distances. The illumination will only impact during darker hours, when the Fish Ponds themselves will not generally be visited, therefore I find it hard to justify a refusal due to harm to the historic setting.

Turning to neighbour impact, the nearest residential gardens are 100m away on Brookside Avenue with a tall mixed tree screen in between, whilst dwellings on Castle Road are 230m away with very limited screening. The Brookside Avenue screening provides good, but not total, screening of the site even in February, while houses on Castle Road will have much clearer views of the site but at a longer distance. Given the distances involved I consider there would be no serious loss of amenity for the affected dwellings as although the illumination will be visible, it would not lead to a significant loss of amenity. I also consider that noise will not have a significant impact at this distance. I consider a shut off time of 21.30 hours to be reasonable.

The proposal would not have any harmful impact on flooding. Funding is not a relevant planning matter, but the Community Forum has granted funding which has been matched by the WDC Community Safety budget.

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 drawing(s), and specification contained therein, submitted on 17 January 2011 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The illumination of the lights hereby permitted shall be restricted to between the hours of 08.30 and 21.30 only. **REASON :** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

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 does not prejudice the openness and rural character of this green belt area and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of loss of privacy or light spillage and is considered to comply with the policies listed.
