Queen's Ride, Cannon Hill Park, Edgbaston, Birmingham, B12 9QH

Installation of floodlights to two existing tennis courts and lighting to existing path

Applicant: Birmingham City Council
Landscape Practice Group, House of Sport, 300 Broad Street, Birmingham, B1 2DR

Agent:

Recommendation
Approve Subject To Conditions

1. Proposal

1.1. Planning permission is sought for the installation of floodlights to two existing tennis courts in Cannon Hill Park. The proposal includes the re-surfacing and erection of nine 6.7m high floodlights consisting of 12 (1kw) low profile lights, giving a total height of 7.3m around two existing tennis courts in Cannon Hill Park. The lights would be of a rectilinear shape measuring 0.6m x 0.6m x 0.3m. The columns would be situated in rows of three and located around the top, middle and bottom of the courts. Each column would comprise of one light fitting except the columns to the middle of the court where two light fittings are proposed to ensure coverage to both courts. The floodlighting would be powder coated green.

1.2. The proposal also includes low level foot lighting of the pedestrian route from the MAC building to the courts. The low level lighting would consist of 13 x 35w low profile floor lights.

1.3. The application was initially submitted for the change of use of an existing bowling green to two additional tennis courts and installation of floodlighting to both existing and proposed courts. In total 12 floodlights measuring 8m were proposed. To try and overcome concerns expressed by the Conservation Officer and English Heritage the scheme was reduced to 9 floodlights at 6.7m high and the changes to the former bowling green omitted (meaning that 2 rather 4 courts are now proposed to be illuminated).

1.4. In support of the application, the applicant has illustrated that a survey of tennis provision was recently undertaken by the Lawn Tennis Association (LTA) and this identified that there was a lack of places to play tennis in Birmingham. Subsequently funding has been made available for the improvement of the tennis courts in Cannon Hill Park. The City Council’s ‘vision for tennis’ in Birmingham is to increase participation for all ages and abilities with a focus on reaching groups in the community who have previously felt that tennis was not for them. A consultation with
the LTA has been carried out and all specifications proposed meet the standards required of the LTA and British Tennis. The applicant comments that “improving the tennis facility within the park will enhance the visitor experience through improved safety and better quality facilities”.

1.3 Floodlighting would enable greater use of the courts during the winter evenings and it is envisaged that lighting would then be available until 10pm each day, when the park closes. The lights would be turned on through an online booking system managed by Edgbaston Priory Tennis Club. They would only be switched on when the courts are in use. The lights would be managed and maintained by the Priory Club and BCC will continue to maintain the tennis court surfacing.

Elevations

2. Site & Surroundings

2.1 The application site is located in the northern third of Cannon Hill Park approximately 80m from the MAC and the park’s main entrance. The tennis courts are adjoined to an unused bowling green to the east. Opposite the site to the south are two further courts and bowling green. The application site is flanked by footpaths on all sides with mature trees and shrubbery located to the north and south. Boating lakes are located close by to the north and south west. The nearest residential properties are located to the east of the site on Russell Road and to the west of the site in Edgbaston Mill, both of which are in excess of 150m away. The north of the park contains many mature trees located around existing paths. The southern boundary contains a dense covering of trees. The boundaries to the west alongside Queens Ride are also flanked by a number of mature trees. There is a large area of open space to the south of the park. The park is generally flat, rising slightly towards the eastern boundary.

2.2 The park was upgraded from Grade II to Grade II* status in August 2013 because of its designer who was one of the leading park designers of the time of which the landscape design is essentially unchanged, its historic interest as a major civic amenity and the number of structures and memorials which have survived.

Location Map

Street View not available within park

3. Planning History

3.1 No recent relevant history

4. Consultation/PP Responses


4.2 One letter of support has been received from the Moseley Society who support improved facilities for playing tennis in the park.

4.3 Five letters of objection (including Warwickshire Garden Trust and Victorian Society) have been received. The objections are summarised as follows:

- No Statement of Significance included in application
• No discussion in Design and Access Statement about impact on Heritage Asset
• No details of floodlights
• Would result in substantial harm to Heritage Asset
• Should be brought to the attention of the Conservation Heritage Panel
• Courts are never occupied
• Flood lit courts at Billesley Sports Centre are under occupied
• Waste of public money
• Issues with flooding will become worse
• Will enable more vandalism to take place in park
• Will be very apparent in this sensitive and prominent landscape
• Will have a negative impact on Registered Park
• Will set a precedent for further lighting
• Courts should be relocated to a less prominent position within the park.

4.4 Conservation Heritage Panel – One comment of ‘no objection’, one objection (comments included above) and one stating ‘will change the park character in that locality but given close proximity to MAC and its own external lighting that would be hard to resist application. There are other areas of park which will remain darker to allow the enjoyment of the park at dusk’.

4.3 English Heritage – Have the following concerns about the proposal; There may be a future proposal for floodlighting the mini-golf course, three tennis courts and bowling green. There are still no details on the improvements proposed to the entrance access point. The perimeter fencing to the tennis courts to the west appears less noticeable than the fencing to the east of the path and this issue has not been addressed in the new amended application. This should be analysed in order to reduce the impact of any new fencing. Without a conservation management plan for the park there will be ongoing incremental small-scale changes which will amount to considerable harm to the significance of the park. It may be that the current location is the historic and best location to consolidate as the leisure focus of the park however there is no sound basis for this and it may be the case that these sporting uses should be moved to a more peripheral location as we suggested previously. In summary they consider that the amended proposal is an improvement on the previous proposal as the reduced height mitigates the harm to the heritage asset, although the relative increase in the number of fixtures undermines this mitigation.

4.4 Regulatory Services – No objection

4.5 Garden History Society – No response received

4.6 Sport England – No objection

5. Policy Context

5.1 NPPF, Birmingham UDP, Draft Birmingham Development Plan, Grade II* Historic Park and Garden

6. Planning Considerations

6.1 The main considerations in the determination of the application are the impact of the proposal on the character of the historic park and garden, residential amenity, the health benefits of the scheme and whether the principle of the proposal is in accordance with policies of the Development Plan.
6.2. The National Planning Policy Framework (NPPF) states that any harm or loss to a heritage asset ‘should require clear and convincing justification’ (paragraph 132) and that local authorities should ‘avoid or minimise conflict between the heritage asset’s conservation and any aspect of a proposal’ (paragraph 129).

6.3. Policy 3.29, of the UDP, states that planning proposals should respect historic landscapes and should seek to take account of their historic interest and protect their distinctive characteristics.

6.4. Policy 2.14a-c, of the UDP, identifies that there is a clear link between the quality of the environment and health. It comments that access to open space, sport and recreation are important in being able to offer opportunities for physical exercise to promote healthier living. Policy 2.14b states that “particular support will be given to help achieve any appropriate physical development initiatives”.

6.5. **Impact on the historic park and garden**

6.6. The affected tennis courts are located within the north section of the park, within 220m of Edgbaston Road and 80m of The Mac and Queens Drive beyond. The tennis courts are part of a group of five courts and are grouped in two areas (of two and three courts). Adjacent to the tennis courts are two disused bowling greens and a putting green. The tennis courts, the subject of this application, are partly contained by mature landscaping including deciduous and evergreen trees and sit comfortably within the landscape as established features.

6.7. My Conservation Officer and English Heritage have raised concerns regarding the proposal. They consider that the proposal, by virtue of the height of the columns, bulkiness of the light fittings and light spillage, could affect the character of the Historic Park and Garden. However the tennis courts are located within an area of the park which has been developed significantly for recreational activities with tennis courts, bowling greens, crazy golf, boating lake and the MAC building. By virtue of this location I consider that the installation of floodlights would not appear out of character in this part of the park. It is also noted that there is a dense covering of mature trees and shrubs to the north and east of the tennis courts which would provide significant screening of the floodlights. The lights would not be visible within any streetscene. It is therefore considered that, despite the important designation of the park, the impact on the character of the Historic Park and Garden would be minimal as the courts would be partly screened by existing trees. Also I note that the principle long views would be from the high ground to the south. These views would also take in The Mac itself, Edgbaston Mill beyond, Edgbaston Road and the Cricket Ground beyond (itself with significant floodlighting columns), the context is therefore of an urban setting beyond the boundary and with this in mind the visual impact of both light columns and illumination itself would be lost in the wider context.

6.8. **Residential Amenity**

6.9. The nearest residential properties to the site are approximately 200m to the south east of the site on Russell Road. It is considered by virtue of this distance and dense tree and shrub covering that there would not be any impact on residential amenity. Furthermore the lighting would be managed to ensure that lights are not in use when the courts are not being used and are turned off after 10pm, when the park closes. This is supported by the applicant’s submitted plans showing expected light spillage. Regulatory Services have not objected to the proposal.

6.10. **Health benefits of the scheme**
6.11. The applicant has explained that the city suffers from a lack of access to good quality tennis courts. The proposal is therefore part of an initiative by the Lawn Tennis Association to promote access to facilities. Furthermore, there are significant benefits in encouraging evening access into the part, building on the activity already associated with The Mac, encouraging a positive use of the park and encouraging its use and providing access to a sport facility. I note that Sport England have supported the scheme and consider that the facility would encourage greater access to this tennis facility. I consider that the scheme complies with the objectives of Policy 2.14a-c, of the UDP.

6.12. **Response to objections**

6.13. The need for a conservation management plan – The Park is not currently subject to a conservation management plan, this is not a mandatory requirement but is standing advice made by English Heritage. The applicant has confirmed that Cannon Hill park is listed as a possible future Heritage Lottery Fund (HLF) bid, but with no match funding, they don't envisage one being submitted. In this instance whilst a Conservation Management Plan would be a useful tool to guide development, I do not consider it essential in this case.

6.14. The precedent that flood lighting will create for other facilities – I understand the concerns expressed in this area, but I am satisfied that any further applications for lighting would be considered on their own merits and this recommendation of approval would not guarantee future approvals in the park.

7 **Conclusion**

7.1. It is considered that the proposal would not result in harm to the Grade II* Historic Park and Garden. The proposal would result in the improvement of an existing sports facility which would represent a positive impact on sustainability.

8 **Recommendation**

8.1. That planning permission is approved subject to conditions listed below.

1. Limits the hours of use - shall not be used after 2200 hours daily
2. Requires the scheme to be in accordance with the listed approved plans
3. Limits the approval to 3 years (Full)

Case Officer: Emily Summers
Figure One – South west of court facing north east

Figure Two – East of court facing west. MAC in background
Location Plan

This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010