

Planning Committee: 30 July 2008

Item Number:

Application No: W 08 / 0413

Registration Date: 22/04/08

Town/Parish Council: Kenilworth

Expiry Date: 17/06/08

Case Officer: Martin Haslett

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Waitrose Talisman Square Warwick Road, Kenilworth

External lighting for the Waitrose site, service roads and car park FOR Cobalt Estates Ltd.

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

The application was considered at the July 8th Committee when it was deferred to investigate further the issue of light pollution. Amended plans have now been submitted which reduce the height of the 2 lamp columns adjacent to the rear gardens of properties on Station Road from 6m to 3m to ensure they are below the height of their conifer trees. Additionally, a light fitting at the top of the ramp is to be realigned to prevent light spillage into the garden of no. 41A.

To the rear of Harger Mews, all light columns will be reduced from 6m to 3m, they will be set at the correct angle and corrected baffles fitted.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: ' Members commented that they had no objection in principle subject to officers ensuring the proposal does not cause intrusive light pollution to the surrounding residential area, by seeking formal assurance from officers that the design and installation would contain the lighting splays within the site as far as was possible.'

Public Response: 6 neighbours object on grounds that the lights and columns are of unsatisfactory visual design and colour, columns are too high, lights should not point towards residential properties, there would be illumination of adjoining properties, to the detriment of residential amenity.
1 occupier of Talisman Square supports the proposals.

EHO: no objection.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Planning permission was granted for a new supermarket in April 2006 (W05/2054). Work on the building is now well-advanced and it is anticipated that the store will open over the summer.

KEY ISSUES

The Site and its Location

The application site is for the whole of the supermarket site, the area fronting Bertie Road, together with the car park, along the Miller Court frontage, the area which forms the link with the existing Talisman Square, the side boundary to the gardens to houses in Bertie Road and the rear area adjoining Harger Mews.

Details of the Development

There are 6 different types of light installation:

- a) 1 150 watt lantern mounted on 6m column
- b) 2 150 watt lanterns mounted on twin-arm 6m columns
- c) 1 70 watt white recessed downlighter
- d) 1 70 watt wall light mounted at 3m height
- e) car park warning light mounted on 3m column
- f) 1 150 watt lantern mounted on 6m column (slightly different column specification)
- g) 1 70 watt wall light mounted at 3m height.

In addition there would be CCTV cameras at the car park entrance, also on 6m columns.

The precise positions of each of these elements will be shown on the plans at the Committee meeting. The installation of the lights is now largely complete.

Assessment

The issues to be considered are the visual impact of the lights and the columns and, secondly, any overspill of light into adjoining residential properties, both gardens and inside the houses.

So far as the visual impact of the installation is concerned, the columns at a maximum of 6m height are comparatively low and, in my opinion, not unreasonable for a commercial site such as this. The light fittings themselves are quite large and of a 'heavy' design. This is brought about by the need to have a sharp 'cut-off' to avoid light spillage onto adjoining properties, and is a common feature on modern lighting schemes. The design of the mounting includes technology to give a very precise area of illumination, with darkness beyond, and the resulting light fittings are somewhat less pleasing visually. I consider that this is the right approach in this location and that the proposals are acceptable in visual terms, given the close proximity of adjoining uses.

Local residents are very concerned about the danger of light spillage into their properties. In response, the applicants have produced a prediction for the entire site, showing the lux values at all points. From this it is clear that light spillage off the boundary is minimal. Following the deferment at the July 8th meeting, reductions in column heights and changes to the light fittings have been made as set out in the opening section of this report. The applicant has confirmed that the amended lights will be turned on in order to demonstrate that previous problems of light spillage have been remedied.

In my report to the July 8th meeting, I considered that any grant of permission should include a condition to require the replacement or screening of any light which has a detrimental effect upon any adjoining residential property. This condition remains in the recommendation until such time that it has been demonstrated that no unacceptable light spillage is taking place.

RECOMMENDATION

GRANT, subject to the following conditions:-

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 1675/W/E/01E, light column and fitting details, lighting prediction plots and specification contained therein, submitted on 22 April and 21 July 2008 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 Notwithstanding condition 2 and the technical details of the lights which have been submitted, if within 3 months of the first operation of the lights the local planning authority receives objections on the grounds of light spillage, which can be substantiated, the applicants shall submit details of a scheme to overcome the light spillage and these details shall be approved in writing by the local planning authority. Such approved details shall be fully implemented within 3 months of their approval and retained thereafter. **REASON** : To protect the amenity of adjoining residents, 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 achieves acceptable standards of layout and design and does not give rise to any harmful effects which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
