

**Planning Committee:** 08 October 2019

**Item Number:** 6

**Application No:** [W 19 / 0812](#)

**Town/Parish Council:** Kenilworth

**Case Officer:**

Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 18/06/19

**Expiry Date:** 13/08/19

**Petrol Filling Station, 203A Warwick Road, Kenilworth, CV8 1FB**

Retrospective display of 2No. Internally-illuminated Canopy fascia panels, 1No. Internally-illuminated Totem sign, 4No. Internally-illuminated Spreader boxes.  
FOR Valero Ltd.

-----

This application was deferred by Councillors from the September Planning Committee meeting as Councillors requested that further information was provided in reference to the impact of the signage on neighbouring residential amenity, namely a photograph of the site at night and lux levels. The information requested by Councillors is being obtained and shall be presented to Councillors at the meeting. This application was originally presented to Committee due to the number of objections and an objection from the Parish Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT advertisement consent, subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

The application seeks advertisement consent for the display of:

- 2No. Internally-illuminated Canopy fascia panels,
- 1No. Internally-illuminated Totem sign,
- 4No. Internally-illuminated Spreader boxes.

The signage has been installed and therefore the application is retrospective.

**THE SITE AND ITS LOCATION**

The application relates to an existing petrol filling station located on a roundabout on the approach to Kenilworth Town Centre. The application site is located within the Conservation Area.

**PLANNING HISTORY**

There is no relevant planning history relating to this site.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection, lighting so close to housing would have a highly detrimental impact on residential amenity.

**Environmental Protection:** No objection, following on from submission of additional information.

**WCC Highways:** No objection.

**Public Responses:** 7 Objections, additional lighting would have a detrimental impact on living conditions for neighbouring residents. The proposal will have a negative impact on market value of neighbouring properties.

## **ASSESSMENT**

Only the following issues can be considered as part of an application for advertisement consent:

- Impact on Amenity
- Public Safety

### Impact on Amenity

#### *Visual Amenity*

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The explanatory text for Local Plan policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a

Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Policy BE1 of the Warwick District Local Plan 2011-2029 seeks to ensure that proposals will only be permitted which positively contribute to the character and quality of its environment through good layout and design. The NPPF reinforces the importance of good design and calls for proposals to be refused where they are not considered to represent good design.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area and has regard to heritage assets and their settings. Policy KP13 also states that development should have a positive response to site characteristics and surroundings.

This is a retrospective application and the signage has already been installed. Whilst in the Conservation Area, the application site has little architectural or historic merit, being a modern petrol filling station. The application site reads as a stand alone development in the centre of a roundabout, with a single adjacent building, also of relatively modern construction.

The signage which has been installed replaced previously installed signage and was part of the rebranding of the site. In the context of the application site, the signage is considered to be acceptable. The signage is no larger, or more visually intrusive than that which was previously installed, and does not appear incongruous or inappropriate within the street scene, being standard forms of advertising for a petrol filling station. It is noted that the Conservation Officer has no objection to the proposals. A condition will be added for the use of white light which remains static for the protection of the Conservation Area and neighbouring residential amenity.

The advertising is considered to preserve the appearance of the Conservation Area and is not considered to cause harm to the street scene. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE2, and with KNDP policy KP13.

### *Residential Amenity*

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users.

KNDP policy KP13 states that development proposals should have regard to the impact on residential amenity of existing and future residents.

There have been objections from the Town Council and members of the public relating to the light emitting from the signage and the impact which this has on neighbouring residential amenity. Members of the public state that the existing

lighting is already intrusive and additional lighting would have a detrimental impact on living conditions for neighbouring residents.

For clarification, there would be no additional lighting than that which has already been installed on the site. Environmental Protection were consulted as part of the assessment. They requested additional information from the applicant to clarify the lux levels and also made a visit to the site to assess the impact of the advertising on neighbouring residential amenity. Following a full assessment of the application, they concluded that the proposal does not cause harm to neighbouring residential amenity to an extent which warrants objection, or reason for refusal of the application.

The nearest residential properties to any of the illuminated signage are over 32m away at the closest point, with others being considerably further than this, and none of the signage points directly towards any of the neighbouring properties. The lux levels of the signage are well under the post-curfew lux value of 2.0 for 'Light Intrusion into Windows' given in Table 2 of the 'Institute of Lighting Professionals (ILP) Guidance Notes for the reduction of obtrusive light (2011)'. Importantly, it should also be noted that there is street lighting positioned between the application site and neighbouring residential properties. Environmental Health Officers have confirmed with WCC Highways that this remains on throughout the night.

Following on from the previous Planning Committee meeting, Officers have sought additional clarification from Environmental Health regarding the impact of the signage on neighbouring residential amenity. The highest predicted level is 0.145 lux at the most affected property as shown on the drawings provided by the agent, which is the equivalent to light levels experienced under typical moonlight.

In terms of acceptable lux levels at residential properties, Environmental Health use the recommended limits under the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (2011). This sets limits based on the type of location e.g. rural, urban, suburban, etc. Environmental Health consider the area to be suburban which is Environmental Zone 3 (E3) which recommends no more than 2 lux light intrusion into windows. The highest predicted lux level for the development is 0.145 lux which is considerably below this threshold. Even if Officers took a conservative approach and assumed that the location was classified as Rural (E2) where the recommended limit is 1 lux light intrusion into windows, the lux levels would still be compliant with these guidelines, again being well below the maximum level. It is again reiterated that there is also a street light which remains on all night which acts as an intervening feature between the residential properties and signage.

It is therefore considered that the installed signage has an acceptable impact on neighbouring residential amenity and that the proposal would comply with Local Plan policy BE3 and KNDP policy KP13.

### Public Safety

KNDP policy KP13 states that development proposals should have regard for requirements for safety.

The Highway Authority has been consulted and has no objection to the signage. No other public safety issues are identified.

### Other Matters

Members of the public have stated that the proposal has a negative impact on market value of neighbouring properties. However, this is not a material planning consideration and cannot be assessed as part of this application.

### **Conclusion**

The installed signage is considered to be acceptable in design terms and preserves the appearance of the Conservation Area. The proposal has an acceptable impact on amenity and there are no public safety issues identified. The signage should therefore be approved.

### **CONDITIONS**

The five standard advertisement conditions plus:

- 6 The development hereby permitted shall be strictly maintained in accordance with the details shown on the site location plan and approved drawing WPS-VEL-1064-PL01, and specification contained therein, submitted on 16th May 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 7 Within three months of the date of this decision, the advertisements hereby permitted shall only be illuminated by white light and shall remain static. **REASON**: To ensure a high standard of design and appearance within the Conservation Area, and the satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

-----