

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 May 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/2256/10/F - LINTON

External Lighting on and around the existing building/ site consisting of lighting columns, bollards and wall-mounted fittings; Nichols Court, Flaxfields for Sanctuary Housing

Recommendation: Approval

Date for Determination: 1 April 2011

This Application has been reported to the Planning Committee for determination because the recommendation of Linton Parish Council does not accord with the officer recommendation.

Site and Proposal

1. The application relates to a recently constructed and occupied complex of sheltered flats known as Nichols Court. The scheme has a total of 40 flats together with landscaped gardens and paths, and an open parking court to the front. The building is of three-storey height. Building has been laid out in an 'H' plan, providing two inner courtyards that have balconies on the upper floors that face onto them.
2. The development is surrounded by existing residential development in Flaxfields, Back Road, and Symonds Lane. There is a steep gradient from north to south, where the dwellings on Back Road are on higher ground and the dwellings on Symonds Lane are lower ground relative to the Nichols Court development. The dwellings in Flaxfields are on a broadly similar level to the scheme.
3. The application for full planning permission, dated 22 December 2010, relates to the external lighting of the development which has been installed on external walls, adjacent to footways and in the car park. The application is supported by a Design and Access Statement, and an Environmental Appraisal prepared by WSP Civils.
4. Installed lighting is proposed to be changed in the following ways:
 - a) The column lighting to the car park area will have replacement light bulbs with wattage reduced from 100w to 42w;
 - b) The existing bollard light units Thorn 'Basalt' 80w to be replaced by Thorn 'Chater' 18w units. The two existing bollards at the entrance to the car park to be removed.
 - c) The existing wall-mounted bulkhead units Thorn 'Eye' 24w to be replaced by Thorn 'Oyster' 26w units.The soffit-mounted Ansell AQUIX 11/sc 11w units to be retained as existing.
5. The applicant has stated that the luminaries have been selected for their contemporary design as well as their low energy performance. The proposed Thorn

'Oyster' unit projects a greater proportion of light downwards compared to the units installed. The light levels need to be of a suitable level for the use of the residents and visitors of the building. The user group is likely to have poor eyesight and have walking aids to assist then so a relatively high level of illumination is required. It is proposed that the proposed lighting, when installed and operational, will comply with the lighting levels of Environmental Zone E2 of the Institute of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light'.

Planning History

6. **S/1327/07/F** Full planning permission was granted on 10 October 2007 for the erection of a Very Sheltered Housing Scheme including 40 flats with communal facilities, car parking and landscaping, to replace the bungalows that previously stood on the site.

Planning Policy

7. **South Cambridgeshire Development Control Policies Development Plan Document (2007)**

DP/3 (Development Criteria)

NE/14 (Lighting Proposals)

Supplementary Planning Documents

District Design Guide SPD 2010 (Chapter 10- Environmental Health)

8. **Circular 11/95 - The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development of permitted, enforceable, precise and reasonable in all other respects.
9. **Circular 05/2005 – Planning Obligations:** States that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

Consultations

10. **Linton Parish Council** has recommended refusal, commenting:
 - a) 'We oppose the application as it would continue to provide excessive lighting. In particular the wall mounted Oyster luminaires on north, east and west sides, are not essential and major cause of problems to neighbours.
 - b) The bollard lighting in the car park is currently far too bright and removal of these is welcomed. However the column lighting has also proved to be excessive. We suggest motion sensitive lighting at low level would be less intrusive.
 - c) We object to lighting on communal balconies and outside of communal areas, particularly on first floor. These should be removed.
 - d) There is lighting on outside pathways/courtyards at night – when they are not used.

- e) We object to the current bollard lights and suggest that low level lights inset on edges of paths would be better. This will help residents locate paths and not be obtrusive to neighbours or wildlife.
- f) Gardens need not be lit at night, and this is causing problems for residents too, who have to install heavy curtains in order to sleep. In your own home you would neither expect nor need the garden to be lit, and this area is already very secure (high fencing, CCTV, permanently staffed, secure doors, gates and windows, fire prevention measures, etc).
- g) Conditioning - a curfew on all external lighting (22:00 to 06:00 minimum), not on all night as at present. This is also to apply to corridor and communal area lighting.
Timescale – amendments and enforcement should be within 28days

Further measures to be conditioned within an overall lighting scheme:-

- h) Corridor lighting to be minimised – obscured glass preferred – and to confirm that motion sensitive lighting is installed and working. It would alert staff to resident's movements, an additional safety measure for older people. Currently, the lighting to the first floor corridor is being overridden, and is on all night – confirmed by the nearest neighbours.
- i) Entrance lobby lighting to be minimised – this is excessively bright and unnecessary, lighting the whole area and including roof windows that light up the sky.
- j) The bat boxes (of which much has been made, as part of biodiversity measures) can never be used due to the excessive lighting.
- k) We would ask that residents (particularly on the first floor nearest Back Road) be reminded that when their lights are on, they can be very visible to neighbours, due to the close proximity of the development, resulting in loss of their privacy and embarrassment to the neighbours.
- l) Additional benefit would be reduction in illumination would be a reduction in lighting bills, which must be huge.
- m) We would also ask for the SCDC lighting columns to be reduced in height, and the lighting levels reduced or made more downwardly directional, as these have long been a cause of problems to neighbours.'

- 11. **Corporate Manager (Health and Environmental Services)** The CMHES has commented as follows:
- 12. 'You will recall that in June 2010 I attended a meeting with Allan Howard (Fellow of the Institute of Lighting Engineers), who had been employed by Sanctuary Housing to provide an external lighting report on lighting nuisance at the new development. His report dated July 2010 appears to have formed the basis for the current Planning Application for External Lighting. In that report (in which we agreed that this development should fall within Environmental Zone E2, under guidance given in the Institution of Lighting Engineers Document 'Guidance notes for the reduction of obtrusive light') he commented on the external lighting with the exception of the balcony bulkhead lights, which could not be switched on at that time, although he states would have been visible to local residents. He also only commented on pre-

curfew levels as the lighting was generally being switched off at 22.00hrs at that time. Lighting after curfew would have been advised at a lower level.

13. 'His comments were that the lighting was generally inappropriate for this area and a nuisance to 11 Flaxfields. He then made his recommendations to remove this nuisance and also remove what he felt was excessive lighting in the area. He also commented that one County Council Footpath lamp was causing a nuisance to 11, Flaxfields. I advise on action that can be taken with regards to this and another CCC footpath lamp later as it is not part of this Planning Application.
14. 'My general observations on this Planning Application are favourable in that it mitigates any Public Health Nuisance and addresses most of the concerns of the Planning Condition that would normally be placed on such a development. (see below)

Prior to the commencement of the development a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security lighting, shall be submitted to and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare and shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) 'Guidance Notes for the Reduction of Obtrusive Light'. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details measures unless the Local Planning Authority gives its written consent to any variation.'

15. 'However, it is clear from the Application that our request that this application should be accompanied by a report from a member of the Institute of Lighting Engineers detailing it's compliance with their guidance on the reduction of obtrusive light has not been met. I am therefore concerned that whilst this scheme is a major improvement on the existing system that has been installed it may not satisfy compliance with the guidance notes that have been sought. In particular, the latest Design and Access Statement provided by the Applicant states;
Paragraph 3. This application is based on the 2010 lighting survey to determine if light nuisance had been caused and it's recommendations.
Paragraph 6. Consideration is given to 'secure by design' as well as the reduction of obtrusive light.
Paragraph 7. Consideration has been given to the poor eyesight of residents which require a greater level of illumination.
Paragraph 9. Purports an intention rather than confirmation to comply with the Lighting Guidance.
16. 'I would therefore infer from the above that the proposed lighting does not completely comply with the Guidance. However, you may feel that the lighting required must take Paragraphs 6 & 7 fully into account in this particular application.
17. 'If concern is still expressed that complete compliance with the Guidance is a requirement, then I would advise you to seek further clarification either from the Developer and their Lighting Engineer or employ the services of a Member of the Institute of Lighting Engineers to report on the Application.
18. 'Particular attention would need to be given as to whether a curfew is proposed and if not it's effect on the guidance lighting levels, the effect of the various bulkhead balcony lights not currently assessed and the effect of the aluminised plastic louvres in the proposed bollard lamps.

County Council Footpath Lights between Flaxfields and Symonds Lane.

19. 'As I understand the situation, Sanctuary have provided the 2 extra footpath lights on the rerouted footpath. If the footpath is up to adoptable standards then the CCC will adopt it and the lamps.
20. 'Unfortunately, with the 4 Car Park lamps, the existing and the 2 new footpath lamps and the new CCC street lamp in this area, there are now 8 equivalent street lamps within a 20 metre radius of a central point on the new Nichols Court Car Park. In my view this is completely unacceptable in a rural village setting, particularly as several lights are duplicated by another close behind it.
21. 'The Lighting Report advised that one of the new Footpath lamps is causing a nuisance to No 11 Flaxfields. This could be dealt with by requesting CCC to alter the lantern on this particular unit, but we would still be left with 8 units in total.
22. 'I have suggested to CCC that the 2 new footpath lamps should be removed and a modern downward lantern be provided to replace the original 35W Sox orange lamp on the footpath corner down to Symonds lane. I feel that even if the 4 Car Park lamps are switched off at curfew it would still leave 2 units, one on the footpath and one on the road to light the area and footpath. I would suggest that Linton Parish Council are involved in this decision as they are also most concerned about the excessive light from this development. If this proposal is accepted then an agreement will need to be signed by the Council that the CCC will not be required to provide further lighting to this footpath in the future.'
23. **County Council Rights of Way and Access Team** – No comment. Public footway No 32 runs along the western boundary of Nichols Court but is not affected by these proposals.

Representations

24. Letters notifying of the application were sent to 71 adjoining residential properties. In response one resident in Flaxfields has written to support the proposal. One resident in Symonds Lane has written for clarification that his property will be shielded from any light spillage. Objections have been received from the occupiers of 8, 20 and 32 Symonds Lane on the following grounds:
 - a) Need for a curfew- lights do not go off at 2200 hours at present.
 - b) There is no need for so many external lights.
 - c) Corridors should be put on motion sensors and should be fitted with curtains.
 - d) Communal balcony lights are totally unacceptable.
 - e) Bollard lights illuminate upwards onto the building and cause significant light glow. Bollards should be replaced with low-level lighting.
 - f) Bat boxes will be of no use in this amount of illumination.
 - g) Planning permission should have been sought in the first place; this is a waste of taxpayers' money.
 - h) Security measures such as high fencing and CCTV around the building would be adequate.
 - i) The number of lights needs to be reduced significantly.
 - j) Compared to the generally dark lighting conditions before the development, the current situation seems like floodlighting in an inner city area or a Las Vegas attraction.

- k) Consultants did not come into the gardens of the dwellings in Symonds Lane to make an assessment. The assessment was made last July, when trees and plants were in full leaf.
 - l) The changes are very slight, for example changing the wattage of light bulbs, which would hardly make any difference at all.
 - m) The 'Oyster' type lighting will still cast light all over the walls and out into the environment. They should be removed altogether.
 - n) Interior lighting is excessive. Blinds should be fitted to all windows.
 - o) The scheme needs to be redesigned with reduced lighting, and more landscaping and trees.
25. A photograph of the building illuminated at night has been included by one objector.

Planning Comments

26. The main issue to be considered is the range and level of external lighting to be provided at the development.
27. The existing level of lighting is in excess of the recommendation of the applicants' lighting consultant. The proposal is for a reduced level of lighting.
28. The proposal has been broadly accepted by the Council's Environmental Health Officer as a mitigation for any public health nuisance and a major improvement on the existing system that has been installed. The submitted Environmental Appraisal does not state unambiguously that compliance with a low district brightness area environmental zone E2 will be achieved by the proposal. Clarification of this is being sought with the applicant.
29. Linton Parish Council and local residents have raised the issue of a curfew period for lower levels of illumination. If approved, it is recommended that a condition be attached to require details of the management of external lighting to give effect to a curfew period to be submitted to and agreed by the Local Planning Authority. Such a scheme could provide details of luminaries that should be controlled by motion-sensor equipment.
30. Internal lighting does not amount to development and so cannot be controlled by planning conditions.
31. Lighting columns operated by Cambridgeshire County Council adjacent to the site have added to the general level of illumination being experienced by adjacent residents. Whilst being outside the scope of this planning application, separate discussions should continue to seek to remove unnecessary lighting equipment, or to provide suitable modifications, for the adjacent public footpath.
32. Subject to clarification of which elements, if any, do not comply with the Institute of Lighting Engineers' requirements for Environmental Zone E2, and the reasons for non-compliance, it is considered that the proposals represent a major improvement to the existing arrangement which should be supported.

Recommendation

33. Approval

Conditions

1. Within four weeks of the date of issue of this planning permission a scheme for the installation and management of external lighting columns and luminaires, hereby approved, so as to provide a significantly reduced level of illumination between the hours of 2200 and 0700 on the following day shall be submitted to for the approval in writing by the Local Planning Authority. The approved lighting scheme shall be installed within eight weeks of the date of approval, and thereafter maintained and operated in accordance with the approved details and measures unless the Local Planning Authority gives its written consent to any variation.
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
2. Schedule of approved plans

Background Papers: the following background papers were used in the preparation of this report:

- Circulars 05/2005 and 11/1995
- South Cambridgeshire Development Control Policies Development Plan Document 2007
- SPD District Design Guide
- Planning File ref S/2256/20, S/1327/07/F.

Contact Officer: Ray McMurray – Principal Planning Officer
Telephone: (01954) 713259