

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 2 November 2011
AUTHOR/S: Executive Director (Operational Services) /
Corporate Manager (Planning and New Communities)

S/2256/10 - LINTON

External lighting on and around the existing building / site consisting of lighting columns, bollards and wall mounted fittings (part retrospective). - Nichols Court, Flaxfields, for Sanctuary Housing

Recommendation: Approve Conditionally

Date for Determination: 01 April 2011

The application has been referred back to Planning Committee from the meeting of 11 May 2011 because agreement between the parties has not been achieved as required.

Introduction

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 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.
3. The application was considered at Planning Committee on 11 May 2011. A copy of the officer report is attached as Appendix 1. The minute for the item reads:

Sally Dew (objector), Enid Bald (Parish Council), and Councillor John Batchelor (a local member) addressed the meeting.

The Committee gave officers delegated powers to approve or refuse the application, subject to agreement being reached within six weeks between the applicant, District Council officers, Linton Parish Council, local South Cambridgeshire District Councillors and local residents and incorporated into a Section 106 legal agreement detailing the extent to which lighting on site should be allowed. If approved, safeguarding Conditions would be attached to the planning consent, and Condition 1 in the report from the Corporate Manager (Planning and New Communities) would be reworded to ensure greater enforceability.

Subsequent developments

4. Officers commissioned an independent consultant to review the proposals and to consider the concerns of Linton Parish Council and local residents. NEP Lighting Consultancy produced a report dated 7 June 2011. The author is a past President of the Institution of Lighting Engineers and is the current chairman of the UK National Illumination Committee. A copy of the report is attached at Appendix 2.
5. The report concluded that the proposed installation appeared to be acceptable and that it showed due regard for its environment and Policy NE/14 'Lighting Proposals'. The Upward Lighting Ratio was found to be marginally above the recommended limit in the Guidance of the Institution of Lighting Engineers but the report advised that this would have no effect on sky glow. With the reduction of overall lamp lumens together with the refined optics of the new luminaries, the values would be well within the Guidance for both pre- and post-curfew and considerably lower than the existing values. The author commended the proposal to switch off the majority of external lighting overnight 'hence bringing the post-curfew values close to zero'.
6. Local Members Councillors Mrs Bear and Mr Batchelor, accompanied by the planning case officer, environmental health case officer and Mr Nigel Pollard of NEP Lighting Consultancy, met with representatives of Linton Parish Council and local residents on 29 June. The discussion was continued on site after sunset and the lighting viewed from a neighbouring garden. A subsequent document entitled 'Further Proposals Following Meeting with Linton Parish Council- 29 June 2011' was produced by NEP Lighting Consultancy dated July 2011. The second report confirmed that submitted scheme, if limited by a curfew between 22:00 and 07:00, would be broadly acceptable. The report recommended that the option of making some or all of the external lights 'occupancy sensor' be considered as an alternative solution. Bollard lighting should be retained in the car park to allow for the need for any of the 4 column mounted car park lights to be reviewed over the winter period. The column lights could be removed if the trial proved successful. The report indicated that LED lights in security cameras could be obtrusive. The road/footway lights fitted by Cambridgeshire Council should be replaced with shielded luminaries and lower powered lamps. Corridor lights should be switched off when not required or put on occupancy sensors. Alternatively, blinds or curtains could be fitted to the corridor windows.
7. A copy of the second report is attached as Appendix 3.
8. Members and officers visited the site and viewed the building as part of an ad-hoc tour of sites in the District on 28 September.

Sanctuary Housing Association

9. The concerns of the Parish Council and residents were presented at a meeting on 28 July with representatives of Sanctuary Housing Association, attended by Councillors Mrs Bear and Mr Batchelor, and the planning case officer. The meeting included a tour around the building and the site. The meeting concluded with representatives of Sanctuary Housing Association indicating that it would review its position after discussions with the manager of the facility and its planning agent.

10. A written response from the applicant's agent was received on 23 September. The applicant did not find any evidence to necessitate any amendments to the current proposals. The use of lights on balconies was considered to be incidental and not requiring of regulation. The applicant would install curtains along the corridor window to reduce unnecessary light spillage, and to limit the timer switch on these locations from thirty minutes to ten minutes. The applicant did not consider there to be a need to enter into any Section 106 legal agreement, and requested that the application be put forward for a decision. A copy of the agent's letter dated 22 September is attached at Appendix 4.

Linton Parish Council

11. Linton Parish Council was consulted on the applicant's response. The Parish Council has stated:

'Following the hearing at the SCDC Planning Committee meeting on 11th May 2011, it was the requirement that Sanctuary should meet SCDC officers, SCDC councillors, Linton Parish Council (LPC), neighbours and residents to discuss the lighting, and reach an agreement within 6 weeks. Sanctuary have consistently declined to meet LPC and neighbours, and the response from them, that they will not consider changes to their current planning application lighting scheme, arrives some three months late. In refusing to meet and discuss the problem, Sanctuary have shown scant respect for your Planning Committee; it is unacceptable that Sanctuary has disregarded the comments from LPC, neighbours and your own lighting consultant.
12. 'The letter of 22nd September 2011 refers to issues raised by us as being "based on...personal preferences", by which we take to mean the preference of neighbours and residents to be able to sleep at night and to enjoy their homes in appropriate levels of light – hardly an excessive request.
13. 'Whilst the intention of Nichols Court has never been an issue, the design was strongly opposed as being inappropriate and having unacceptable effect on neighbouring homes. We understand that the Planning Committee and Officers have recently visited the site and can now judge for themselves just what a detrimental effect it has had on the area. We ask that the site is also visited during darkness to assess the full impact of the lighting – preferably without prior warning, as we are aware that lighting is reduced when Council visits are arranged – this is what neighbours have had to suffer.
14. 'The lighting plan was omitted from the original planning application, an error admitted by SCDC planning officers, so we were not able to comment. As noted, including in the NEP report (1.2) and the report of Health and Environment (June 2010), this lighting level is considered inappropriate and some as being a nuisance – we question why, when confirmed by Environmental Health, this was not immediately enforced. The nuisance and inappropriate lighting was allowed to remain, and continues to affect residents and neighbours.
15. 'Nichols Court is already very secure with high fencing, CCTV, it is permanently staffed, has secure doors, gates and windows, fire prevention measures, etc., so security is not a reason for all the lighting. In your own home you would neither expect nor need the garden to be lit at night – it only

gives intruders a good light to work by. Why should residents and neighbours, have to install heavy curtains in order to sleep?

16. 'It is known that light at night disrupts the circadian rhythms which control physiologic processes, hormone production, cell regulation, and other biologic activities. Disruption is linked to medical disorders, including depression, insomnia, cardiovascular disease, and cancer. It would be remiss for Sanctuary to neglect the effect on health of their lighting at night. The effect of this over-lighting on their power bills must surely also be a consideration for this commercial organisation.
17. 'We oppose the application as it would continue to provide excessive lighting. In addition to the proposals in the application to reduce the level of lighting, we need:
 1. The overall scheme to comply with ILE/CIE guidance (ULR to be 2.5% not 3.5%)
 2. A curfew on external lights to be implemented between 22:00 – 07:00.
 3. All outside lights to be motion sensitive, additional to reduced intensity and downward focussing.
 4. Bollard lighting on outside pathways and gardens to be replaced by low level lights inset on edges of paths, to help sight-impaired residents locate paths and not be intrusive to neighbours or wildlife.
 5. Lights on communal balconies to be removed. As a minimum they should not be lit at night. What is the green light on the communal balconies, and could this be removed?
 6. Lights on resident balconies to be downward focussed and not to be left on overnight.
 7. The car park bollard lights should be retained, at reduced luminance preferably motion sensitive, and the lighting poles to be removed.
 8. Consideration of clients "secured by design" certification should not supersede the needs and comfort of neighbours, the residents and the environment.
 9. Conditioning should include internal lighting restrictions and reductions, and to be enforceable:
 - i) Stair wells and the entrance hall to have minimal lighting, with extra lights being motion-sensitive;
 - i) Community rooms and corridors to be curtained and lighting levels minimised for when curtains are not drawn.
 - ii) Internal motion timings to be reduced to no more than 5 minutes.
18. 'We continue to oppose the proposed lighting scheme as, whilst reducing current light levels, it would not fully address the problems and would remain excessive for this area.
19. 'We note that Sanctuary declines to enter any S106 agreement. The purpose of S106 agreements includes mitigating the impact of development, and compensating for loss or damage resulting from a development. We feel that Linton and neighbours have been seriously affected by this development and an adequate S106 agreement must be put in place.'

Planning Comments

20. The discussions have taken place with District Council officers, Linton Parish Council, local South Cambridgeshire District Councillors and local residents, as required by the Planning Committee. The terms of the Planning

Committee's resolution do not permit officers to exercise delegated authority, which extended only to the six-week period following the meeting.

21. The assessment of the existing and proposed lighting schemes by the applicant's lighting consultant, WSP Civils, has been considered by the Council's consultant, NEP Lighting Consultancy. The conclusion is that the proposed lighting scheme will, except for one inconsequential discrepancy in relation to sky glow, meet the ILE/CIE guidelines for an environmental zone E2 (classified as a low district brightness area in a rural, small village or relatively dark urban location), which is considered appropriate for a location in Flaxfields.
22. The further round of discussions has not resulted in agreement being reached between the parties. The applicant has voluntarily undertaken to reduce light spillage from corridors, but has said it is not willing to enter into a Section 106 legal agreement to regulate such arrangements. It is the view of the Council's Senior Planning Solicitor the Council is not in a position where it can require that a Section 106 agreement is completed. The concerns of the Parish Council and residents have been put to the applicant, but no further concessions have been offered, on the grounds that these would not be necessary to meet the relevant guidelines nor would they be in the interest of the staff who work there and the residents who live there.
23. The Parish Council has raised a variety of concerns, to which the following considerations should be taken into account:
 - a) There is a risk that a refusal of planning permission for the submitted lighting scheme could result in (i) the existing lighting scheme being retained, or (ii) being modified to a lesser extent if an appeal against any subsequent planning enforcement action were to be successful.
 - b) The discrepancy in the value of the direct upward light (ULR) value is addressed by NEP Lighting Consultancy in its conclusions at paragraph 3.4, where the issue was described as marginal with no effect on sky glow.
 - c) The bulkhead lighting on the top floor residents' balconies are to be replaced with Thorn Oyster downlights.
 - d) The applicant is willing to retain the bollard lights in the car park. The Parish Council's proposal concerning the column lighting in the car park, which has also been put forward by NEP Lighting Consultancy, could be implemented only in consultation with the Local Highway Authority.
 - e) The internal lighting is not considered to amount to development that can be controlled by planning conditions. The applicant has indicated that corridor curtains have been fitted and that corridor lighting is on a 10-minute timer. The applicant has declined to enter into a S106 agreement to enable internal lighting to be controlled or mitigated. This is not essential to ensure compliance with ILE/CIE Guidance.
 - f) In respect of the other lighting issues raised by the Parish Council, the Local Planning Authority has been advised that the submitted scheme is almost fully compliant with ILE/CIE Guidance, as noted in point c) above.

24. The recommendation remains one to approve the current application, subject to a condition to require all external lighting on the building and in the grounds (but excluding the car park and lights controlled by individual flats), to be turned off and a lighting curfew maintained between the hours 2200 and 0700. It is also recommended that the applicant be required to commence the scheme within nine weeks of the date of issue of planning permission and complete the scheme to the Council's satisfaction.

Recommendation

25. Approval, subject to the following conditions
1. The development hereby permitted shall be begun and scheme for the completion of the development shall be submitted in writing to the Local Planning Authority before the expiration of nine weeks from the date of this permission (or such longer period as shall have previously been agreed in writing by the Local Planning Authority). The development shall be completed in accordance with the agreed scheme.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: The Johns Practice site location plan scale 1:1250 and drawing no. 500 'External Amenity Lighting-Building'.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. Except as shown as to be 'operated from flat' on submitted drawing No. 500 'External Amenity Lighting- Building', no external lighting unit on the building or in the gardens or walkways shall be illuminated between the hours of 2200 and 0700.
(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.)
 4. No external lighting shall be erected or displayed on the building or in the grounds of the application site other than in accordance with the details, hereby approved, without the previous grant of planning permission in that behalf.
(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.)

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

- Planning Files ref S/2256/10, S/1327/07/F.

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