

Planning Committee 12 November 2019
Report of the Planning Manager

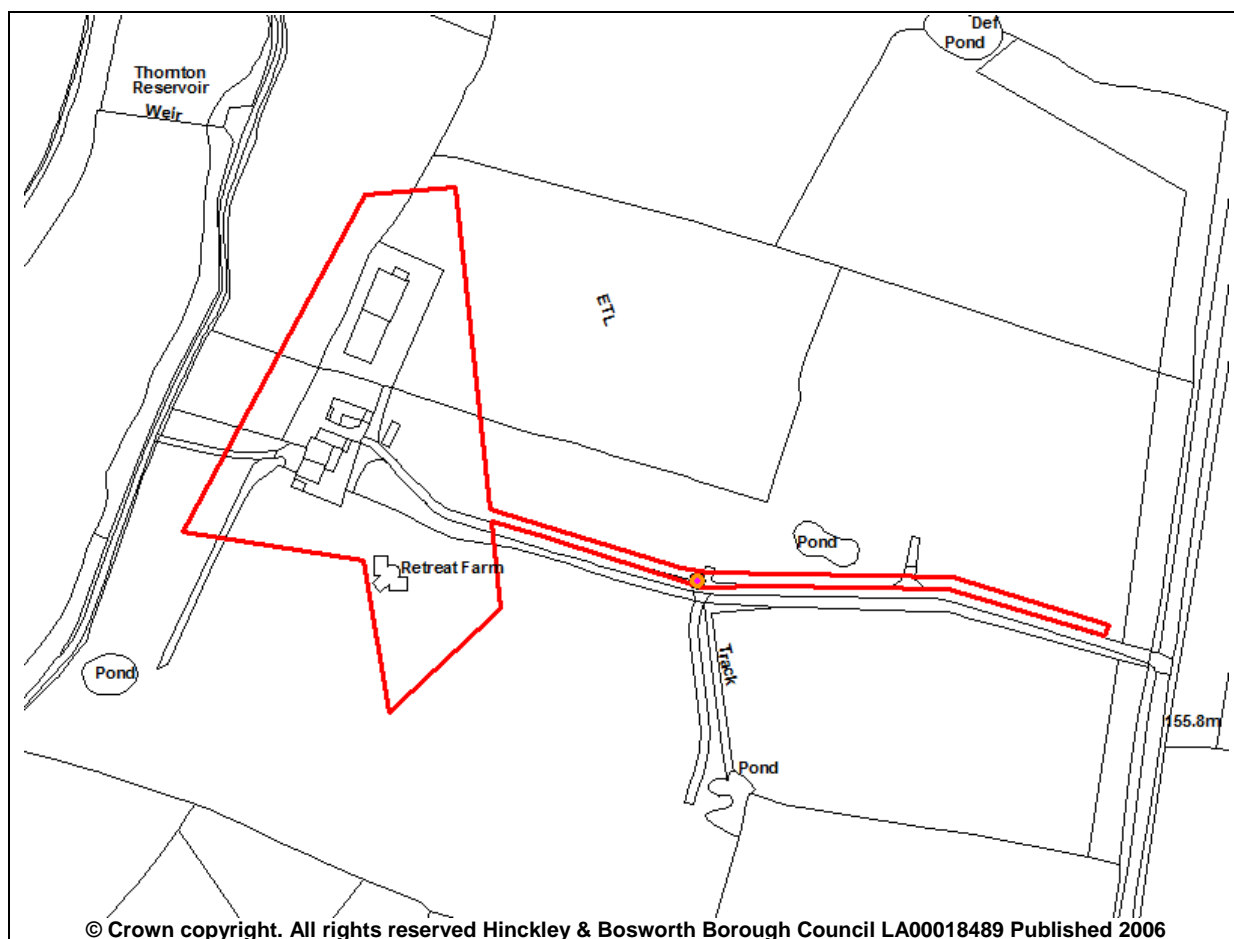
Planning Ref: 19/00901/FUL
Applicant: Mr Adrian Johnson
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: The Retreat Farm Whittington Lane Thornton

Proposal: Installation of 19 lamp posts along driveway (retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. The application seeks permission for the retention of 19 ornate lamp posts which have been installed on the north side of the access driveway leading from Whittington Lane to the property. The access drive is approximately 340 metres in length. The lamp posts are located at 30 metre intervals.
- 2.2. The lamp posts comprise black cast iron posts with a Heritage style design lamp. They are 3.7 metres in height and lit with LED 1600LM (18w) bulbs. The lighting is fitted with motion sensors which switch at either end of the access points, either at the gate from Whittington Lane, or the house (depending on direction of travel) and

remain illuminated for a period of approximately 7 minutes. The sensors are not triggered by birds or bats.

3. Description of the Site and Surrounding Area

- 3.1. The application site relates to a farming complex with a recently constructed dwelling and associated barns. The site is located within the countryside to the east of Thornton Reservoir and to the west of Whittington Lane. The application site is located outside of the settlement boundary of Thornton, and within the open countryside.
- 3.2. The site is accessible from a private access, off Whittington Lane, situated to the east of the farmstead. There is a distance of approximately 340 metres from the highway to the farmyard and dwelling. Due to the changes in levels from Whittington Lane to the farmstead and the reservoir beyond to the west. Given the change in levels, there are far reaching views across Thornton Reservoir to Thornton village to the south-west.
- 3.3. The land is undulating with areas of woodland, hedgerows and open fields.

4. Relevant Planning History

14/00847/FUL	Erection of an agricultural building	Approved	28.10.2014
15/00950/FUL	Demolition of existing dwelling and erection of dwelling and agricultural building	Approved	20.11.2015
17/00157/CONDIT	Variation of condition 2 of planning permission 15/00950/FUL to amend design of replacement dwelling	Approved	08.06.2017
17/01156/FUL	1.5m high entrance gate, 1.7m high entrance pillars, 1m high enclosure fencing	Withdrawn	06.03.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and two letters of objection have been received during the course of the application, raising the following points:-
- 1) 19 lamp posts are severely intrusive, disturbing residents whose properties face the reservoir;
 - 2) Bright lights reflecting on the water across the reservoir has resulted in being unable to sleep with curtains open;
 - 3) Light pollution and adverse environmental impact;
 - 4) Lights switch on and off randomly causing disturbance through the night;
 - 5) No site notice has been displayed;
 - 6) Sensors are picking up wildlife movement;

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:-
Environmental Health (Pollution)
Leicestershire County Council (Ecology)
Leicestershire County Council (Highways)
Natural England
- 6.2. The application has been called – in by Ward Councillors O'Shea and Boothby on the grounds that the lamp posts are unacceptable as they cause light pollution and nuisance to facing neighbours across the reservoir.
- 6.3. Bagworth and Thornton Parish Council object to the application on light pollution stating that the lights are intrusive and have an adverse environmental impact.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.3. Other Guidance
- Institution of Lighting Engineers: Guidance Notes for the Reduction of Light Pollution (2000)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework Feb 2019 ("NPPF") identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with up-to-date development plan permission should not usually be granted unless other material considerations indicate otherwise.

- 8.3. The development plan in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. The application site is located outside the settlement boundary of Thornton and is on land designated as countryside within the SADMP.
- 8.5. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to there being no significant adverse effects on the character or appearance of the countryside.
- 8.6. The proposal seeks the erection of 19 lamp posts to serve the existing farmstead and dwelling, and its associated access, the development would support the existing permitted use and therefore would be considered acceptable in principle, subject to meeting the sub-criteria of DM4.

Design and impact upon the character of the area

- 8.7. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM6 requires proposals to demonstrate that they will not cause harm to habitats or can adequately mitigate against any harm that cannot be prevented. Policy DM7 requires proposals to demonstrate that reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow
- 8.8. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. The lighting is required for security purposes to light the driveway from the highway to the farmyard (and vice versa). The lights are on a timer of approximately 7 minutes which enables vehicles safe access to the road (or the dwelling) on what would otherwise be an unlit stretch of road.
- 8.10. The lighting columns are spaced approximately 30 metres apart which is a similar distance to street lights. They are 3.7 metres in height and have a matt black finish, and of heritage style, in terms of their design and appearance. Although lighting columns are not usually seen in such proliferation, the numbers of posts are proportionate to the length of the driveway, which is a considerable distance from the highway. Combined with their height, design and finishes, the lights are considered to be unobtrusive within the countryside setting.
- 8.11. There are hedgerows with trees interspersed along the western side of Whittington Lane which screen the entrance to the site from far reaching views. The lighting columns can be seen from Whittington Lane when approaching the site entrance from the south. However as they are located on the eastern side of the existing driveway, they are not easily seen when approaching the entrance from the north. In this regard the lighting columns do not have an obtrusive impact on the countryside location from views from Whittington lane.
- 8.12. Due to the undulation of the land, the dwelling is built on the brow of the hill and is visible over long distances from Thornton (to the south-west) across the reservoir. However, there are only intermittent views of the driveway from the Reservoir path which runs adjacent to the site along its western boundary with only the lighting columns that are located within the farmyard visible from the public footpath which

skirts the banks of the reservoir. Again, in daylight, the lighting columns are not easily apparent from the public footpath, due to the matt black finish, and do not appear obtrusive or out of character with this rural setting.

- 8.13. In regard to long reaching views from Thornton, the lighting columns are not visible in daylight.
- 8.14. Any impact on the countryside location would be apparent during the hours between dusk and dawn where, with the absence of street lighting, light emitting from the lighting columns could cause harm through unnecessary light pollution and impact on natural habitats particularly with some types of bats that are sensitive to light as increasing levels can impact on foraging routes.
- 8.15. The Council's Light Zone Map (Appendix 6 of the SADMP) shows this site within environmental zone 1 (Natural (intrinsically dark)). The Institute of Lighting Professionals Guidance sets out specific constraints for lighting within environmental zones. Within each zone, targets are applied for sky-glow, light intrusion, glare, luminaire intensity and building luminance. The Guidance suggests that lighting in E1 areas should be kept to a minimum. The lamps are to be lit with PRO LED GLS bulbs each with strength of 1600 lumens (equivalent 100W). Although it is acknowledged that the lighting would have some impact on the night sky, as they are motion sensed and serve one dwelling it is not considered that there would be so much traffic movement that would entail the lights being triggered time and time again. In this regard it is considered that the impact of the lights on the night sky would not cause uncontrollable light pollution or have a long lasting negative effect on the dark sky zone.
- 8.16. In regard to the impact the lighting may have on habitats and ecology, the applicant, via his agent, has stated within his submission that he has sought advice from RammSanderson Ecology Ltd who confirm that as the lights are fitted with motion sensors and are only on for a limited time this accords with Best Practice for Bats and Lighting (BCT and ILP 2018) and any adverse impact on bats would be extremely unlikely.
- 8.17. Leicestershire County Council Ecology have concurred with the advice supplied by RammSanderson Ecology Ltd. Although originally concerned by the introduction of lighting into a 'dark' area of countryside, they have advised that as the lights are set on timer based motion sensors this will significantly reduce the impacts on bats and there are no objections to the proposal providing that the lights are continued to operate in this way and do not switch to being on at all times including throughout dusk and then turned off at night. It is considered appropriate to impose a Condition in regard to the operation of the lights.
- 8.18. In this regard, the proposal complies with Policies DM4, DM6, DM7 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP requires that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.20. During the course of the application objections have been received in respect to lighting, from this application, is causing nuisance to residents whose properties face east across the reservoir towards the site. These properties are approximately 1 km to the south-west as the crow flies; and no evidence has been presented of this intrusion. There are also no recorded Environmental Health complaints of light pollution from this application source.
- 8.21. Notwithstanding this, dwellings to the south-west are also situated on the brow of a hill and would have clear views across the reservoir, however following consultation

with Environmental Health, and having regard to the positioning of the driveway to the north-east of the dwelling, the lights limited use, and the strength of the lighting proposed it is not considered that the proposal would have such a significant impact on residents within Thornton village. As such in this regard the proposal complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.22. Policy DM17 of the SADMP states that proposals should demonstrate that there would not be a significant impact upon highway safety.
- 8.23. The lighting of the driveway would ensure a safe access for the occupier and visitors to and from the property after dark. The nearest lamp post to the main highway is approximately 30 metres from the road behind the gate. Leicestershire County Council (Highways) have considered the application, and do not considered that they would have any material impact upon the public highway.
- 8.24. It is considered that the lighting columns would not have any impact on the existing road network or its users, and would therefore comply with Policy DM18 of the SADMP.

Other matters

- 8.25. The application has been publicised appropriately with adjacent neighbours notified by letter and a site notice displayed adjacent to the entrance on Whittington Lane.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal for the installation of 19 lighting columns along the driveway to Retreat Farm is acceptable in principle. The lighting columns would have no adverse impact on the character and appearance of the countryside location and the proposed lighting levels controlled by motion sensors on a time limit would not

have a negative impact upon bats or ecology, nor cause nuisance to residents of Thornton village.

- 10.2. The proposal accords with Policies DM1, DM4, DM6, DM7 and DM10 of the SADMP and is recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than incomplete accordance with the submitted application details, as follows:
Amended Site Location Plan (un-numbered) Received by the Local Planning Authority on 19 September 2019
Example of Light Column
Example of light Bulb
Design & Access Statement
Received by the local planning authority on 9 August 2019;

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. The external lighting as installed shall remain in accordance with the approved details as follows;
Amended Site Location Plan (un-numbered) Received by the Local Planning Authority on 19 September 2019
Example of Light Column
Example of light Bulb
Received by the Local Planning Authority on 9 August 2019; the lighting shall be maintained and operated in accordance with the approved details in perpetuity.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM4, DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The approved external lighting hereby approved shall only be operated by a motion sensor set on a 10 minute timer and be of no higher luminance than 1600LM as agreed in the email dated 30 October 2019 from Landmark Planning Ltd The 19 lamps must not be permanently illuminated at any time.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM4 DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).