

Planning Committee 28 July 2020
Report of the Planning Manager

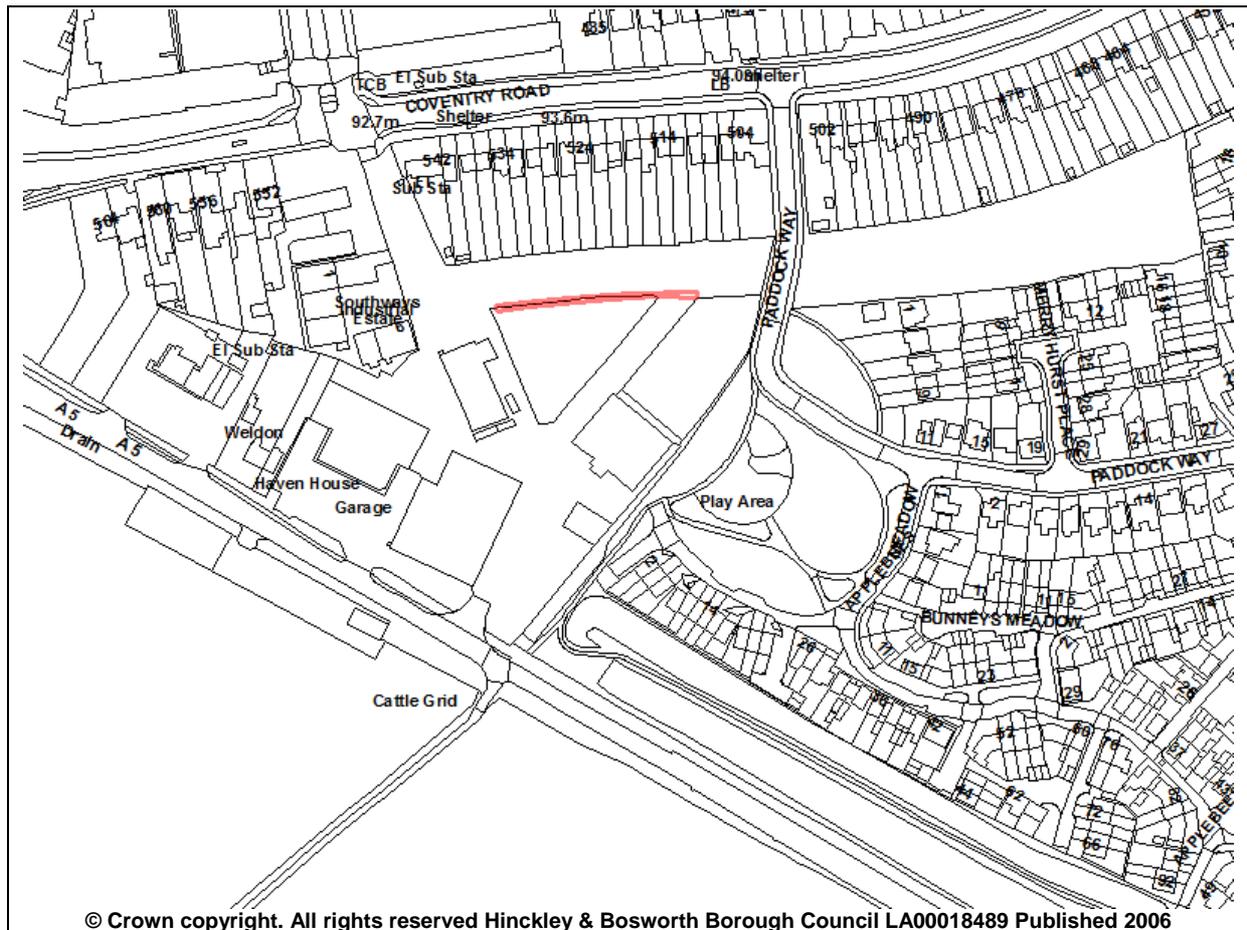


Hinckley & Bosworth
Borough Council

Planning Ref: 20/00191/FUL
Applicant: Mr Nigel Payne
Ward: Hinckley Clarendon

Site: Paynes Garages Ltd Watling Street Hinckley

Proposal: Installation of 4 x 5 metre high lamp columns and associated lighting units (retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks retrospective full planning permission for the installation of 4 x 5 metre high lamp metal columns and associated lighting units (Xcite 100W Road Lanterns) on land used as a staff car park serving Paynes Garage Limited.

2.2. The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be

on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only when sufficiently dark.

- 2.3. The application states that they have been installed to replace existing faulty sodium car-park lighting in order to provide a safe and secure environment for staff to access their personal motor vehicles during the hours of darkness.
- 2.4. The four 5 metre high lamp columns are sited in an east - west line with approximately 26 metre spacing and located approximately 22 metres from the north boundary of the car park.

3. Description of the Site and Surrounding Area

- 3.1. The application site forms part of a designated employment site (reference HIN118) The lamp columns that are the subject of this application are located within an extensive area of land with loose surfacing used for the parking of motor vehicles in association with the commercial/employment premises located to the west and south. Uses include car sales, vehicle servicing and repair etc. To the north of the car park there are residential properties with long rear gardens and the Paddock Way highway lies to the east. The site is enclosed by solid timber fencing of at least 2 metres in height to the north and east boundaries.

4. Relevant Planning History

There is an extensive planning history for the wider site but none directly relevant to this current application.

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.
- 5.2. Responses from five separate addresses have been received as a result of public consultation raising the following objections, issues and concerns:-
 - 1) Adverse impacts on amenity from light pollution/light intrusion
 - 2) Lights were initially on a timer but are now on for prolonged period through the night contrary to submitted application details
 - 3) Loss of privacy from removal of trees
 - 4) Old posts are an eyesore and should be removed

6. Consultation

- 6.1. No objection has been received from:-

Leicestershire County Council (Highways)
Environmental Health (Pollution)

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM19: Existing Employment Sites
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance

- Employment Land and Premises Review (2013)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

8.2. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.3. By virtue of the scale and nature of the proposal there are no directly relevant policies within the adopted Core Strategy. The application site lies within an area designated as an employment site within the adopted SADMP (reference HIN118) and a category 'A' key employment site which is to be retained for such uses in the most recent Employment Land and Premises Review (2013). Paragraph 127 of the NPPF (2019) seeks to ensure that development creates places that are safe, inclusive and accessible for future users and where crime or the fear of crime is addressed.

8.4. The lighting scheme has been installed to enhance the safety and security of staff/users of the car parking facilities that are ancillary to the long established commercial/employment uses on the site during hours of darkness. As such the development is considered to be acceptable in principle subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the area

8.5. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area.

8.6. The lamp columns are located between existing parking spaces within the car park site and by virtue of their 5 metre height which is not excessive, narrow profile and silver grey finish, the lamp columns and lighting units are not overly prominent within the car park or from the wider surrounding area. As with existing illumination in other parts of the wider site, when illuminated during the hours of darkness they are clearly be more noticeable. However, lighting schemes are features which would be expected within a commercial car parking area for safety and security purposes and by virtue of their siting, scale, design and appearance in this case they are not considered to result in any significant adverse impacts on the commercial and industrial character of the area. The lighting scheme is therefore considered to be in accordance with Policy DM10 of the adopted SADMP in such respects.

Impact upon neighbouring residential amenity

8.7. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that all reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.

- 8.8. Objections have been received on the grounds that the lighting scheme results in light pollution and light intrusion to neighbouring residential properties.
- 8.9. The lighting columns have been installed as replacements for old lighting units that have been removed from lighting columns that are located immediately inside the north boundary of the site adjacent to residential gardens. The new lighting columns are of similar height, have been relocated approximately 22 metres inside the site boundary and are fitted with lighting units that face downwards to reduce potential light spill to surrounding areas whilst providing satisfactory illumination to the parking area.
- 8.10. The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only then when sufficiently dark to trigger the photo cell.
- 8.11. It appears from responses received during public consultation on the application that whilst the use of the lights may have been subject to hours restriction and control following initial installation, this seems to have become less so thereafter and it has been suggested by the occupiers of neighbouring properties that the lighting is on for prolonged periods through the night which results in unnecessary light intrusion to neighbouring properties.
- 8.12. The issue of the hours of illumination has been raised with the applicant who confirms that the controls stated in the application were installed to restrict the use of the lights to the time periods required. However, following the comments received during the application, an investigation is being undertaken to check the historic operation of the lighting scheme through the viewing of CCTV footage of the car park and the electrical contractor is to be asked to inspect/service the control mechanisms to ensure that they are operating correctly or, if not, to repair them. It was established that it had been damaged during a storm and the timing mechanism has now been repaired.
- 8.13. However, notwithstanding the outcome of those investigations, the future operation of the lights can be controlled through the imposition of a suitably worded condition to restrict the hours of use of the lights to those which have been applied for and which are considered to be reasonable and necessary to enable their effective use whilst mitigating any significant adverse impacts from light pollution/intrusion on neighbouring properties. The scheme has been assessed by the Environmental Health (Pollution) team who raise no objection in respect of impacts on residential amenity.
- 8.14. Notwithstanding objections received, by virtue of the existing enclosure of the site by 2 metre high solid timber boundary fencing which is to be retained, the installation of lighting columns within a car park does not result in any loss of privacy to neighbouring occupiers.
- 8.15. The old lamp columns are poor in terms of visual appearance however the applicant has confirmed that removal of these has not been undertaken pending planning permission being secured for the replacement new columns that are the subject of this application.
- 8.16. By virtue of the siting, 22 metre separation distance to the site boundary and the scale and downward design of the lighting scheme, subject to satisfactory control of illumination to reasonable hours, the scheme would not result in any significant adverse impacts from light pollution or intrusion on the amenities of neighbouring residential properties. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

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 installation of ancillary safety and security facilities to serve existing uses is generally acceptable in principle. In this case the lighting scheme replaces a previously existing system that came to the end of its effective life. By virtue of the siting, scale, design and appearance the scheme complements the commercial and industrial character of the site. By virtue of the separation distance to any neighbouring properties and the design of the lighting units which point downwards to minimise light spill, together with the imposition of a condition to restrict the hours of use of the lighting to those that are necessary and applied for, the scheme would not result in any significant adverse impact on the amenity of any neighbouring residential properties or the wider area from light intrusion. The scheme is therefore considered to be in accordance with Policies DM1, DM7, DM10 and DM19 of the adopted SADMP and is therefore 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. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3. **Conditions and Reasons**
1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing reference TQRQM20064140812668, Site Plan Drawing reference TQRQM20064141310364 and Thorn Lamp Column Elevation/Technical Details Drawing No. 35919-1 received by the local

planning authority on 9 March 2020 and Xcite LED Lantern Details received by the local planning authority on 7 April 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The external lighting hereby permitted shall not be switched on other than between the hours of 6.00am to 8.00am in the mornings and between 4.30pm and 6.30pm in the evenings.

Reason: To protect the occupiers of neighbouring residential properties from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Within six months of the date of this planning permission, the three existing redundant lamp columns located along the north boundary of the car park shall be removed from the site.

Reason: In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).