



meeting **PLANNING COMMITTEE**

date **27 APRIL 2004**

from: **Director of Environment**

agenda item number

5

**RUSHCLIFFE BOROUGH COUNCIL 8/03/01528/CTY
INSTALLATION OF FIXED LIGHTING COLUMNS & DE-MOUNTABLE
LIGHTING COLUMN IN LOWER CAR PARK
COUNTY HALL, LOUGHBOROUGH ROAD, WEST BRIDGFORD, NOTTS
APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL PROPERTY &
RESOURCES**

Purpose of Report

1. To consider a planning application for the installation of two fixed lighting columns and a single de-mountable lighting column in the lower car park at County Hall. The application has given rise to various concerns principally relating to visual, light impact and impact on a public right of way. The recommendation is to grant planning permission subject to planning conditions.

The Site and Surroundings

2. The site is the County Hall lower car park and lies towards the northern edge of West Bridgford and is bounded to the south by residential property along Sandringham Avenue and Trentside. To the east lies the main Loughborough Road and to the west the River Trent. County Hall is to the north, with its adjacent car parking areas, including the lower car park, which occupies the southern sector of the campus. A location plan is attached.

Proposed Development

3. The application seeks to install a single galvanised de-mountable lighting column to a height of 10m, with a proposed average illumination value of 50 lux, which would be positioned in the centre of the lower car park, next to an area of mature trees and soft landscaping.
4. The scheme would also incorporate two fixed galvanised lighting columns to a height of 5m, with a proposed average illumination value of 50 lux. These two columns would be sited at each corner of the car park, just on the perimeter, towards the southern boundary of the site, on what is presently a grassed area.

Planning Policies

5. The Nottinghamshire Structure Plan Review (November 1996) contains no policies that are relevant to the proposal. Policy ENV1 of the Rushcliffe Borough Local Plan supports new development provided that there is no significant adverse effect upon the amenity of adjoining occupiers, and subject to issues of scale, massing and design. This policy is rolled over into the Rushcliffe Borough Replacement Local Plan Deposit Draft, further enhancing the amenity issue.

Consultations

6. **Rushcliffe Borough Council** raises no objection and supports the application subject to conditions both restricting the times of use of the lights and requiring that the lighting should operate at the lowest level of illumination necessary for the operation of the car park. In addition, the light fittings should be angled and shaded to minimise the levels of light spillage outside the car park, in order to protect residential amenity.
7. **Powergen** has made no response.
8. **Severn Trent Water** raises no objection
9. **Transco** has drawn attention to the fact that there is apparatus in the area.
10. **EMEB** raises no objection.
11. **The Crime Prevention and Architectural Liaison Officer** raises no objection.

Publicity

12. The application has been advertised by means of two statutory site notices and neighbour notification letters sent to the occupiers of Nos. 2a, 2 – 14 (evens) Sandringham Avenue, Cottesmore – Loughborough Road, and Nos. 1 and 2 Trentside. One letter of representation has been received signed by fourteen residents. The letter objects to the proposal on the following grounds:
 - a) the lighting is unnecessary;
 - b) the lights would be located on a public Right of Way;
 - c) lighting columns are too close to garden fences;
 - d) trees were removed in 2001 and a replacement planting scheme is yet to be carried out.

Highway Observations

13. There are no highway objections subject to the lighting being suitably angled and shielded to prevent glare and dazzle on the public highway.

Observations

14. Health and safety concerns have been identified by Facilities Management at County Hall with regard to staff members who have to use the lower car park, and in particular the perimeter areas, during the hours of darkness. It has been determined that there is a need for an increase in lighting provision in and around the lower car park. The proposed lighting scheme has been put forward to address this issue.
15. It is noted that the core staff and associated cleaning and ancillary staff are away from the site by 2000 hours throughout the week (Monday to Friday inclusive) and that there would be no further need for the lights beyond this time. In seeking a balance between the needs of the County Council to maintain the safety of its employees and those of the residents, in terms their local amenity, it is considered reasonable to allow the lights to be used on weekday evenings subject to a requirement for use to cease at 8.00pm. There would be no requirement for the use of the lighting at weekends or Bank and Public Holidays, so allowing residents to enjoy their local amenity uninterrupted at these key times.
16. The two fixed 5m high lighting columns would not be sited directly adjacent to the boundary fencing with dwellings in Sandringham Avenue and Trentside. One of these two columns would be positioned to the immediate north-east of an electricity sub-station next to the lower car park and would not be viewed from properties within Sandringham Avenue. The other lighting column would be sited just to the north of the side elevation of No. 1 Trentside. Therefore, there would not be any direct rear views of the lighting column from this particular dwelling. It can be seen that the positioning of these two fixed lighting columns, despite their relatively close proximity to dwellings within Sandringham Avenue and Trentside, means that any negative impact from the lighting columns would be minimised.
17. The centrally located 10m high lighting column would be visible from dwellings within Sandringham Avenue, but given the relatively low illuminance lux level of car parking light this impact would be kept to a minimum.
18. Visual impact on adjacent occupiers could therefore be mitigated by the positioning and angling of the lights, while the level of luminance incorporated into the scheme is the lowest that would allow the car park to be used by staff. Planning conditions could ensure that the luminance level is controlled and the proposed lighting positioned correctly. In addition, they could also ensure that the light fittings to the lighting columns are shaded to minimise the levels of light spillage onto the adjacent highway.
19. The lighting columns would not be sited on a public Right of Way. There is no definitive path alongside the lower car park directly adjacent to the garden boundary fencing of dwellings within Sandringham Avenue, though it is a walking route used by the public. However, the two fixed 5m high lighting columns are not sited on this possible path, but are located inwards towards the perimeter of the lower car park.
20. The objections regarding the previous removal of trees from the car park are noted. Properties on both Sandringham Avenue and Trentside do have open

views of the car park from rear upper windows, though there is perimeter fencing to properties in place at ground level. Additional sources of lighting would add to the visual impact. These views would be filtered, and some screening provided in the longer term, by the introduction of replacement tree planting along the boundary of the car park contiguous with the rear of properties on Sandringham Avenue. This can be pursued by means of a condition attached to any permission granted.

Conclusions

21. The proposed development will provide improved lighting provision for the lower car park and enhance the security of staff using the car park during the hours of darkness. At present, the current level of lighting is insufficient to adequately light the lower car park. Overall, it is important that County Hall can function properly and deliver safe and secure parking provision for its staff.
22. It is recognised that the siting of the proposed lighting columns in this location would introduce lighting closer to residential properties within Sandringham Avenue and Trentside. Therefore, every effort should be made to minimise any loss of amenity for adjacent residents. Planning conditions restricting times of use of the lights and controlling levels of light illuminance and positioning of the lights should adequately mitigate any negative impact on the amenity of local residents. Provision could be made for replacement tree planting along the boundary of the car park to properties on Sandringham Avenue.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought out in the text of the report. Members' attention is, however, drawn to the specifics as follows:-

Human Rights Act Implications

24. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposal has the potential to introduce impacts of light and visual intrusion for residents within Sandringham Avenue and Trentside. However, these considerations need to be balanced against the health and safety needs of County Hall employees.

RECOMMENDATION

25. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

REASON FOR DECISION

26. The proposal has the potential to impact negatively on the amenity of the local residents, but is considered capable of being successfully mitigated. The proposal is in accordance with policies of the Development Plan and will bring benefits to County Hall's employees.

PETER WEBSTER
Director of Environment

Director of Resources' Financial Comments

As this report considers the planning application, there are no direct financial consequences arising. [DJK 13.4.04]

Legal Comments

Planning Committee has power to decide the Recommendation. [SHB 16.4.04]

Background Papers Available for Inspection

1. One letter signed by fourteen residents dated the 25.11.03.

Electoral Division(s) Affected

West Bridgford East

EPD.DW/EP4515
8 April 2004

RELEVANT PLANNING POLICIES

Rushcliffe Borough Local Plan

Policy ENV1

PLANNING PERMISSION FOR NEW DEVELOPMENT, CHANGE OF USE, CONVERSIONS OR EXTENSIONS WILL NORMALLY BE GRANTED PROVIDED THAT, WHERE RELEVANT, THE FOLLOWING CRITERIA ARE MET:

- a) THERE IS NO SIGNIFICANT ADVERSE EFFECT UPON THE AMENITY, PARTICULARLY RESIDENTIAL AMENITY, OF ADJOINING PROPERTIES OR THE SURROUNDING AREA, BY REASON OF TYPE AND LEVELS OF ACTIVITY ON THE SITE, OR TRAFFIC GENERATED;
- b) THE PROPOSAL SATISFIES THE BOROUGH COUNCIL'S GUIDE TO CAR PARKING STANDARDS (APPENDIX B);
- c) SUFFICIENT SPACE IS PROVIDED WITHIN THE SITE TO ACCOMMODATE THE PROPOSAL TOGETHER WITH ANCILLARY AMENITY AND CIRCULATION SPACE;
- d) WITH REGARD TO RESIDENTIAL DEVELOPMENT THE PROPOSAL SATISFIES THE BOROUGH COUNCIL'S STANDARDS FOR THE PROVISION OF PLAY AND AMENITY OPEN SPACE (APPENDIX C);
- e) IN THE CASE OF RESIDENTIAL DEVELOPMENT THE DESIGN AND LAYOUT ENSURES THAT THE OCCUPANTS OF NEW DEVELOPMENTS HAVE A SATISFACTORY DEGREE OF PRIVACY AND AMENITY;
- f) THE SCALE, HEIGHT, DESIGN AND MATERIALS OF THE PROPOSAL ARE NEITHER UNSYMPATHETIC TO THE CHARACTER OF ITS SURROUNDINGS NOR OVERBEARING ON NEIGHBOURING PROPERTIES;
- g) NOISE ATTENUATION IS ACHIEVED;
- h) WHEREVER POSSIBLE THERE IS NO SIGNIFICANT ADVERSE EFFECT ON WILDLIFE HABITATS;
- i) THE AMENITY OF OCCUPIERS OR USERS OF THE PROPOSED DEVELOPMENT WOULD NOT BE DETRIMENTALLY AFFECTED BY EXISTING NEARBY USES; AND
- j) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON THE HISTORIC ENVIRONMENT INCLUDING LISTED BUILDINGS, CONSERVATION AREAS, SCHEDULED ANCIENT MONUMENTS AND HISTORIC PARKS AND GARDENS.

SUGGESTED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
2. Unless otherwise agreed in writing by the County Planning Authority (CPA) the development hereby permitted shall be carried out in accordance with the details shown on the approved Plan Drawing No. EN/05898/10 Rev. A, as received by the CPA on the 12th March 2004.
3. Existing trees on the site shall be retained and protected during the installation of the lighting columns and none shall be lopped, topped, felled or pruned and nor shall there be any crown lifting without the prior consent of the CPA. Prior to the commencement of the development hereby permitted, measures shall be taken for the protection of all trees and hedges from damage during the course of the development before any equipment, machinery or materials are brought onto the site for the purpose of the development. The means of protection shall include measures to prevent disturbance or reduction in soil levels within the area of the root spread of the hedgerows; and the adequate fencing off of all trees. The means of protection shall be implemented and retained on site until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition and the ground levels within these areas shall not be altered nor shall any excavation be made without the prior written approval of the CPA.
4. Any trees or shrubs which become damaged during the course of the development shall be replaced in the first available planting season with the same specimens to those originally planted; the size of these trees shall be at least 14-16cm in girth and the shrubs 60-90cm in height.
5. Unless otherwise agreed in writing by the CPA a planting scheme shall be carried out in accordance with the details shown on Plan Drawing No. LT/010786/001, as received by the CPA on the 14th April 2004.
6. Prior to the commencement of the development hereby permitted, maintenance details for the landscaping scheme approved under Condition 5 shall be submitted to the CPA for its written approval.
7. All planting shall be carried out in accordance with the details approved under Condition 5 in the first available planting season following the completion of the development, as agreed in writing with the CPA. The planting scheme shall be maintained in accordance with the maintenance schedule approved under Condition 6 and good arboricultural practice for a period of five years following its implementation and any trees which die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with similar species to those originally planted.
8. Except with the prior written agreement of the CPA no construction work shall be carried out or plant operated other than between the following hours: 0730hrs to 1730hrs Monday to Friday, 0800hrs to 1330hrs on Saturday and at no times on Sunday, Bank or Public Holidays.

9. Except with the prior written agreement of the CPA the lighting shall only be used between the hours of 0730hrs to 2000hrs Monday to Friday and at no times on Saturday, Sunday, Bank or Public Holidays.
10. The lights shall not have a greater illuminance level than 50 lux and the lights shall be positioned, directed and angled downwards and shielded, to avoid glare and dazzle to both neighbouring residents and the public highway such that this can be verified on site by the CPA within three months of the date of the commencement of the use of these lights, the date of which shall be notified to the CPA within 7 days.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
- 3-7. To ensure a satisfactory visual appearance for the development.
- 8-9. To protect residential amenity and to accord with Policy ENV1 of the Rushcliffe Borough Local Plan.
10. To protect residential amenity and highway safety, and to accord with Policy ENV1 of the Rushcliffe Borough Local Plan.

Note to Applicant

The applicant's attention is drawn to the advice from Transco.

EPD.DW/EP4515
8 April 2004

Please note. Copies of plans referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email john.sheffield@nottscc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottscc.gov.uk.