

Planning Committee: 01 November 2006

Item Number:

Application No: W 05 / 1026

Registration Date: 16/06/05

Town/Parish Council: Lapworth

Expiry Date: 11/08/05

Case Officer: Sandip Sahota

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Heronbrook House, 71-77 Bakers Lane, Lapworth, Solihull, B93 8PW

Installation of 9 no. 'Toorak Street Lanterns' along access way (Retrospective application). FOR Parkridge Homes Ltd

This application is being presented to Committee due to an objection from the Parish Council having been received.

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Object. *"This development is in the Green Belt and is within a Special Landscape Area and neighbours a designated SSSI (Brook Meadow). The Parish Council considers the levels of lighting entirely inappropriate in such an area. The lighting from this development is causing light pollution or 'trespass' onto neighbouring land where many farm animals are kept. This is having an adverse affect on these animals not to mention the affect on the local wildlife, including statutorily protected species. Condition 17 of the planning permission W20011297 states that the area outside the residential curtilage shall remain in use for pasture/ paddock. The Parish Council therefore considers these areas should remain undisturbed by light pollution. Intrusive lighting is a statutory nuisance. This level of lighting is having an adverse impact on the character of the Green Belt. This is a retrospective planning application and the Parish Council urges that immediate enforcement action be taken to reduce the levels of lighting in what is, after all, the countryside".*

Neighbours: One letter of objection received on grounds that the lighting scheme creates a large area of urban lighting destroying the rural darkness of the area and is out of keeping with the level of lights at the surrounding dwellings.

Environmental Health: No objection. *"New proposed scheme for the tree lighting, if carried out as per report by R W Gregory looks much better and acceptable".* With respect to the street lights: *"Option 2 (100mm extension to existing shade) appears to be most likely one to prevent glare and excessive light spillage. This also offers a significant improvement on the current situation".*

British Waterways: No comments to make.

WCC Ecology: *"Although the application site is within Ecosite 149/79, the development (although now retrospective) is unlikely to cause any adverse ecological impact. Recommend advisory note relating to lighting be attached to any approval granted.*

RELEVANT POLICIES

- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- (DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
- (DW) ENV29 - Protection of SSSI's and Local Nature Reserves (Warwick District Local Plan 1995)

PLANNING HISTORY

Planning permission (ref: W01/1207) was granted in March 2002 for the conversion of the main house, with side and rear extensions, into 3 apartments, erection of detached garage block and the erection of 4 detached houses after demolition of other buildings. The development has been implemented. Although permitted development rights were removed within parts 1 and 2 of schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, a specific condition prohibiting the installation of external lighting was not specified.

KEY ISSUES

The Site and its Location

The application site is situated on the north side of Bakers Lane and lies within the Green Belt and the Arden Special Landscape Area. Brooke Meadow Site of Special Scientific Interest (SSSI) adjoins the site to the west.

Details of the Development

This retrospective application includes a large number and variety of lighting both within the curtilages of the dwellings and on the buildings themselves. However, in my opinion the vast majority of the lighting installations, including the vertically aimed tree floodlights, do not constitute development and therefore do not require planning permission. The only lighting, in my opinion, that require planning permission are the 9 no. 'Toorak Lanterns' positioned at the entrance gates and along the access drive.

Assessment

There is a limited amount of guidance in British Standards and Institute of Lighting Engineers documents relating to private estate roadways. What guidance there is principally deals with the avoidance of glare from light sources by limiting the beam angle to below 70° to the vertical and light spillage onto the highway. The Toorak Lanterns as installed do not meet these requirements. However, the lighting report submitted with the application indicates that by extending the existing 62 mm skirt a little further in the downward direction to achieve 100 mm will reduce the angle from the vertical to less than 70°. This will also have the beneficial effect of obscuring the glass reflector thereby reducing the risk still further of sideways glare.

Although there is no street lighting along Bakers Lane, an evening site visit revealed that many of the houses along it have various forms of lighting both on the buildings and within the front gardens. Whilst I agree with the Parish Council that the impact on the Green Belt is an important issue, I do not consider that the impact of the Toorak Lanterns alone, as amended, is sufficient to merit a refusal of planning permission. Furthermore, I consider it would be unreasonable for the occupiers of the development not to have some forms of illumination on the site.

Whilst the application site adjoins the SSSI to the west, the two are separated by dense vegetation and the closest lantern is positioned approximately 195 metres away. Moreover, WCC Ecology have advised that the lighting is unlikely to cause any adverse ecological impact.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 Within 2 months of the date of this permission the shade to each Toorak lantern shall be extended in accordance with 'option 2' as shown on drawing number 05056 02 Rev 2 submitted to the District Planning Authority on 25th July 2006, and retained as such thereafter. **REASON:** To protect the character and amenity of this part of the Green Belt and Special Landscape Area as well as the amenity of the occupiers of nearby properties in accordance with the requirements of policies (DW) ENV1, (DW) ENV3 and (DW) C3 in the Warwick District Local Plan 1995 and Policies RAP1, DP1 and DP2 in the Warwick District Local Plan 1996 - 2011 (Revised Deposit Version).

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not prejudice the openness and rural character of this green belt area or the amenities of local residents and is considered to comply with the policies listed.
