



Planning Committee Report

Application Number: WNS/2023/0054/FUL
Location: Land off Mill Lane, Brackley, Northamptonshire, NN13 7XU
Development: Full Planning Permission for the erection of CCTV and Lighting (part retrospective)

Applicant: Mill Lane Storage Ltd.
Agent: Miss Louise Steele
Case Officer: Rob Burton

Ward: Brackley

Reason for Referral: Committee
Committee Date: 7 December 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION FOR THE DEVELOPMENT SUBJECT TO CONDITIONS

Proposal

Full Planning Permission for the erection of CCTV and Lighting (part retrospective)

Consultations

The following consultees have raised **objections** to the application:

- Brackley Town Council
- Cllr Bagot-Webb

The following consultees have raised **no objections** to the application:

- Planning Policy
- Environment Agency
- Environmental Protection
- Ecology
- Wildlife Trust
- Crime Prevention Design Advisor
- Highways England

The following consultees are **in support** of the application:

- None

24 letters of objection have been received and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of the development
- Impact on residential amenity
- Impact on ecology

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises an open expanse of hardstanding with chain-link/timber fencing and associated access situated to the eastern edge of Brackley. The access serves numerous dwellings as well as the site, the majority of which benefits from a lawful use as a timber yard. The site is sandwiched between housing to the north/east and the Great River Ouse/Brackley Bypass to the west.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development relates to CCTV and lighting at the site following unauthorised erection of floodlights. The applicant had erected various lighting poles and had been asked to submit a retrospective application to seek planning permission by the Councils planning enforcement team. The initial submission involved 32 lighting poles (of which 12 would have had cameras mounted). Officer's advised they would not support the level of floodlighting proposed (which it should be added also far exceeded the number of poles already erected on site).
Following officer negotiations, the scheme before members is a significant reduction in the number of poles proposed, it relates to 4 CCTV cameras and 3 flood lights as demonstrated on the proposed plans. The 7 timber poles would have a maximum height of 3.66 metres, 4 of which would have cameras and 3 would have a flood light, all mounted at a height of 2.74 metres.

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:

S/2007/0278/P	Approval	12 November 2007
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Change of use to storage of fencing and timber supplies plus ancillary trade counter sales (Retrospective)

S/2008/1372/CLU	Approval	6 May 2009
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To allow continued use of the site as a timber yard with an ancillary trade counter without the need to comply with conditions attached to the S/2007/0278/P permission.

S/2015/2758/FUL Approval 16 February 2016

Demolition of existing buildings and redevelopment comprising of 7 dwellings with associated landscaping and parking

S/2018/1519/FUL Approval 30 October 2018

Application to vary condition 2 (drawings) S/2015/2758/FUL (Demolition of existing buildings and redevelopment comprising of 7 dwellings with associated landscaping and parking) to alter floorplans, elevations, increase floor space and alter site plan).

4 **RELEVANT PLANNING POLICY AND GUIDANCE**

Statutory Duty

4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 Development Plan

West Northamptonshire Joint Core Strategy Local Plan (Part 1)
 SA - Presumption in Favour of Sustainable Development
 S1 - The Distribution of Development
 S10 - Sustainable Development Principles
 Policy BN7 – Flood Risk

South Northamptonshire Local Plan Part 2
 Policy SS2 General Development and Design Principles
 Policy NE5: Biodiversity and Geodiversity
 Policy NE6: Sites of Special Scientific Interest and Protected Species

6.3 Material Considerations

- Supplementary Planning Guidance
- National Planning Policy Framework (NPPF)
- SNC Design Guide

5 **RESPONSE TO CONSULTATION**

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Wildlife Trust	Comment	Concerns regarding the impact on commuting and foraging bats since the advice contained within the Preliminary Ecological Appraisal & Bat Transect Survey (PEA) was not reflected within

		<p>the plans.</p> <p>Officer Comment: These comments relate to the originally submitted application which did not align with the applicants own ecologists comments. The Wildlife Trust have not commented on the revised scheme.</p>
Ecology	Comment	<p>If the recommendations and mitigation measures laid out in the submitted PEA by ecolocation dated 30th November 2022 are followed fully and successfully there is unlikely to be a significant impact on protected species and habitats. Recommended a condition should permission be granted.</p>
Environmental Protection	Comment	<p>If lighting is permitted, a condition is recommended to ensure the lighting is to be designed, installed and maintained so as to fully comply with the ILP Guidance for the Reduction of Obtrusive Light. The design shall satisfy criteria to limit obtrusive light presented in Table 2, page 8 of the guide, relating to Environmental Zone E2 Low district brightness areas-Rural, small village or relatively dark urban locations in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.</p>
Environmental Protection (Amended plans)	No objections.	<p>The amended proposal included a reduction of lights to 3; the information submitted regarding the specification of the lighting scheme including the modelled lighting in report Project 1 dated 14th August 2023 by DIALux shows that the proposed lighting scheme will not be spilling onto non ancillary residential properties bordering the site and that the level of lux along the boundary of the site is well within the scope of the Institute of Lighting Professionals guidance 01/21 with regard to the reduction of intrusive light.</p> <p>It is noted that the site has been designed to ensure that the recommended values to control lighting in a rural area are complied with.</p>
National Highways	No objection	<p>The proposed development is not</p>

		expected to have a significant impact on the operation of the Strategic Road Network. National Highways therefore has no objection to this application.
Brackley Town Council	Objection	Strong objections. Light pollution in a residential area. CCTV potential for intrusion of residential.
Brackley Town Council (Amended plans)	Objection	Not appropriate for floodlighting in residential area and the lighting would be detrimental to wildlife, particularly bats. CCTV seems inappropriate for residential area and there are no requirements for it. There are no reported incidents of vandalism.
Cllr Bagot-Webb	Object + call in	This site is now in a residential area and Flood lighting and CCTV camera's not conducive with the use of the adjacent land. Stated the site is a flood plain and the site access is via a private road which passes residential properties.
Cllr Bagot-Webb (Amended plans)	Object + call in	Light pollution in residential area + vicinity of bats. Questioning the need for CCTV.
Environment Agency	No Objections	No objections but recommended an informative relating to potential requirement for permit.
Crime Prevention Design Officer	Comment	There has been no anti-social behaviour (ASB) or vandalism on the site in the last 365 days, any crimes (5) recorded against the site in the last 365 days have no bearing on security or in any way warrant such an extensive number of CCTV cameras and lights. The applicant is proposing a scheme to monitor an empty piece of land and the justification for this cannot be in response to a crime or ASB problem. CCTV is only of any value if what is being recorded is being monitored so should permission be granted for this application details of the monitoring arrangements should be required by way of condition.
Crime Prevention Design Officer (Amended plans)	Comment	There was no crime or disorder reason for the application in initial response and that remains the case. Although the applicant has reduced the number of CCTV cameras and lights from that previously submitted there remains no justification for anything from a police perspective. The site has a number of wooden posts erected around the perimeter presumably for the installation of the CCTV cameras and

		lights. Their positions do not mirror the information contained in the application. I requested information about any monitoring of the site. This has not been submitted. – <i>Case Officer questioned information request which was not a request, rather a suggestion for a condition around CCTV monitoring and the view of CCTV being useless without monitoring.</i> - CPO responded with suggested condition RE monitoring and advised CCTV is only of any use in reducing crime and ASB if it is monitored and a timely reaction/response is made to any criminal activity.
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6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

6.1 There have been 24 objections to the amended scheme raising the following comments:

- Lack of a 'need' for CCTV and lighting
- Light pollution impacting residential amenity
- Light pollution Impacting wildlife
- CCTV impacting residential amenity (privacy)
- Increased HGV traffic
- Highway Safety
- Noise pollution
- Air pollution

7 APPRAISAL

Principle of Development

7.1 The principle of providing CCTV and lighting (i.e. security measures) to a site which benefits from a lawful commercial use is acceptable and could not reasonably be refused in principle subject to detail.

Impact on Character of Area

7.2 Amongst other things, Policy SS2 seeks to ensure development demonstrates compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details whilst safeguarding residential amenity.

7.3 The site is clearly urbanised owing to its expanse of hardstanding and location on the edge of Brackley Town directly bordering and associated with the built environment, although it is constrained by the Great River Ouse adding a sense of rural-ness to the south and east.

- 7.4 In this instance, the development would consist of a total of 7 tantalised timber poles with a maximum height of 3.66 metres dotted around the perimeter of the site; 4 of which would have cameras and 3 would have a flood light, all mounted at a height of 2.74 metres.
- 7.5 The use of timber allows for a softer, more natural approach whilst the height and number of poles are not excessive for a site of this size. Overall, officers consider that the development would acceptably blend into the site with vertical backdrops of trees and two storey buildings, much like telegraph poles do in urban and rural environments.

Impact on residential amenity

- 7.6 Officers consider that the physical poles would not adversely impact residential amenity owning the overall size, frequency and location relative to residential properties.
- 7.7 The lighting would be situated to the far side of the site in comparison to the location of nearby dwellings. The lights proposed are basically a low level solar street light with a shield which ensures the light is correctly angled. The submitted lux diagrams show that the lighting only covers parts of the application site and does not spill onto adjacent land (including any residential curtilages).
- 7.8 WNC's Environmental Health Officer is content that the lighting model information submitted demonstrates that the proposed lighting scheme will not be spilling onto non ancillary residential properties bordering the site and that the level of lux along the boundary of the site adjacent to said properties is well within the scope of the Institute of Lighting Professionals guidance 01/21 with regard to the reduction of intrusive light. With this in mind officers are content that the proposed lighting would not adversely impact neighbouring residential amenity providing the submitted information is adhered to which could be ensured via a compliance condition. In effect through use of conditions, to ensure the lighting is correctly installed, it is considered that the lighting will not have any unacceptable neighbour impacts.
- 7.9 With regards to CCTV, the applicant intends that it faces into the application site, not towards neighbouring properties. Nonetheless officers note that the CCTV has the potential to overlook nearby residential properties if the cameras are not mounted correctly. It is considered that a planning condition can be attached to ensure the CCTV does not overlook neighbouring residential properties (in the interests of safeguarding residential amenity, specifically privacy).

Ecology

- 7.10 Policy NE5 states development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework. Policy NE6 states development proposals where there is a reasonable likelihood of the presence of protected or priority species or their habitats will not be permitted until it has been demonstrated that the proposed development will not result in a negative impact on these species or their habitats.
- 7.11 According to WNC's ecologist, the woodland and riverine habitat comprise the only important habitats on site. There are no statutory or non-statutory designated sites

within the development site boundary or the zone of influence. No impacts are therefore anticipated. The main potential impact of the application is potential for any lighting to impact on foraging and commuting light sensitive species in the surroundings e.g. bats and riverine species using the water corridor of the River Great Ouse however, if the recommendations and mitigation measures laid out in the submitted Preliminary Ecological Appraisal & Bat Transect Survey (PEA) by ecolocation dated 30th November 2022 are followed fully and successfully there is unlikely to be a significant impact on protected species and habitats. Updated plans and information has been received since this which better reflect the recommendations and mitigation measures laid out in said report as well as reducing the number of lights proposed.

7.12 Overall, with the aforementioned advice, officers are content that subject to a suitably worded compliance condition, negative impact on protected species would be unlikely.

7.13 Flooding

7.14 Policy BN7 of the West Northamptonshire Joint Core Strategy states development proposals will comply with flood risk assessment and management requirements set out in the national planning policy framework and planning practice guidance and the West Northamptonshire strategic flood risk assessments to address current and future flood risks with appropriate climate change allowances. Development proposals will comply with flood risk assessment and management requirements set out in the national planning policy framework and planning practice guidance and the West Northamptonshire strategic flood risk assessments to address current and future flood risks with appropriate climate change allowances. A sequential approach will be applied to all proposals for development in order to direct development to areas at the lowest probability of flooding unless it has met the requirements of the sequential test and the exception test as set out within table 6. All new development, including regeneration proposals, will need to demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management. All proposals for development of 1 hectare or above in flood zone 1 and for development in 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority. A flood risk assessment must also accompany proposals where it may be subject to other sources, and forms, of flooding or where other bodies have indicated that there may be drainage problems. In order to meet the exception test development must:

- 1) Demonstrate that the development provides wider sustainability benefits to the community that outweighs the flood risk;
- 2) Be located on previously developed land; and
- 3) Be accompanied by a site specific flood risk assessment

That demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere and where possible, reduce flood risk overall where flood risk management requires the use of sustainable drainage systems to manage surface water run-off, these should:

- a) Separate surface water from foul and combined sewers;
- b) Be accompanied by a long term management and maintenance plan; and
- c) Protect and enhance water quality.

7.15 The design standard for the Upper Nene catchment (through Northampton and within the Nene catchment upstream of Northampton) is the 0.5% probability (1 in 200 chance

of Occurring in any year) event plus climate change. Surface Water attenuation should be provided up to this standard.

- 7.16 Whilst the application site is situated within flood zones 2 and 3, given the less vulnerable nature of the development, the requirement for a Flood Risk Assessment and sequential test as set out within policy BN7 is not considered necessary or proportionate for this type of development. Furthermore, the Environment Agency have confirmed they have no objections to the proposal. Therefore flood risk is not considered to be a direct concern for this development.

Other matters

- 7.17 The site benefits from a lawful use as a timber yard and no change of use proposed as part of this application. Although it appears as though the site is not currently being used, this lawful use remains with the land. Therefore, concerns around increased HGV movements and associated air pollution, noise pollution and highway safety implications are of no relevance to the determination of this application for lighting and CCTV only.
- 7.18 Whilst the crime prevention officer advises there are no reported crimes/ASB in the area which would justify the need for CCTV and lighting, the applicant has supplied the council with supporting evidence of low level ASB which could justify such a need. Nonetheless, the local planning authority could not reasonably refuse the application solely on the grounds of a lack of 'need'.

8 FINANCIAL CONSIDERATIONS

- 8.1 None.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The principle of providing CCTV and lighting (i.e. security measures) to a site which benefits from a lawful commercial use is acceptable and could not reasonably be refused in principle. The Councils Environmental health officer has not raised concerns with respect to the revised lighting scheme, nor has the Councils ecologist. The development would acceptably blend in with the site and its context whilst satisfactorily safeguarding residential amenity. Flood risk is not a direct concern for this type of low vulnerability development whilst subject to conditions, the development is unlikely to significantly impact protected species. As such the application is recommended for approval.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted only approves the lights and CCTV as shown on drawing number 002F (4 CCTV poles and 3 Floodlights) and shall not be carried out

otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

- Site Plan (registered valid with the LPA on 13 January 2023).
- Preliminary Ecological Appraisal & Bat Transect Survey dated (03/11/2022) (registered valid with the LPA on 13 January 2023).
- Bri-Tek SIC SIR SMC (Spec Sensor) (submitted to the LPA on 11 August 2023).
- Project 1 dated 14th August 2023 by DIALux (submitted to the LPA on 11 August 2023).
- Bri-Tek STPV20C 50W Monocrystal Solar Street Light (submitted to the LPA on 11 August 2023).
- Proposed Site Plan – Location of Lights & CCTV Drawing No. 002F (submitted to the LPA on 22 September 2023).

Reason: To clarify the permission and for the avoidance of doubt.

3. The development hereby permitted shall be carried out and thereafter retained in complete accordance with the mitigation measures and recommendations set out in section 6 of the Preliminary Ecological Appraisal & Bat Transect Survey (PEA) by ecolocation dated 30th November 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework and policy NE5 of the South Northamptonshire Local Plan.

4. Upon completion, either in part or in full, the development hereby permitted, shall in respect of the lighting, remain in complete accordance with the information contained within the approved plans and documents referenced: Bri-Tek SIC SIR SMC (Spec Sensor) (submitted to the LPA on 11 August 2023), Project 1 dated 14th August 2023 by DIALux (submitted to the LPA on 11 August 2023), Bri-Tek STPV20C 50W Monocrystal Solar Street Light (submitted to the LPA on 11 August 2023) and Proposed Site Plan – Location of Lights & CCTV Drawing No. 002F (submitted to the LPA on 22 September 2023), including the level of illumination, angle of light mountings and shield location, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the continued safeguarding of residential amenity and to protect habitats and/or species of importance to nature conservation from significant harm in accordance with policy SS2 and NE5 of the South Northamptonshire Local Plan.

5. The CCTV cameras hereby permitted shall be fixed in such a position so that at no time do they face towards or have views over nearby residential properties.

Reason: In the interests of safeguarding the amenity of nearby residential properties in accordance with policy SS2 of the South Northamptonshire Local Plan.

Informative

1. Under the terms of the Environmental Permitting Regulations (EPR), a permit may be required from the Environment Agency for any proposed works or structures within the floodplain or in, under, over or within 8 metres from the top of the bank of the River Great Ouse, which is designated a 'main river'. The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under one or more of the below:

- Exclusion
- Exemption
- Standard Rules Permit
- Bespoke permit.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
Any application for a permit should be submitted to the following email address: PSO.EastAnglia@environment-agency.gov.uk Anyone carrying out a flood risk activity without a permit where one is required, is breaking the law.