



Planning Committee Report

Committee Date: 1st June 2021

Application Number: N/2020/1287

Location: Development land, Toms Close

Development: Installation of 3no street lights in Toms Court (retrospective)

Applicant: Northampton Partnership Homes

Agent: Northampton Partnership Homes

Case Officer: Andrew Holden

Ward: Nene Valley Unitary Ward

Referred By: Assistant Director of Growth, Climate & Regeneration

Reason for Referral: Council owned land

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks retrospective planning permission for the erection of 3 lamp columns.

Consultations

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

- Collingtree Parish Council

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

- Environmental Health

Two letters of objection have been received.

The key issues arising from the application details are:

- Impact on the character of the area and street scene.
- Impact on the amenities of adjoining and nearby occupiers

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 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 a residential development of 21 dwellings as approved by the Planning Committee in November 2017 and now essentially complete.

2. CONSTRAINTS

2.1. There are no relevant constraints

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks retrospective planning permission for the erection of 3 lamp columns within the development, which were not included in the original permission for the residential development of the site. These columns require permission because they are within a private drive rather than the public highway.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
N/2017/1029	Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no. new build affordable dwellings and associated landscaping.	Approved 22/11/17
N/2020/0684	Removal of Condition 7 of Planning Permission N/2017/1029 (Demolition of Nos. 1-6 and 14-17 Toms Close and development of 21no new build affordable dwellings and associated landscaping) as bus shelter is no longer required.	Approved 01/10/20

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted XXXXXX Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

5.3. The relevant policies of the LPP1 are:

- Policy S10 – Sustainable Development Principles
- Policy H1 – Housing
- Policy BN9 – Planning for Pollution Control

Northampton Local Plan

5.4. The relevant policies of the Local Plan are:

- Policy E20 – New Development (Design)

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning out Crime in Northamptonshire SPG 2004

6. RESPONSE TO CONSULTATION

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. Consultation on the revised proposal is ongoing, therefore any further comments received will be reported to Committee by means of the Addendum.

Consultee Name	Comment
Environmental Health	<i>Comments on revised Proposal:</i> Alterations would not cause any new impact at any of the other properties. The Lux levels are well within technical guidance as reviewed previously.
Collingtree Parish Council	<i>Comments on original Proposal:</i> The lamppost on entering Tom's Court is fine, the next lamppost within inches of a house needs moving or a shorter version installed, so the household doesn't have light beaming directly in. The final light illuminating a neighbour's house needs to be shortened and a deflector shroud installed so that the garden has satisfactory (non floodlit) privacy.

7. RESPONSE TO PUBLICITY

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

7.1. There has been one objection to both the original and revised details, raising the following comments:

- Light adjacent to boundary interrupts the only remaining view through garden. It could have been located a few meters from its current site which would not have been so unsightly.
- The majority of the light from the post is wasted as it illuminates garden and not the Toms Court road/pathways. Impacts privacy and social use of recreation space.
- The light reduces security as it provides a simple climbing opportunity being only inches from the boundary fence
- The placement of two lamp posts in Toms Court are poorly considered, 180% of the light is wasted as the posts are too close to boundary walls. Another is so close to one of the new houses in strong winds it bumps the wall.
- *On revised details:* The "consultation" responds selectively to suggestions and miss-represents our comments. Saddened by the way this process has been conducted. would like to see the Council follow take up on the request for an independent engineer to revisit the original plans and consider the ideas proposed by the resident.

8. APPRAISAL

Background

- 8.1. Some members will recall that a previous iteration of this proposal was considered by the Northampton Borough Council Planning Committee on 16th March 2021, at which it was deferred for further negotiation with Northampton Partnership Homes (NPH) over the positioning of one of the streetlights, due to concerns raised by a neighbouring resident. The original Committee report is attached as Appendix A.
- 8.2. Following on from that meeting, discussions have taken place between officers and NPH, to review the proposal and assess what could be done to overcome the impact on one neighbour in particular, whilst providing sufficient lighting for the new estate.
- 8.3. The proposals have been reviewed by lighting specialists, independent of but employed by NPH, and the following options were considered –
- Revision of the entire lighting scheme for Tom's Close – This was rejected by NPH as the cost would be prohibitive, with limited benefit.
 - Reduction in height of one column by 1.5m – This was rejected by NPH as this option had been reportedly rejected by the objector as insufficient.
 - Installation of an additional longer baffle – This was rejected as it would make the column unsightly.

- Redirection of light by turning the lantern, to reduce light spill into the neighbouring garden – This is put forward by NPH as a viable and cost-effective solution.
- Reduce light output from the column the subject of the objection - This is put forward by NPH as a viable and cost-effective solution.

8.4. The result of this assessment is the current proposal, which amends the lighting scheme as installed, as follows:

- Redirect the street light by 45 degrees further into Toms Court and so away from the neighbouring garden.
- Forward Throw the lighting optic, this is a setting which will allow the lantern to be adjusted to further direct the light into Toms Court.
- Dim the light by 50%, this will provide enough light to perform the required lux within the Toms Court area but reduce any light spill (0.82lx max) into the neighbouring garden.

8.5. This amended proposal has now been put out to public consultation and to statutory consultees, with the results of this as set out above. The merits of the revised proposed scheme will now be considered.

Principle of the development and impact on Character of Area

8.6. The use of lighting columns to light a residential area is considered to be acceptable in principle. In respect of their visual appearance, the light columns are of a typical modern design and do not have a detrimental visual impact on the street scene.

Impact on the amenities of adjoining occupiers.

8.7. As was set out in the previous report to Committee, the light spill into the neighbouring garden was well within the acceptable tolerances as originally proposed, being at a maximum of 20. Lux. The revisions now suggested would reduce this further to 0.82 Lux and, therefore, in terms of light spill the proposal is judged to be acceptable, as confirmed by Environmental Health.

8.8. In terms of visual impact, the appearance of the column itself would be little changed, however the redirection of the lighting optic would reduce the light intensity when viewed, whilst the baffles as previously fitted would prevent direct view of the light.

8.9. As confirmed by Environmental Health also, the alterations to this column would not result in any additional impact on the residents of Toms Court, whilst continuing to provide sufficient lighting.

8.10. The other two columns would not be amended and these remain acceptable as do the unaltered aspects of the column which would now be amended, as set out in the attached previous Committee Report.

9. FINANCIAL CONSIDERATIONS

9.1. The development is not CIL liable.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In conclusion, it is considered that whilst the lighting column as originally installed was considered to be acceptable, the revisions now proposed would further mitigate any neighbouring impact.
- 10.2. It must also be borne in mind that, as with any planning application, it is the merits of the current proposal which must be considered, rather than whether there may in theory be a better solution. In this case, the proposal is considered to be acceptable, as set out above. Nevertheless, it is also considered that the reasons for the rejection of alternatives as provided by NPH is also reasonable and justified and that they have complied with the requests of the previous Planning Committee.
- 10.3. It is concluded, therefore, that the retention of the lighting columns as installed, subject to the revisions now proposed, will have no adverse impact on the street scene or character of the area, whilst the impact on adjoining and nearby residential occupiers is considered acceptable as a result of the installed and proposed mitigation measures. The proposal thereby accords with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. The proposal is recommended for approval subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 343409, Street Lighting Site Location Plan, TRT Lighting Aspect Mini Specification, 03A-ASM-4-2018 - TRT Aspect MINI 4 Shield Arrangement, 03B-ASM-4-2018 - TRT Fitment of Shields, 6MO1A 28347-1, Aspect Mini Datasheet, Aspect Mini Installation Leaflet, Forde & McHugh Schedule Of Lighting 17/03/20.

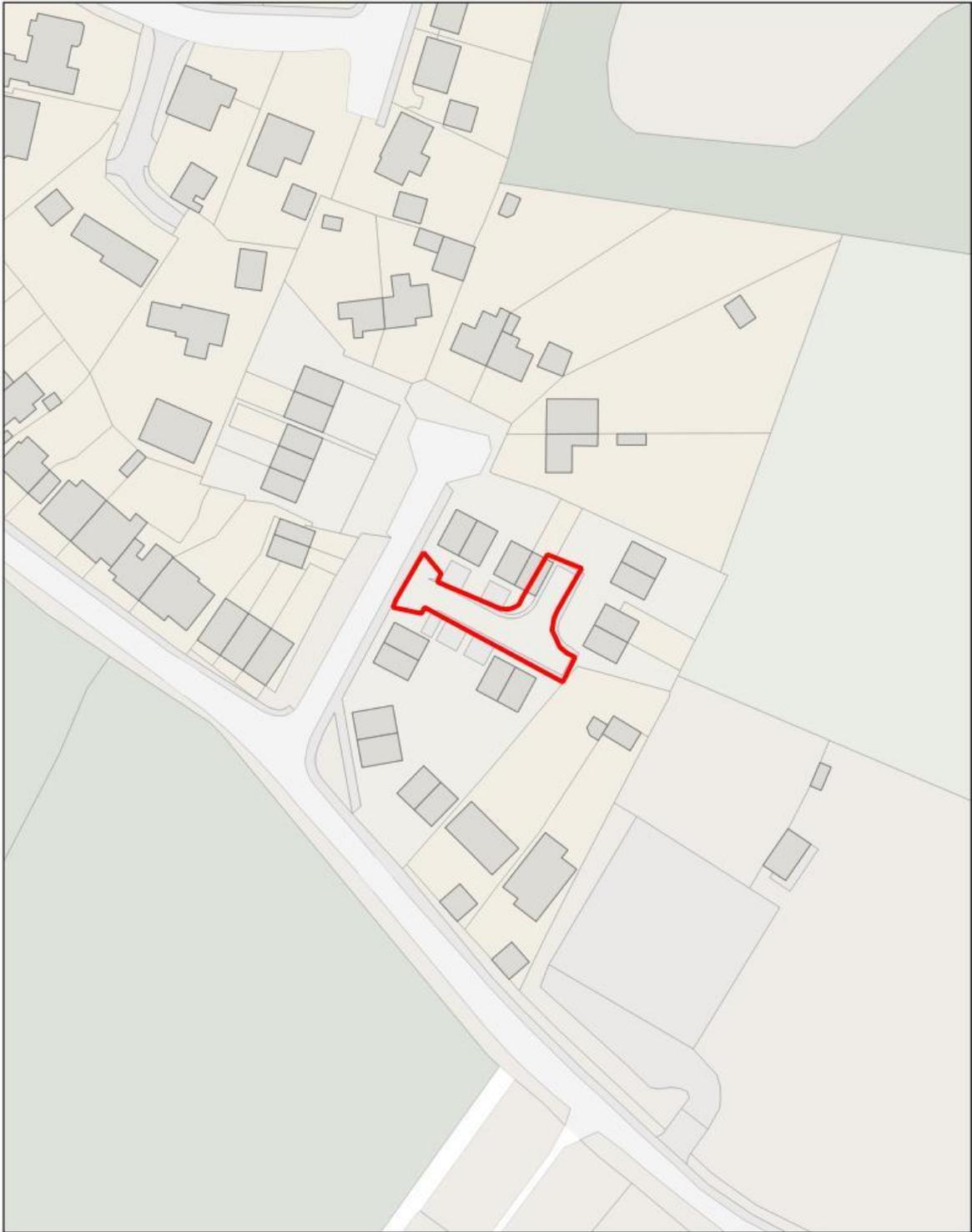
Reason: For the avoidance of doubt and to accord with the terms of the planning application.

2. The baffles / shields as installed on Street Light 2B (between Plots 8 and 9) shall be maintained in accordance with drawings 03A-ASM-4-2018 and 03B-ASM-4-2018 (or an exact equivalent in the case of future maintenance / replacement) and shall be retained in a position such that the pull-down shields are deployed to the south-east, south-west and north-east.

Reason: For the avoidance of doubt and to minimise any adverse impact on neighbouring occupiers, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

3. Adjustments shall be made to Street Light 2B (between Plots 8 and 9) as set out in the Laura Elliot e-mail on behalf of Northampton Partnership Homes dated 13/04/21 (viz: Redirect the street light by 45 degrees further into Toms Court and so away from the neighbouring garden, Forward Throw the lighting optic, Dim the light by 50%) within one month of the date of this decision and such settings shall be retained in perpetuity for this light and shall be applied to any replacement fitting as and when required.

Reason: For the avoidance of doubt and to minimise any adverse impact on neighbouring occupiers, in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.



**West
Northamptonshire
Council**

Title: **Toms Close**

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Date: 14-05-2021

Scale: 1:1,000 @A4

Drawn: M Johnson