

**Parish:** LAWSHALL

**Location:** Land East of, Churchill Close, Lawshall

**Proposal:** Retention of existing lighting standards.

**Applicant:** Suffolk Heritage Housing Association Ltd

**Case Officer:** Chris Tivey

**Date for Determination:** 07/07/2010

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### THE SITE

1. The application site comprises a development of 12no. affordable housing units on 0.38 Hectares of land situated between Bury Road, Lawshall Row and Churchill Close.
2. The development, now known as Ancells Close is situated within the Built-up Area Boundary of the village of Lawshall.

### THE PROPOSAL

3. Retrospective planning permission is sought for the erection of 3no. lighting standards (columns) that have been erected on the site.
4. Two lighting standards are situated along the access road: one within the pavement to the north of the Ancells Close/Churchill Close junction; the other on the opposite (south) side of the road adjacent to a Calor Gas compound. It is anticipated that both of these standards will become the responsibility of Suffolk County Council as County Highway Authority on adoption of the road. Ordinarily these would not require an application for planning permission as they would be permitted development, but in view of current uncertainty over the adoption process the applicant has included them within the application.
5. The third standard is situated to the front of No.s 1 & 2 within the heart of the development and on land that will continue to be maintained by the applicant and requires planning permission on that basis.
6. All three standards are of a typical design with the lanterns situated at a height of 5m.

### RELEVANT HISTORY

7. Erection of 12 no. dwellings and a garage block (following demolition of existing garages. Construction of new vehicular access (B/06/00311/FUL) Granted
8. Erection of gas storage facility (B/07/01066/FUL) Granted

### NATIONAL GUIDANCE

9. **PPS 1** (Planning and Sustainable Development)

## **PLANNING POLICIES**

10. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

### **East of England Plan - 2008:**

- SS1 - (Achieving Sustainable Development)
- ENV7 - (Quality in the Built Environment)

### **Babergh Local Plan (Alteration No.2) 2006**

- EN22 - (Light Pollution)
- CN01 - (Design Standards)

**The relevant documents can be viewed via the internet. Please see page 3 for details.**

## **CONSULTATIONS**

11. Lawshall Parish Council – No objections.
12. County Highway Authority – No objections raised.
13. Environmental Health - Other Issues - No objections raised, but advise that the main beam angles of the lights should be conditioned to be no more than 70 degrees.

## **REPRESENTATIONS**

14. One letter of objection has been received and a petition comprising 65 signatories, concerns raised cover the following material planning considerations:
- The village has managed for years without street lighting
  - The lighting stands out from the rest of the village/creates light pollution
  - Lighting will attract children/create a meeting area that could give rise to accidents

## **PLANNING CONSIDERATIONS**

15. The key issue in the determination of the application is the impact that the lighting would have upon the amenities of the area, including light pollution to the night sky. Street lighting is a common feature in new developments; and as is usually the case a prerequisite of the adoption of roads and footways as public highway.
16. It is quite clear that there is significant local opposition to street lighting anywhere in the village; and indeed one could argue that if this is the case no lighting should be provided, however as with any proposal the development should be assessed against the policies of the development plan, whilst taking into account all material planning considerations. Simply put, reasons to refuse planning permission must be based on sound planning grounds otherwise a local planning authority can be seen to be acting unreasonably, pursuant to the Costs circular 03/09.
17. Subject to the highway adoption process only one standard, that situated outside No.s 1&2 Ancells Close would require an application for planning permission; and in view of the fact that this standard would/has the greatest effect upon any residential property, being within the heart of the Close, it will form the primary focus of this assessment.

18. Paragraph 2.63 of the Local Plan states that there are three elements to light pollution:
- Glare – shining into the eyes of drivers and others.
  - Skyglow – illuminating the night sky.
  - Spillage - lighting pieces of land that are not meant to be lit.
19. Light pollution, whether by keeping people awake at night, or by impeding views of the night sky, is a form of pollution which can be substantially reduced. Whilst light pollution occurs in both rural and urban areas, light in the form of sky glow and glare can be particularly obtrusive in the former.
20. Saved Policy EN22 applies to proposals for highway/street lighting since these also have the potential to cause the problems mentioned above. Measures to be used to minimise light pollution may include: selecting the appropriate lighting unit; the correct positioning of lights; appropriate use of light hoods to reduce spillage, and focusing light to where it is needed.
21. Saved Policy EN22 states that applications for planning permission involving outdoor lighting will only be granted where:
- The proposed lighting is the minimum necessary for security, leisure and safe operation of the site;
  - Light spillage and glare are minimised, particularly where the development is located in the open countryside or on the edge of a settlement; and
  - There is no adverse impact upon residential amenity, highway safety, landscape characteristics, biodiversity, cultural heritage, or on buildings or areas of architectural or historic quality.
22. The lighting scheme has been designed as an integral part of the overall development of Ancells Close and the statement submitted in support of B/06/00311/FUL explicitly stated that street lighting would be to the County Highway Authority adoptable standard.
23. The proposed lighting is the minimum necessary from a public safety point of view and the design of the lighting hoods is such that light spillage and glare would be minimised.
24. On this basis it is considered that there would be no materially adverse impact upon residential amenity, highway safety or the night sky and therefore there is no reasonable reason to refuse planning permission.

### **REASON FOR DECISION**

25. The proposed lighting is the minimum necessary from a public safety point of view and its design is such that light spillage and glare would be minimised. It is considered that there would be no material adverse impact upon residential amenity, highway safety or the night sky and therefore the application complies with Policies SS1 and ENV7 of the East of England Plan 2008 and Saved Policies CN01 and EN22 of the Babergh Local Plan Alteration No.2 (2006).

### **RECOMMENDATION**

Grant planning permission subject to a condition covering the following:-

- The main beam angle of the lights should be no more than 70 degrees