

# Public Document Pack

## Southend-on-Sea Borough Council

Department for Corporate Services

John Williams - Head of Legal & Democratic Services

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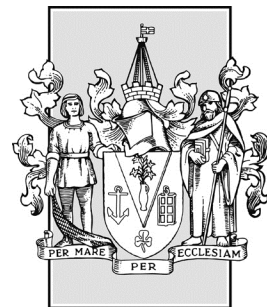
Fax: **01702 215994**

Date: 4<sup>th</sup> October 2016

E-mail: **committeesection@southend.gov.uk**

Contact Name: Tim Row

DX 2812 Southend



Dear Councillor

### **DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 5TH OCTOBER, 2016**

Please find enclosed, for consideration at the next meeting of the Development Control Committee taking place on Wednesday, 5th October, 2016, the following report(s) which the Chairman has agreed that this item be considered at this meeting as an additional urgent item on the grounds that the lighting is of particular importance in winter months and it is therefore important that, if approved, the lighting is able to be lawfully utilised in the interest of health and safety at the school.

#### **Agenda No    Item**

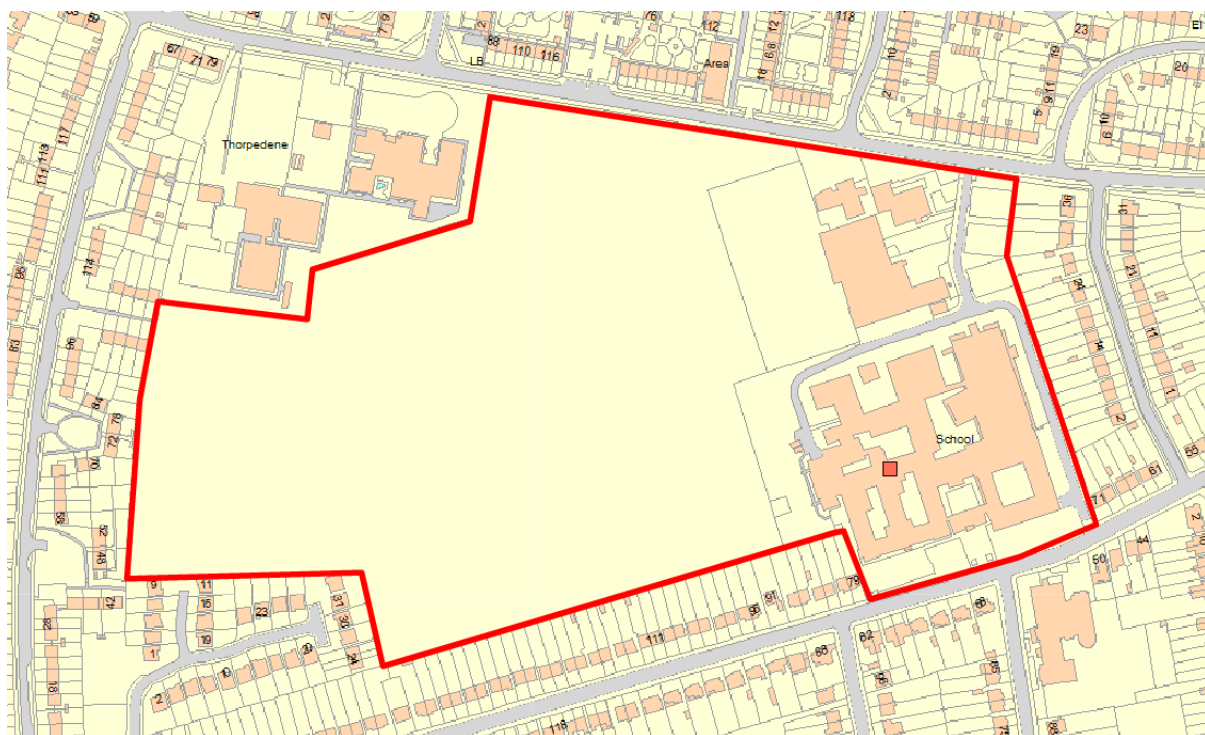
17.    **16/01243/FULM - Shoeburyness High School, Caulfield Road, Shoeburyness, Southend-on-Sea, Essex, SS3 9LL (West Shoebury Ward)**  
(Pages 1 - 8)  
Report of Corporate Director for Place

Yours faithfully

Tim Row  
Principal Committee Officer

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<b>Reference:</b>	16/01243/FULM
<b>Ward:</b>	West Shoebury
<b>Proposal:</b>	Install 15 lamp posts and four security cameras (Amended Proposal) (Retrospective)
<b>Address:</b>	Shoeburyness High School, Caulfield Road, Shoeburyness Southend-On-Sea, Essex, SS3 9LL
<b>Applicant:</b>	Shoeburyness High School
<b>Agent:</b>	Nick Kenney (The Draughtsman)
<b>Consultation Expiry:</b>	21/07/16
<b>Expiry Date:</b>	11/08/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	SHS/NAK001, SHS/NAK002, SHS/NAK/001 and Location Plan
<b>Recommendation:</b>	<b>GRANT Planning Permission</b>



*This item is being advanced as an urgent item on the grounds that the lighting is of particular importance in winter months and it is therefore important that, if approved, the lighting is able to be lawfully utilised in the interest of health and safety at the school.*

## **1 The Proposal**

1.1 The application seeks permission for the installation of 15 lampposts at the East boundary of the site with lighting and CCTV equipment affixed to the posts. The posts would range in height with the 4 measuring 2.1 metres tall with lights at that height. One post would measure 3.7 metres tall with a lamp at a height of 2.1 metres and a CCTV camera at the height of 3.7 metres. The remaining ten would measure 5.5 metres tall, with lights also at that height and three with CCTV cameras in addition to the lights at a height of 3.7 metres.

1.2 The application follows the refusal of application 14/02050/FULM which sought retrospective permission for the erection 15 lampposts at the East boundary of the site. Each post that was installed measured 5.5 metres tall and were positioned at 8 metre intervals. That application also sought permission for a single storey extension to the school building. That application was refused for the following reasons:

*1. The lighting columns, by virtue of their excessive number and visual prominence cause the east boundary of the site to have a cluttered appearance that detracts from the character of the site and the surrounding area. It is therefore considered that the proposal is contrary to the National Planning Policy Framework, Core Strategy policies KP2 and CP4 and policy DM1 of the Council's Development Management DPD.*

*2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the lighting that has been installed at the site does not cause harm to the amenities of neighbouring residents by way of light pollution. It is therefore considered that it has not been demonstrated that the proposal is in accordance with the National Planning Policy Framework, Core Strategy policies KP2 and CP4 and policy DM1 of the Council's Development Management DPD.*

*3. The proposed development would result in a loss of car parking at the application site and would result in additional on-street parking in an area of parking stress, to the detriment of the movement of traffic and highway safety contrary to policy DM15 of the Council's Development Management DPD and policy KP2 of the Council's Core Strategy.*

## **2 Site and Surroundings**

2.1 The application site is located to the South of Delaware Road, to the North of Caulfield Road and to the West of the residential properties of Antrim Road. The site contains a large building that is used as a secondary school and associated car parking and playing fields.

2.2 The part of the site which this application relates to is not the subject of any site specific policy designations. The playing fields are allocated as School Playing

Fields.

### **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area, the impact on residential amenity and the loss of parking at the site.

### **4 Appraisal**

#### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4, and CP6, Development Management DPD Policy DM1 and SPD1**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2, CP4 and CP7. The NPPF states that “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.”
- 4.2 As the proposal does not represent a change of use and relates to works that are ancillary to the use of the site, it is considered that no objection should be raised to the principle of the development.

#### **Design and Impact on the Character of the Area:**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1, and SPD1**

- 4.3 In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.4 It was previously considered that the lighting columns at the East boundary of the site did not contribute positively to the appearance of the site. When considered individually it was considered that the lighting columns would be no worse in appearance than conventional street furniture or ancillary structures that can be expected to be provided at a place of employment. However, the provision of 15 lighting columns was considered to be excessive and the cumulative impact of the lighting columns was considered to have a significant impact on the character and appearance of the application site, which was exaggerated by virtue of the positioning of the lights at the edge of a residential setting.
- 4.5 It was also previously considered that the position of lights on columns rather than on the existing building means that any spillage of light could be directed away the neighbouring residential properties and therefore it was considered that the

provision of lighting columns is preferable to the more discreet positioning of lights on the existing building. Notwithstanding this, due to the number of lighting columns, it was considered that the proposal was visually harmful.

- 4.6 The applicant has not reduced the number of lighting columns but has reduced the height of five of the columns and it is therefore the case that only one 5.5 metre tall column would be prominently visible from the public domain. Where the majority of the taller lighting columns are retained, their retention is masked by landscaping that exists at the boundary of the site. The reduction of the height of five columns is considered to significantly reduce the visual impact of the installations and this would materially reduce the cumulative impact of the structures.
- 4.7 From this basis and on the grounds that it is preferable for the lighting to be fitted on columns to face away from neighbouring properties rather than fitted on the building facing towards the neighbouring properties, it is considered that the visual impact of the columns can be found acceptable.

#### **Impact on Residential Amenity:**

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.8 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.9 The Southernmost lighting column is located adjacent to a single storey side extension at 71 Caulfield Road, the next lighting column is located approximately 3 metres from a single storey rear extension to that property and two further lighting columns about the boundary at that property at 8 metre intervals. The properties of Antrim Road have 25 metre deep gardens and as such the remaining 11 lights are located at least 25 metres from the nearest residential properties.
- 4.10 The one remaining tall column at the south end of the site is adjacent to the neighbouring dwelling and therefore the impact of the lighting is shielded from the main habitable rooms of that property by the building itself. The next four lamps are at a low level and as such it is considered that the lighting will illuminate the intended area and ensure that limited spill affects the neighbouring property. As set out above, the other lamp columns are a significant distance from the neighbouring properties to the east and some are shielded by landscaping. It is therefore considered that the impact of the lighting would be significantly reduced in comparison to the previous proposal.
- 4.11 The amended lighting scheme has resulted from extensive discussions occurring between the applicant and neighbouring residents and the modifications have been proposed with the primary intention of reducing the impact on the amenities of neighbouring residents in comparison to the installations that were previously considered. Ward Councillors have advised that this negotiation exercise has resulted in a scheme that is acceptable to local residents and in this respect it is noted that no letters of objection have been received to this application.

- 4.12 The previous application was adjudged on the basis of the applicant's submissions which indicated that the illumination levels were up to 90 lux. Secured by Design document "Lighting Against Crime" identifies that 100 lux is a similar level of illumination as is required within warehousing. By comparison this document identifies that lighting of a main road is normally at an average of 15 lux and a residential side street would have lighting levels at an average of 5 lux. It is noted that the lux levels significantly reduce over distance and this rate of luminance is likely to reduce at a faster rate to the East due to the angle of the lights. It is therefore considered that a condition can be imposed to ensure that the level of illumination within the adjacent residential properties (including gardens) does not exceed 15 lux.
- 4.13 The installation of CCTV cameras on the lighting columns is not considered to have any impacts on neighbouring properties (other than in terms of potential impact on the privacy of the occupants of those dwellings). In this case it is considered relevant to note that the use of CCTV is addressed by the Data Protection Act 1998 and is handled by the Information Commissioner's Office. The privacy of the neighbouring residents is therefore addressed by other legislation.

### **Impact on Highway Safety and Parking Provision**

#### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; Development Management DPD Policy DM15**

- 4.14 Unlike the other works that were included within the previous application, the proposed lighting would have no impact on parking provision and it is therefore considered that no objection should be raised to the proposal on those grounds.

### **Community Infrastructure Levy**

- 4.15 The proposed development creates no additional floorspace and is not therefore CIL liable.

## **5 Conclusion**

- 5.1 The installation of lights can be supported in principle. Although the number of lighting columns has not been reduced and therefore the previous objection has not been directly addressed, the modifications to the lighting columns would significantly reduce their visual impact, particularly in the most prominent parts of the site. Subject to the imposition of suitable conditions and due to the alterations to the lighting installations, it is considered that the lighting would no longer have an unacceptably harmful impact on the amenities of neighbouring residents. It is therefore considered that, on balance, the application can be supported.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy), CP4 (Development Principles) and CP6 (Community Infrastructure)

Development Management DPD (adopted July 2015) policy DM1 (Design Quality)

Community Infrastructure Levy Charging Schedule.

Design and Townscape Guide SPD (adopted December 2009)

## **7 Representation Summary**

### **Design and Regeneration**

7.1 No comments received.

### **Environmental Health**

7.2 The Council's Environmental Health Officer has stated that limited information has been provided regarding the external lighting at the site. No details of lux levels and/or spillage or details of relationship of the lights to existing residential properties has been submitted. She recommends external lighting should be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. It has been recommended that a condition is imposed to address this.

### **Highway Authority**

7.3 There are no highway objections to this proposal

### **Public Consultation**

7.4 Letters were sent to neighbouring residents and a notice was posted at the site. No letters of objection have been received.

## **8 Relevant Planning History**

8.1 The site has been the subject of a number of planning applications for extensions, fencing and permanent and temporary classrooms which are considered to be of limited relevance to this application.

8.2 Application 14/02050/FULM which proposed an extension and lighting in the same location as this application was refused for the reasons set out above.

## **9 Recommendation**

9.1 **Members are recommended to GRANT Planning Permission subject to the following conditions:**

**01 The development hereby permitted shall be carried out in accordance with the following approved plans: SHS/NAK001, SHS/NAK002, SHS/NAK/001 and Location Plan**

**Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.**

**02 The lighting and CCTV columns shall not exceed the heights shown on**



plan SHS/NAK/001.

**Reason:** In the interests of protecting visual and residential amenity and preventing light pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

- 03 All lighting installations shall be directed to face away from the adjacent neighbouring properties to the west. The lighting shall be designed and orientation to not cause an increase of luminance within any neighbouring residential property that exceeds 15 lux**

**Reason:** In the interests of protecting visual and residential amenity and preventing light pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

- 04 The lighting hereby approved shall only be used during the hours of 0700 and 2200.**

**Reason:** In the interests of protecting visual and residential amenity and preventing light pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

You are advised that as the proposed extensions to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

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