

Item No 05:-

17/04658/COMPLY

**Stratton Place
Stratton
Cirencester
Gloucestershire
GL7 2LA**

Item No 05:-

Compliance with Condition 29 (external lighting) of application 15/03052/FUL - Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works at Stratton Place Stratton Gloucestershire

Compliance with conditions application 17/04658/COMPLY	
Applicant:	
Agent:	Hunter Page
Case Officer:	Mike Napper
Ward Member(s):	Councillor Patrick Coleman
Committee Date:	13th June 2018
RECOMMENDATION:	APPROVE

Main Issues:

(a) Impact on amenity of neighbours

Reasons for Referral:

The Ward Member, Cllr Coleman, directed that the application should be determined by the Planning Committee due to the Committee's interest, when considering the 2017 permission, in ensuring that the effect on neighbours was appropriately addressed.

1. Site Description:

The site has permission for a care home development granted permission in 2015 (see Relevant Planning History), which is now in the process of occupation. The site is surrounded by residential development on three sides.

The application site is within a Development Boundary and is specifically allocated, under Policy 18 (Development within the Development Boundaries of Cirencester and the Principal Settlements) of the current Cotswold District Local Plan 2001- 2011, as an open space. The application site is the subject of three Tree Preservation Orders (TPOs) due to the public amenity value of many of the mature trees within the site.

2. Relevant Planning History:

10/03705/FUL Change of use and extension of existing leisure facility to provide a care home with 60 bedrooms and ancillary accommodation. Part permitted on appeal 12.07.2011;
 11/05444/FUL Change of use to single dwelling. Permitted 13.01.2012;
 11/05830/FUL Erection of seven detached dwellings. Permitted 17.08.2012;
 14/02783/FUL Variation of conditions 3 (scheme of landscaping), 9 (design and details), and 11 (drainage works) in respect of application 10/03705/FUL: Permitted 12.06.15;
 15/03052/FUL Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works (Revised scheme): Permitted 18.11.15.
 17/01689/FUL Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works - Variation of Condition 2 (Approved drawings) pursuant to planning permission ref. 15/03052/FUL to revise drawings to include a lift overrun and associated change to the roof form of the care home and revised eaves height (east elevation): Permitted 08.11.17.

17/04141/FUL Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works (Variation of conditions 2 and 5 of 15/3052/FUL to amend the approved landscaping scheme): Pending determination.

3. Planning Policies:

NPPF National Planning Policy Framework
LPR05 Pollution and Safety

4. Observations of Consultees:

Environmental Protection Officer: No objection.

5. View of Town/Parish Council:

Cirencester Town Council: No comments received.

6. Other Representations:

5 Third Party letters of Objections (including on behalf of the Local Residents' Group), summarised in the following statements:

i) Local Residents' Group: "I am writing to comment on behalf of the Albion Street local residents group on this application. Since the application was lodged the lighting scheme has now been installed (without benefit of consent so presumably at the developer's risk) and it is possible to evaluate and comment on the impact of the installation. The scheme consists of two elements - low level bollard lighting to illuminate pathways etc.; and external wall-mounted up/down-lighters which illuminate the built structures by a 'wall-washing' effect. We have no objection to the bollard lighting, except that the quantity of installations seems excessive for the purpose of illuminating pedestrian walkways. However, the externally mounted lighting units illuminating the buildings are very bright and intense, and create an excessive amount of unnecessary and obtrusive light, which shines into the windows of neighbouring properties. On the Albion street side, this is particularly oppressive as a large expanse of rendered wall is illuminated, which in turn emphasises the overbearing effect of the buildings on neighbouring properties. From the plan, there are 5 of these up/downlighter installations on the Albion Street facing elevation, each delivering in excess of 3,300 lumens (see specification here). There are a further four situated on the north facing elevation of the apartment building, which are seen obliquely from Albion Street. The total illumination from these 9 wall washers (just part of the overall scheme) is just over 29,000 lumens. We contend that this is excessive. Furthermore, the lighting is switched on all night, rather than being switched off from say 22.00. While we appreciate the need to have some low level lighting to illuminate pathways etc., we can think of no reason why the 'wall-washers' should need to be operational throughout the night. This has a direct effect on the amenity of adjacent properties and the lighting is highly intrusive as it shines directly into windows overlooking the development. This is a kind of 'reverse mitigation' and I would draw your attention to the comments of members of the planning committee at the meeting on 8th November when, in consideration of application 17/01689, they said that the development was clearly overbearing in its effect on neighbouring properties in Albion Street, and that increased mitigation by the developers was needed. This lighting scheme has the reverse effect. We contend that the scheme, its extent, intensity and the timing of its operation (see comments above) is creating a nuisance, is obtrusive and unnecessary. The impact on neighbouring properties, specifically those in Albion Street, is severe and creating disturbance and loss of amenity. Quite apart from that, the waste of energy and the resultant light pollution is troubling. The Environmental Health Officer, commenting on this application, states:

I am of the opinion that the up-lighting elements of the externally wall mounted lighting are creating an unreasonable level of obtrusive light (light pollution). The up-lighting elements of the scheme as observed from beyond the development boundary does not control light pollution sufficiently to comply with Condition 29.

We support the EHO in their conclusion. We strongly suggest that, before any determination of this application is made, that officers and members of the planning committee make a sites visit during the hours of darkness to see for themselves the impact of this highly illuminated site, from public realm viewpoints in Albion Street and from the affected properties. We further suggest that a maximum amount of illumination (in lumens) is established for external lighting and a curfew imposed, both to be achieved by condition attached to any consent. For these reasons, we object to the application and ask officers and / or the planning committee to refuse consent. A revised and reduced scheme should be submitted."

ii) "I would like to object to the installation of lights on the NW boundary which I believe have been placed without planning permission at this point in time. They illuminate the entire wall of the building up to the top floor which we believe is totally unnecessary. They have been on at 1:30 in the morning on more than one occasion. We strongly object to this becoming a permanent fixture. Not only have we lost our privacy during the day with multiple windows and now the possibility of a 2nd floor balcony overlooking us, we are also facing the prospect of being fully illuminated at night. Please consider this before allowing any retrospective planning permission."

iii) "I am writing to object to the lighting plan, specifically the external lighting that faces out towards Albion Street, in particular the private cul-de-sac off said street. I understand the application is yet to be considered, however, the lighting has already been installed. The external wall lights which both serve as up and down lighters are excessively bright and bathe the cul-de-sac residences in light throughout the night. On this point alone, I would suggest the light pollution is significant and is quite obtrusive. On a further point, whilst plans are in place to moderate the recognised overbearing nature of the structure with a planting plan (not successfully in my view); the addition of this lighting thwarts even this meagre attempt to shield the structure. In my view the lighting brings an industrial or commercial edge to the structure and does nothing to soften its' presence in the community."

iv) "The lighting is now in operation and is proving most intrusive. The use of regularly spaced up/down lighters along the length of the building from dusk to dawn without interruption adversely affects the properties on the Albion Street boundary. It now is possible to move around within our house during the night without the need for any lighting. As this is a residential care home, I would argue that only PIR security lighting should be in use along the walls - I cannot see the residents going for walks in the dark throughout the night. Alternatively, there should be a curfew from 10pm to 7am. Many councils aim to reduce the use of energy and reduce light pollution, and if this application is allowed in its current format, it will run contrary to those aims. I therefore ask for rejection of the lighting plans as they stand."

7. Applicant's Supporting Information:

Lighting Strategy
External Lighting Design Models

8. Officer's Assessment:

The current application seeks approval of external lighting details that were required to be submitted under Condition 29 of the related planning permission granted in 2017.

Condition 29 of the relevant planning permission states:-

"Prior to the installation of any external lighting, a scheme which specifies the provisions to be made for the level of external illumination of the site and for the control of light pollution shall be submitted.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy 5 and the provisions of the NPPF."

Whilst the installation has now taken place at the developer's own risk prior to confirmation of compliance with the condition, the submitted details are as follows:-

Ground level lighting - 69 x bollard lights; 12 x uplighters; 3 x lamp posts.

Building-mounted lighting - 57 x directional cylinder wall lights; 39 x bricklights.

(a) Impact on amenity of neighbours

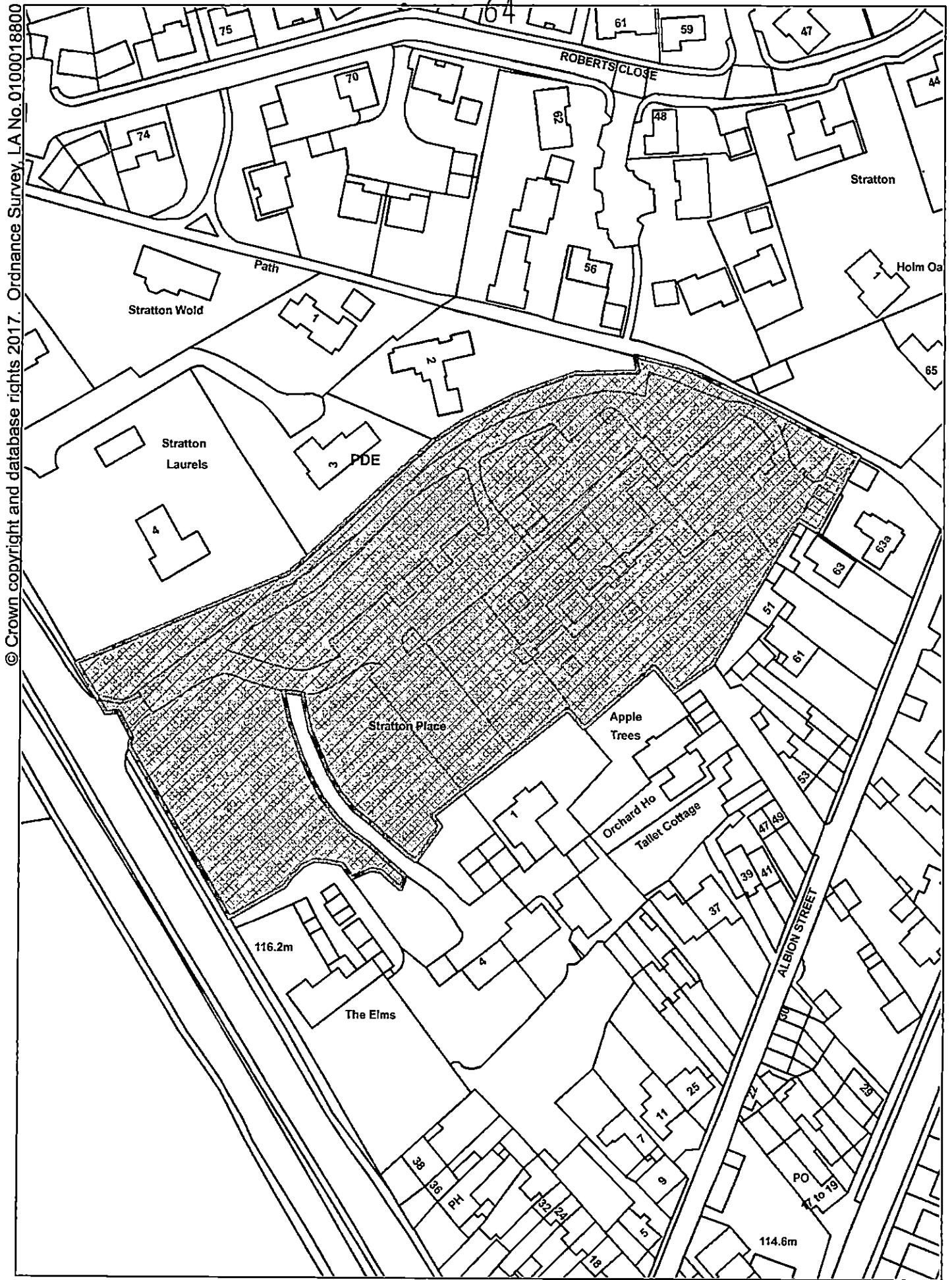
Control of the external lighting of the site is particularly important in this case due to the close proximity of the development to existing residential properties and its scale, the effect of which is increased by differences in ground levels when compared to those properties.

The applicant contends that there is an operational requirement to maintain the amount of lighting as installed due to the need to ensure safety, ease of circulation and a sense of security for residents of the development. As a commercial development, the scheme would also be expected to have a visual presence that expresses its character. The footprint of the development is relatively large and the lighting scheme includes the lighting of courtyards and other circulation spaces between the new buildings that are effectively internalised in terms of off-site impacts.

Objections have been received from local residents following the installation and use of the lighting and, of course, the premature installation has in fact enabled officers to have a very clear understanding of the impact of the lighting. Officers, including Environmental Protection Officers, have therefore visited the site as part of their assessment, including during hours of darkness, as a consequence of which negotiations have been undertaken resulting in agreement by the applicant to impose a lighting 'curfew' to limit the use of the external lighting between the hours of 0700-2000 hrs. In terms of the complaints that have been received following the installation of the lighting, the applicant has stated that problems were caused by the use of the lighting by construction workers, which was not representative of the way the lighting would be used following completion and occupancy. Officers are content that the proposed 'curfew' would nevertheless provide an enforceable control over the use of the lights at unsociable hours. In addition, the effect of the landscaping scheme currently under separate consideration by officers includes boundary treatments that would also increasingly mitigate the effect of the lighting.

9. Conclusion:

Following negotiation of the proposed lighting 'curfew', officers are content that the lighting scheme is now acceptable and that therefore the submitted details should be approved. The granting of approval will, if necessary, allow any breach of the approved details to be effectively controlled by through the enforcement process.



STRATTON PLACE 42 GLOUCESTER ROAD STRATTON

Scale: 1:1250

Organisation: Cotswold District Council

Department:

Date: 31/05/2018

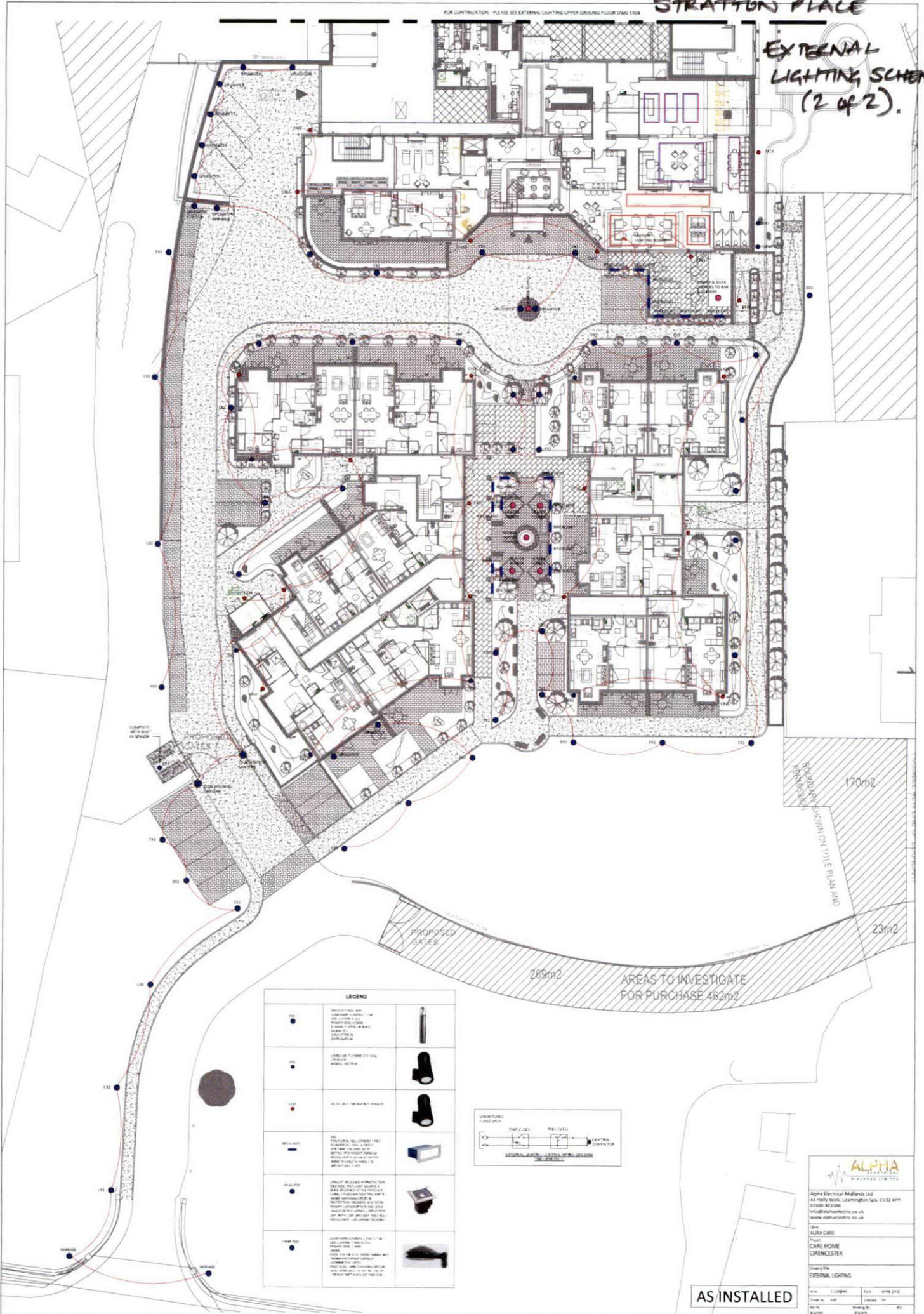


COTSWOLD
DISTRICT COUNCIL



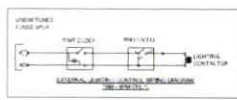
EXTERNAL LIGHTING SCHEME (2 of 2).

FOR CONTINUATION: PLEASE SEE EXTERNAL LIGHTING UPPER GROUND FLOOR DWG EX14



LEGEND

110	RECESSED 100mm DIA. 1000mm LUMINAIRE (SEE SPEC FOR DETAILS)	
111	RECESSED 100mm DIA. 1000mm LUMINAIRE (SEE SPEC FOR DETAILS)	
112	RECESSED 100mm DIA. 1000mm LUMINAIRE (SEE SPEC FOR DETAILS)	
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AS INSTALLED

ALPHA
ELECTRICAL

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www.alphaelectric.co.uk

Site:
ALPHA CARE
Preston
CARE HOME
CRENCESTER

External Lighting

Drawn by: AJP
Checked by: JCB
Date: 14/04/2018

Scale: 1:100