

Item No 06:-

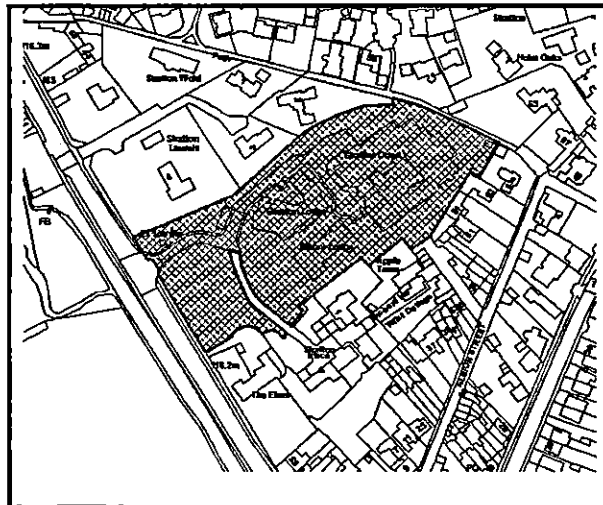
18/04095/COMPLY

**Stratton Court Village
Stratton Place
Stratton
Gloucestershire**

Item No 06:-

**Compliance with Condition 29 of Permission 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 Court Village
Stratton Place Stratton**

Compliance with conditions application 18/04095/COMPLY	
Applicant:	C/o Agent
Agent:	Hunter Page Planning
Case Officer:	Sophie Browne
Ward Member(s):	Councillor Patrick Coleman
Committee Date:	13th March 2019

Site Plan

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RECOMMENDATION: APPROVE**Main Issues:**

- (a) Impact of proposed lighting on local residents
- (b) Impact of proposed lighting on wider public views

Reasons for Referral:

The Ward Member has referred this application to Committee due to the planning history associated with this Condition - for which a previous application was refused at the June 2018 Committee meeting - and due to the objections of the local residents. Moreover, the Ward Member requested that the current application regarding the landscaping scheme (17/0414/FUL) be considered at the same meeting of the Committee, due to the related nature of the applications.

1. Site Description:

The site is in use as a care home development, following planning permission in 2015 (see Relevant Planning History), which has now been completed. The site fronts the Gloucester Road, but is otherwise surrounded by residential development on the remaining three sides.

The application site is within the Development Boundary defined for Cirencester and is not included within any statutory landscape designation.

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 allowed on appeal 12.07.2011

11/05444/FUL: Change of use to single dwelling. Granted 13.01.2012

11/05830/FUL: Erection of seven detached dwellings. Granted 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. Granted 12.06.2015

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). Granted 18.11.2015

17/00227/COMPLY: Compliance with conditions 16 (materials), 17 (panels) & 20 (design) pursuant to planning permission ref. 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). Granted 21.01.2017

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). Granted 08.11.2017

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). Awaiting determination.

17/04658/COMPLY: 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. Refused 13.06.18.

17/05221/COMPLY: Compliance with conditions 3 (drainage) and 21 (architectural recording) pursuant to planning permission ref. 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). Refused 18.04.2018.

18/02743/FUL: Variation of Condition 3 of planning permission 17/01689/FUL to allow the drainage works to be agreed after their installation in accordance with the submitted drainage strategy. Granted 04.09.18.

18/02752/FUL: Variation of Condition 1 of planning permission 17/01689/FUL to allow the provision of an amended terrace area to the Care Home. Granted 05.09.18.

3. Planning Policies:

NPPF National Planning Policy Framework
EN15 Pollution & Contaminated Land

4. Observations of Consultees:

The Landscape Officer: Views incorporated within the Officer's Assessment section of this report.

The Environmental Regulatory Service (Light Pollution): No objection.

5. View of Town/Parish Council:

No comments received at the time of writing.

6. Other Representations:

7 Third Party letters of Objection raising the following issues: ongoing concerns regarding the level of lighting during the hours of darkness and suggest the use of a timer mechanism or motion activation to address this; the positioning of some lights, which illuminate walls and plants; the initial photographs taken by the EPO that are not taken from the Albion Street vantage points or the Stratton Laurels boundaries and are therefore unrepresentative in terms of considering the impact on residential amenity; the retention of a single uplighter by a fire exit to the eastern perimeter.

2 letters of objection have been received from the Local Residents' Group (representing residents of Albion Street and Stratton Laurels) raising the following concerns:

- i) "Current illumination levels are excessive in the extreme causing disturbance, light pollution, light intrusion, loss of amenity to Stratton residents"
- ii) "Such high levels of illumination are completely unnecessary for a care home"
- iii) "The lighting plan submitted does not meet the requirements recorded in the June 2018 planning committee minutes". The letter goes on to state that "there has been no discernible change" since the previous refusal and so the residents feel the current application "should be rejected on the same grounds".
- iv) "Stratton and Albion St Residents have had to endure these excessive lighting levels for 2 winters". Concerns are expressed that an agreed trial of lower illumination, to involve "reducing all lighting levels by 25% and turning off all wall lights which shine upwards", has not been undertaken.
- v) "The ground level lighting is excessive": this refers to the bollard lighting, which residents feel is too bright and should either be "activated by motion detectors...or significantly downrated".
- vi) "Exterior Lighting is turned on 24 hours a day" in contravention of the agreement with Aura that it would be on a timer mechanism and extinguished at 8pm.
- vii) the lighting is still excessive to the point of causing intrusive light pollution which directly affects neighbouring properties and their inhabitants all night - see attached photo taken from one such property on 20/12/18
- viii) the lighting still does not comply with the requirements recorded in the minutes of the CDC June Planning Committee where members voted unanimously to reject the plan submitted as the wall lighting was far too bright causing unacceptable light pollution. The minutes also record that members unanimously agreed that ground level lighting only should be permitted
- ix) the wall lights have not been removed or disconnected - the uplighting component has simply been covered up - as can be seen by the light 'leaking out' around the temporary covers. The covers can obviously be easily removed by Aura management in the future if they so wish. In our opinion the exterior wall lights should be removed"

7. Applicant's Supporting Information:

Drawings EX03 and EX04.

Email of 3rd December 2018 regarding the implementation of a timer mechanism.

8. Officer's Assessment:

The wording of Condition 29 of permission reference 15/03052/FUL is as follows:

"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 to and agreed in writing by the Local Planning Authority. The scheme shall be implemented prior to the development being brought into use and thereafter maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

This application is partially-retrospective, as the external lighting scheme has already been installed (although the proposed timer mechanism has not yet been implemented). Whilst the Condition does contain pre-commencement wording, the application has nonetheless been accepted by this Authority on the basis that the pre-commencement element is not considered to go to the heart of the Permission.

(a) Impact of proposed lighting on local residents

The site has permission for a care home development, granted in 2015 (see Relevant Planning History), which is now in the process of occupation, and is surrounded by residential development on three sides. Subsequent applications in relation to the site's development have proved contentious, and local residents have raised concerns regarding the current application (see Other Representations).

The lighting proposals comprise primarily of bollard lighting, but also include a mixture of lamp posts, wall-mounted cylinder lights and wall-mounted bricklights, as detailed in drawings EX03 and EX04 (please see attached). A timer mechanism is also included in the proposal, restricting the lighting of the building to the hours of 7am to 8pm only.

During consideration of this application, close consultation was undertaken with the Council's Environmental Regulatory Services (ERS). It should be noted in the context of the ERS's involvement, that Government guidance in relation to the Environmental Protection Act limits artificial light nuisances to the following:

- security lights (domestic and commercial)
- sports facilities (like floodlit football pitches)
- decorative lighting of buildings or landscapes
- laser shows and light art.

The guidance goes on to state that *"For the artificial light to count as a statutory nuisance it must do one of the following:*

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises*
- injure health or be likely to injure health...When looking into complaints about potential light nuisances, councils can assess one or more of the following:*
- whether it interferes with the use of a property*
- whether it may affect health*
- how it's likely to affect the average person (unusual sensitivities aren't included)*

- how often it happens
- how long it lasts
- when it happens
- whether it's in the town or country.

There are no set levels for light to be considered a statutory nuisance."

Consequently, in the context of the above guidance, the ERS officer had no objections to the application following an initial visit, but subsequent correspondence from local residents prompted a further site visit during the hours of darkness in order to better assess the the impact of the lighting scheme on neighbouring residential amenity, with particular attention given to the site boundaries and the uplighters. The EPO reported that "all uplighters around the external perimeter of the site were capped off except 1 by a fire exit to the East side of the site. The uplighters in the middle by the entrance to the main building were uncovered however not sure how much this would affect the perimeter. All lights including the bollards were off to the north of the site so couldn't check to see if these had been capped." The capping of the uplighters has reduced the intensity of the lighting around the site perimeter sufficiently for the EPO to consider that the lighting scheme does not result in an unacceptable impact on surrounding residential amenity, in accordance with Policy EN15 of the Local Plan and NPPF Section 15 (paragraph 180).

It is recognised that the Committee has previously directed Officers to ensure that local residents are properly protected from harm. Furthermore, when the Committee previously considered the external lighting scheme under application 17/04658/COMPLY (see Relevant Planning History), it was recommended that a timer mechanism be implemented in order to minimise the impact of any lighting scheme during late night and early morning hours. The applicant has confirmed that, should this application be approved, a timer mechanism will be implemented to control the lighting scheme between the hours of 8pm and 7am, in accordance with the detail shown on drawings EX03 and EX04.

Over and above the conclusion of the ERS officer, there is a landscaping scheme currently being considered at the site (please see preceding Schedule item) that will provide long-term maintenance of the boundary treatments and thereby further reduce light pollution from the site.

(b) Impact of proposed lighting on wider public views

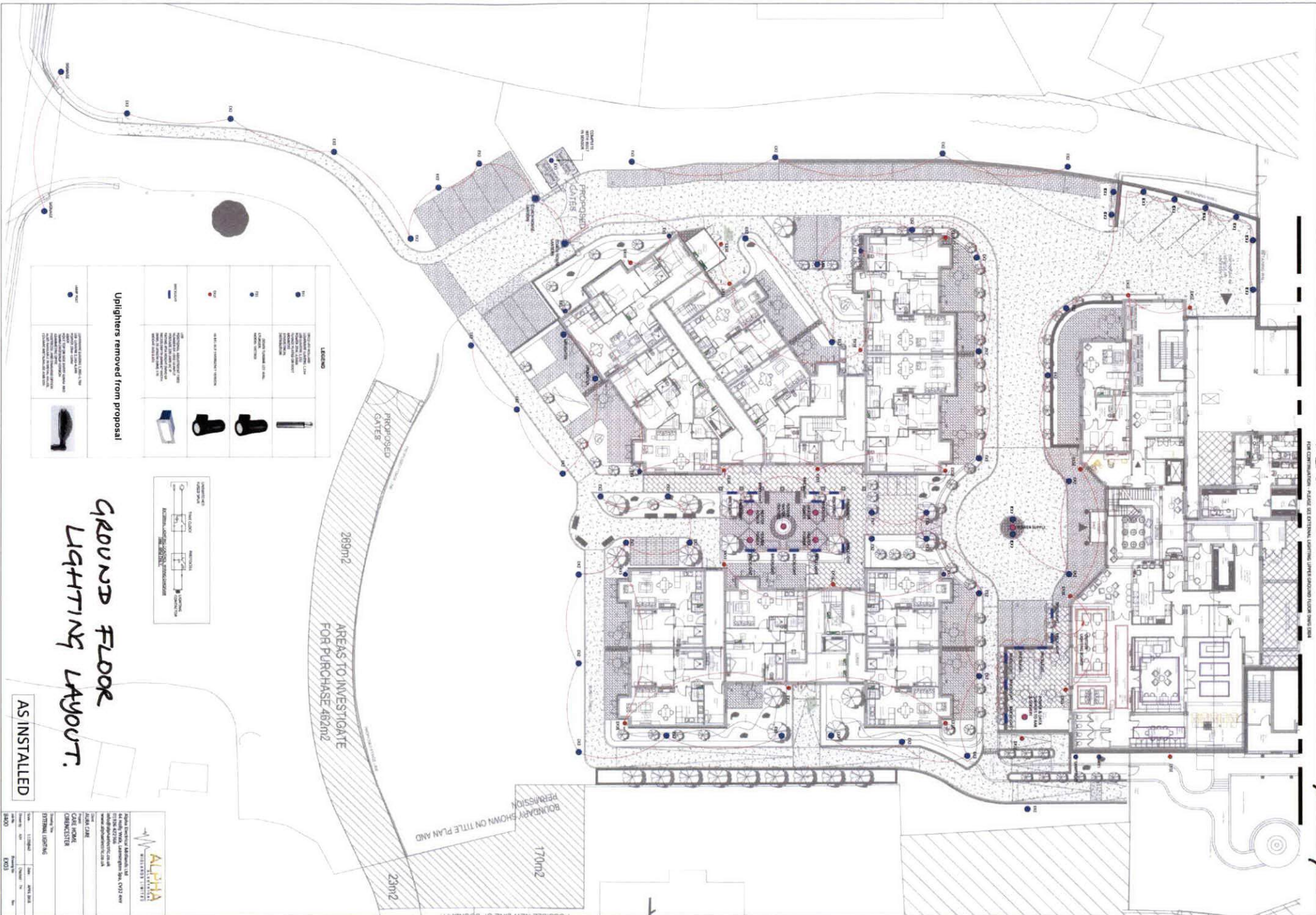
The site is located in an urban setting with associated street lighting. A health spa was located at this site prior to its redevelopment, so the current proposal does not constitute the first introduction of commercial lighting at the site. Officers note that the site is bordered by existing residential plots to three sides with a lit carriageway bordering the fourth, resulting in an area where there are existing lighting effects. The the lighting selected is sympathetic and would have a limited level of light spill and glare. Therefore, officers consider that there would not be an unacceptable visual impact on the wider landscape.

The level of lighting created by the proposed scheme is therefore commensurate with the lit urban character of the setting, and considered to meet the requirements of Local Plan Policy EN15 and NPPF Section 15 (paragraph 108).

9. Conclusion:

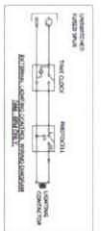
Careful consideration has been given to the proposed lighting scheme by officers in consultation with the ERS team, with particular attention paid to the impact on local residents. The site will primarily be lit by bollard lighting columns with any uplighters at the perimeters being capped to reduce intensity. Coupled with the implementation of the proposed timer mechanism, the scheme

is considered not to have an unacceptable impact on local residents and wider public views. The submitted details are therefore recommended for approval.



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Uplighters removed from proposal



GROUND FLOOR LIGHTING LAYOUT.

AS INSTALLED

ALPHA
 ELECTRICAL SERVICES
 Alpha Electrical Services Australia, Ltd
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DATE: 18/04/2015
 DRAWN BY: CLAWLEY
 CHECKED BY: CLAWLEY
 PROJECT NO: 18003

BOUNDARY SHOWN ON TITLE PLAN AND PERMISSION

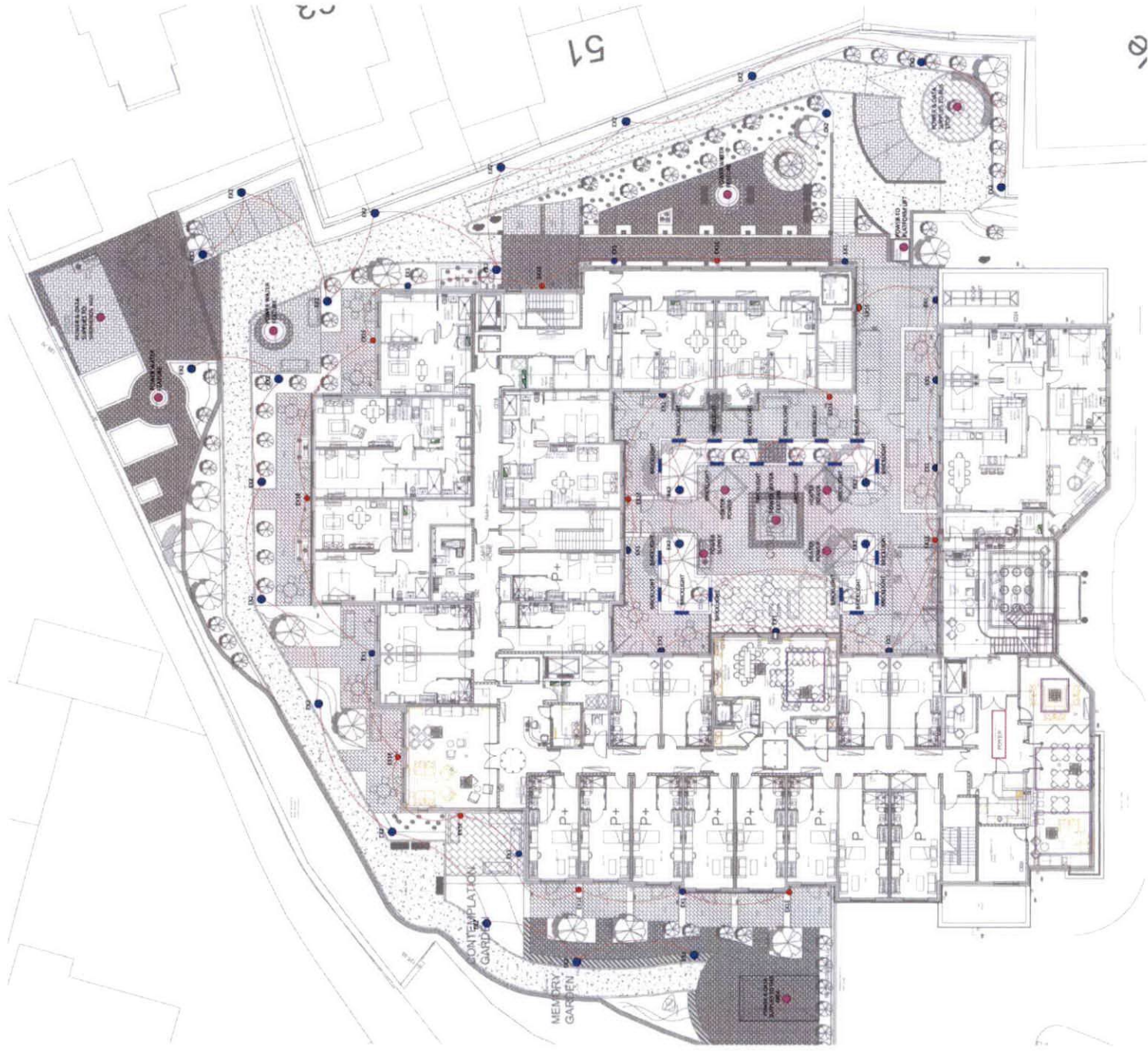
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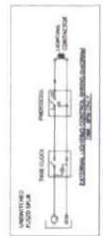
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SEE CONTINUATION - ABOVE SEE EXTERNAL LIGHTING PLANT SCHEDULE FLOOR FINISH DATA

124 STRATTON PLACE 18/04/09S/COMPY



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81	1x100mm x 100mm x 100mm	Yes
82	1x100mm x 100mm x 100mm	Yes
83	1x100mm x 100mm x 100mm	Yes
84	1x100mm x 100mm x 100mm	Yes
85	1x100mm x 100mm x 100mm	Yes
86	1x100mm x 100mm x 100mm	Yes
87	1x100mm x 100mm x 100mm	Yes
88	1x100mm x 100mm x 100mm	Yes
89	1x100mm x 100mm x 100mm	Yes
90	1x100mm x 100mm x 100mm	Yes
91	1x100mm x 100mm x 100mm	Yes
92	1x100mm x 100mm x 100mm	Yes
93	1x100mm x 100mm x 100mm	Yes
94	1x100mm x 100mm x 100mm	Yes
95	1x100mm x 100mm x 100mm	Yes
96	1x100mm x 100mm x 100mm	Yes
97	1x100mm x 100mm x 100mm	Yes
98	1x100mm x 100mm x 100mm	Yes
99	1x100mm x 100mm x 100mm	Yes
100	1x100mm x 100mm x 100mm	Yes



UPPER FLOOR
LIGHTING LAYOUT.

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WELLS LIMITED

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DATE: 18/04/09
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:1000