

**PLANNING COMMITTEE:** 16<sup>th</sup> March 2016  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1287

**LOCATION:** Development land  
Toms Close

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

**WARD:** Nene Valley Ward

**APPLICANT:** Northampton Partnership Homes  
**AGENT:** Northampton Partnership Homes

**REFERRED BY:** Director of Planning and Sustainability  
**REASON:** Council owned land

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1 RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The retention of the lighting columns as installed 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 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.

#### **2 THE PROPOSAL**

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

#### **3 SITE DESCRIPTION**

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

#### **4 PLANNING HISTORY**

- 4.1 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.
- 4.2 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 PLANNING POLICY**

### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

### **5.2 National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-12 Presumption in favour of sustainable development  
Section 12 – Achieving well-designed places

### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

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

### **5.4 Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 – New Development (Design)

### **5.5 Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

## **6 CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environmental Health** – Confirm the lux levels are acceptable as shown.

6.2 **Collingtree Parish Council** – 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.

6.3 **Representation** received from the occupier of one neighbouring property, making the following points in summary:

- 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.

## 7 APPRAISAL

7.1 The issues to consider are the impact on the character of the area and street scene, and on the amenities of adjoining and nearby occupiers, particularly in respect of light spillage.

### **Street Scene Impact**

7.2 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 adjoining occupiers**

7.3 One of the columns is situated adjacent to the garden of a neighbouring property, outside the development site, at 31 Watering Lane. The submitted plan shows that there is light spill into this garden and that this would be at up to 2.0 Lux. Comments from Environmental Health confirm that this level of lighting is acceptable. It has also been confirmed that baffles have been fitted to the light and that the shown lux levels are what is achieved with the baffles. The level of light spillage at 2.0 LUX is very low and as this has been confirmed to be acceptable, it is considered that the remaining impact must be viewed as acceptable.

7.4 In respect of direct glare from the light, whilst the light as seen in the distance will appear as a bright spot in what was previously a dark view, this is mitigated by the baffle now installed and is only one feature of the amended outlook, incorporating also the new dwellings. This will be viewed against the new dwellings, which themselves form an illuminated feature and represent a significant alteration to the outlook from no. 31 Watering Lane, which previously looked out over large rear gardens. Given the relatively minor additional impact of this lighting column, and the lack of objection from Environmental Health, it is not considered that this impact in itself is sufficient to justify a refusal of permission.

7.5 Regarding the security of 31 Watering Lane, it has been suggested that the column represents a possible aid to climbing the boundary wall. Whilst this may be a possibility, it should be noted in this context that the area to the side of this property has been significantly changed, with public access now possible right up to the boundary, whereas previously this was a private garden. However, along with this there are occupied dwellings which will mean movements within the area are observed, whilst the lighting in itself will deter would be burglars. It can also be noted that the placing of light columns adjacent to fences is common practice and it is not considered that this issue can be given much weight.

7.6 Turning to the column adjacent to number 7 Tom's Court, it has been noted that this is very close to the side wall, and it has been suggested that this may result in an impact due to the column flexing in the wind. This has been discussed with the applicants, through their agents, and it has

been confirmed by the column manufacturer that any wind movement would be minimal. Prior to this confirmation it had been suggested that a bracket could be used to fix the column to the side of the house, however it is considered that this will not in fact be necessary.

- 7.7 The third column, to the side of 4 Tom's Court, is not considered to result in any adverse impact.
- 7.8 It can also be noted that the lighting provides a significant benefit to the new residents of Tom's Court in the form of enhanced security.

## **8 CONCLUSION**

- 8.1 The impact of the lighting columns as installed is considered to be acceptable in terms of visual impact on the street scene and on the amenities of adjoining and nearby residential occupiers.

## **9 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.

## **10 BACKGROUND PAPERS**

- 10.1 Application file N/2020/1287.

## **11 LEGAL IMPLICATIONS**

- 11.1 The development is not CIL liable.

## **12 SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Development land at Toms Close**

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Date: 05-03-2021

Scale: 1:1,000

Drawn by: -----