

**For: PLANNING AND REGULATION COMMITTEE – 27 NOVEMBER
2017**

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

7 number 6m high external lighting columns installed around the area of new car parking

Division Affected: Kidlington South

Contact Officer: Kevin Broughton **Tel:** 07979 704458

Location: William Fletcher School, Rutten Lane, Yarnton,
Oxfordshire, OX5 1LW

Applicant: Oxfordshire County Council

Application No: R3.0065/17 **District ref No:** 17/01809/OCC

District Council Area: Cherwell

Date Received: 23 August 2017

Consultation Period: 7 September 2017 – 28 September 2017

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- Part 1 – Facts and Background
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Recommendation:

- **Part 1 – Facts and Background**

Location (see site plan Annex 1)

1. William Fletcher School is on the northern side of Yarnton, a village about 8km (5miles) north of Oxford and 1.5km (1mile) west of Kidlington. The village of Yarnton is surrounded by Green Belt, but the village, and therefore the school are not designated Green Belt, and the site is not subject to any specific landscape designations.

2. The school site is bounded by a residential nursing home to the west, the access road to the nursing home and housing beyond to the north, housing to the south and Rutten Lane with housing beyond to the east.
3. The application area is the car park for 17 spaces to the north east corner of the site. School buildings lie to the south and west. Roads with housing beyond are to the north and east.
4. The nearest property is 10m to the north.

Details of the Development

5. The proposal is a retrospective application for 7 floodlights on 6m high columns to illuminate the car park at the school.
6. The applicant states that the number and height of the poles are needed in order to provide adequate lighting over the new parking area. The proposed hours of use for the lighting are 07.00 to 19.00 hours.
7. Lighting to the car park was included in application 15/01836/OCC which was an application for an extension to the school. That permission included a condition that no external lighting be erected or used until a detailed scheme, including specifications, locations and timings have been submitted and approved.
8. The lighting was erected and used without such a condition being discharged. Retrospectively a details pursuant application was submitted for the lighting scheme.
9. That details pursuant application was refused because the planning permission stated that lighting would be affixed to the external façade of the building. There were no lighting poles included in the application. The details pursuant to that permission stated that the lights would be on poles that would be 6m in height. Such poles would require planning permission in their own right, and had never been contemplated as part of the planning permission. The lighting would therefore be a new development requiring planning permission and not a detail pursuant to the permission given. A new application for the development was therefore submitted, and the lighting continues to be used even though it is unauthorised.
10. Details of light spillage were submitted in support of the application. The details show the light to be approximately 0.75 lux where it spills into the curtilages of neighbouring properties. For comparison moonlight on a clear night is 0.05 – 0.36 lux.

Part 2 – Other Viewpoints

Representations

11. There have been two third party representations objecting to the effect of the lighting on neighbourhood amenity.

Consultations

12. Cherwell DC (Planning) – no objections subject to a condition being imposed requiring limiters / cowls to be placed on the lights so as to prevent light spillage to neighbouring properties, and for a light spillage plan for the same to be submitted and approved before the first operation of said lighting.
13. Cherwell District Council (Environmental Protection) – no objections or observations.
14. Yarnton Parish Council - Yarnton Parish Council objects for the following reasons:
 - The number and height of the posts are greater than needed for the car park.
 - It is a source of light pollution.
 - It is annoying for near neighbours.
 - The lighting is kept on when the school is unoccupied.
15. CPRE – the number of columns are too high for this area, and the proposed light will too great. They would be a visual intrusion into the surrounding area.
16. Oxford Airfield Safeguarding – objection pending the provision of further information to allow detailed safeguarding assessment to be carried out.

Part 3 – Relevant Planning Documents

Relevant planning policies (see Policy Annex to the committee papers)

17. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
18. The relevant Development Plan policies are:

Cherwell Local Plan 2031 (CLP2031) Policies:

PSD1: Presumption in favour of sustainable development.

BSC7: Meeting Education needs.

ESD 2: Energy Hierarchy and Allowable Solutions

ESD 13: Local Landscape Protection and Enhancement

Saved policies of the Cherwell Local Plan 1996 (CLP1996)
ENV1 Development likely to cause detrimental levels of pollution.

19. Other Material Considerations are:

The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions. The CLG letter to the Chief Planning Officers dated 15 August 2011 is also relevant.

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

20. The CLG letter to the Chief Planning Officers dated 15 August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states that:
"The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions; Local Authorities should make full use of their planning powers to support state-funded schools applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This has been endorsed as part of the National Planning Policy Framework.

21. Policy PSD1 of the CLP2031 sets out the presumption in favour of sustainable development. It requires planning authorities to take a proactive approach to development.
22. Policy BSC7 of the CLP 2031 states that the District Council will work together with other bodies to meet educational needs.

23. These policies in combination with the letter from the Secretary of State are a strong steer that planning permission should be granted for the proposed development unless there are overriding reasons not to.
24. The main issue for this development are the effect on the local amenity and landscape.

Effect on the Local Amenity and landscape

25. Policy ENV1 of the CLP 1996 seeks to protect the local environment from pollution, including light pollution.
26. The proposed development is a high level of lighting for a relatively small and not busy car park. The proposed number of lights would be an addition to the existing street lighting. The proposed lighting would lead to light spillage onto the neighbouring properties. Although this is not high and could be further reduced by the imposition of a condition to control the timing of the lighting it would nonetheless be an intrusion on the neighbours' properties and their amenity.
27. No justification has been submitted as to the need for the height of the lighting columns or the number of the columns. The lux levels provided are in excess of those experienced on a moonlit night with no artificial lighting. The effects are not likely to be large on the wider landscape but the height and numbers of the lights would have some detrimental effects on the local landscape contrary to policy ESD13.
28. The proposed development would lead to light pollution to the local amenity which would be contrary to policy ENV1. There is no evidence in the justification statement as to the need to cause the environmental pollution.

Other Issues

29. Policy ESD13 of the CLP 2031 seeks to protect and enhance local landscape, particularly on the edges of settlements.
30. The site is close to the edge of the village, but there is a residential nursing home between the school and the open countryside. The effects are not likely to be large on the wider landscape but the height and numbers of the lights would have some detrimental effects on the local landscape contrary to policy ESD13.
31. Policy ESD2 of the CLP 2031 seeks to promote reductions in energy use. The proposed lighting would be low energy LED and would generally be compliant with the policy, but the number of lighting columns would equate to 1 lighting column for every 2.5 car parking spaces which seems excessive.

Conclusions

32. The proposed development would cause light pollution to the extent that there would be a detrimental effect on the local amenity and to the local landscape, contrary to saved policy ENV1 of the CLP 1996, and to policy ESD13 of the CLP 2031. No justification has been provided to support the need for such lighting to a small primary school car park. Even taking into account the presumption in favour of sustainable development, such a lighting scheme would result in an effect on amenity that would amount to an overriding reason for refusing the application.

RECOMMENDATION

33. **It is RECOMMENDED that planning permission for application no. R3.0065/17 be refused on the grounds that:**
 1. **It would cause light pollution detrimental to the local amenity contrary to saved policy ENV1 of the Cherwell Local Plan 1996; and**
 2. **It would have a detrimental effect on the local landscape contrary to policy ESD13 of the Cherwell Local Plan 2031.**

SUSAN HALLIWELL
Director of Planning and Place

February 2018

European Protected Species

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. The applicant has been informed of the need to provide justification for the proposed lighting and has been advised as to the planning permissions needed for the development.

Application no R3.0065/17 - William Fletcher School



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