



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
22 MARCH 2017**

Application Number	FUL/MAL/16/01513
Location	Car Park, Council Office, Princes Road, Maldon
Proposal	Installation of external lighting to newly formed car park.
Applicant	Maldon District Council
Agent	N/A
Target Decision Date	24 March 2017
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Council Owned Land Major Application

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Car Park - Council Offices - Princes Road **Maldon FUL/MAL/16/01513**



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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 10/03/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission was granted under application FUL/MAL/16/00235 for the demolition of the existing prefabricated office building on the site, and redevelopment of land for car parking. The application was approved subject to a number of conditions.
- 3.1.2 Condition 4 of the application states that *‘No means of external illumination shall be installed on the site.’* The reason for imposing this condition was *‘To protect the amenity of the neighbouring residential properties, in accordance with policy BE1 of the Maldon District Replacement Local Plan and D1 of the submitted Local Plan.’*
- 3.1.3 Due to this restrictive condition, planning permission is required for the proposed external lighting. Four new lights are proposed:
- Two to the southern boundary of the new car park which would comprise globe street lights to match the existing car park lighting, on 5m high column, with spill shield to lamp.
 - Two to the northern boundary of the new car park which would comprise 1m high bollard lights.
- 3.1.4 The application has been submitted with a lighting plan which details vertical illuminance.

3.2 Conclusion

- 3.2.1 The proposed external lighting is not considered to result in visual harm to the area. Whilst the proposed new lighting would be within close proximity to neighbouring residential properties, a condition restricting the light spill and a curfew for the operational hours is considered to overcome these concerns, and to ensure that there would be no demonstrable harm to the amenity of the neighbouring occupiers.
- 3.2.2 The proposal is considered to be in accordance with the Maldon District Replacement Local Plan, the submitted Local Plan and the NPPF.

4. MAIN RELEVANT POLICIES

Members’ attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- Requiring good design (56 – 68)

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 – Design of New Development and Landscaping
- CON5 – Pollution Prevention

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 – Design Quality and Built Environment

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Condition 4 on application FUL/MAL/16/00235 ‘*No means of external illumination shall be installed on the site*’ the reason for imposing this condition was ‘*To protect the amenity of the neighbouring residential properties, in accordance with policy BE1 of the Maldon District Replacement Local Plan and D1 of the submitted Local Plan.*’ Therefore, planning permission will only be granted if the development does not result in demonstrable harm to the amenity of the neighbouring properties, or the visual amenity of the area.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The 5m lights are similar in their appearance to those already within the council’s car park. As such the proposed development is not considered to result in demonstrable harm to the visual amenity of the area.
- 5.2.2 The 1m bollard lights would have a functional appearance, and given their height are not considered to result in demonstrable harm to the character or appearance of the locality.

5.3 Impact on Residential Amenity

- 5.3.1 The nearest residential property to the site is No.68 Wantz Road which would be at a distance of 12m from the nearest column light. The new dwellings at Middleton Manor would be located at a distance of 20m from the bollard lights, and ‘Suncot’ would be located at a distance of 50m from the proposed bollard lights.
- 5.3.2 The application was supported by a lighting plan to assist in determining whether the proposed lights would result in demonstrable harm to these neighbouring occupiers.
- 5.3.3 The Institution of Lighting Engineers Guidance recommends light trespass into windows of properties in low district brightness areas is limited to a maximum of 5 lux pre-curfew and 1 lux post-curfew (curfew being 23:00 hours). I do not think it is unreasonable that these levels are achieved.
- 5.3.4 The vertical light levels provided as additional information exceed this although it is appreciated that light spill shields will be fitted and therefore the levels given are not a true representation of the situation.

- 5.3.5 As such, it has been suggested by the environmental health department that a condition is imposed restricting the vertical illuminance level of the lights and to impose a curfew to ensure that the light are not in use after 23:00 hrs. This condition is considered to be necessary to ensure that the development would not result in demonstrable harm to the amenity of these neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing access to the site would be retained and utilised as part of the scheme. No alterations are proposed to the existing access arrangement.

5.5 Other Considerations

- 5.6.1 The Town Council has objected to the application based on the fact that the application was not submitted with an Environmental Impact Assessment (EIA). Given the scale and nature of the development, there is no requirement for an EIA.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/00235** - Demolition of existing prefabricated office building, and redevelopment of land for car parking. Approved 28.04.2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town council Recommends Refusal of the application on the grounds that there is no Environmental Impact Assessment of the potential light pollution on neighbouring properties.	See section 5.6

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	No objection, subject to condition regarding luminance and curfew	See section 5.3

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 Nothing received at the time of writing

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with policies BE1 of the adopted Maldon District Replacement Local Plan, the National Planning Policy Framework and policy D1 of the submitted Maldon District Local Development Plan.
3. The light hereby approved shall have a maximum vertical illuminance level of 5 lux pre-curfew and 1 lux post-curfew (measured at neighbouring residential properties) shall be achieved either by the fitting of light spill shields and / or by turning off the lights at 23:00 hours.
REASON: To protect the amenity of the neighbouring occupiers in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the National Planning Policy Framework and policy D1 of the submitted Maldon District Local Development Plan and the National Planning Policy Framework.