

Report of the Chief Executive

APPLICATION NUMBER:	20/00267/FUL
LOCATION:	Woodend, Kimberley Road, Nuthall, NG16 1DA
PROPOSAL:	Retain 4 lamp posts in garden

This application is required to be determined by the Committee as the proposal represents a material departure from policy.

1 Executive Summary

- 1.1 This application seeks permission to retain 4 lamp posts that are situated on the drive leading to the main dwelling at Woodend, Kimberley Road. The lamp posts are 4.2m high and of cast iron construction.
- 1.2 The application site is within a residential area in the Nuthall Conservation Area and within the Nottinghamshire Green Belt.
- 1.3 The proposal is inappropriate development in the Green Belt and therefore should only be approved if very special circumstances can be demonstrated. The benefits of any such circumstances must outweigh potential harm to the Green Belt to be considered acceptable. The applicant has stated that the lamp posts are the only light source for the drive, which is circa 200m from the public highway. The drive is bordered by a high wall to the west and woodland to the east which is outside of the applicant's ownership. Therefore, without the lamp posts the drive would be in complete darkness at night. The need for lamp posts to provide lighting for the purposes of safety and security is considered to be very special circumstances, and therefore in accordance with the NPPF so long as the benefits outweigh the harm to the Green Belt. The lamp posts are of a slim design and sited to the front of the host dwelling and in close proximity to the high boundary wall. Taking into account the relatively small scale and siting of development close to the boundary wall it is considered that the harm to the Green Belt is limited, and outweighed by the benefits to safety and security. As such it is considered that very special circumstances have been demonstrated that outweigh the harm to the Green Belt and the principle of development can therefore be supported.
- 1.4 The Conservation Officer has not raised any objection to the proposal. The lamp posts are of cast iron construction and high quality design and therefore are not considered to be harmful to the character of the area. They are set well into the application site and are therefore not harmful to the street scene.
- 1.5 The Environmental Health Officer has not raised any objection to the proposal. As there are neighbouring residential dwellings, conditions have been recommended to obscure the light source to the north and west, and for the lights to be operated on a sensor basis only. Subject to these conditions it is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring residents.

- 1.6 Overall it is considered that the proposal is acceptable and that planning permission should be granted subject in line with the resolution set out in the appendix.

1 Details of the Application

- 1.1 This application seeks permission to retain 4 lamp posts that are situated on the drive leading to the main dwelling at Woodend, Kimberley Road. The lamp posts are 4.2m high and of cast iron construction.

2 Site and surroundings

- 2.1 The application site comprises a detached residential dwelling, set back from the highway by a private drive which is circa 200m in length and runs between No. 19 and 21 Kimberley Road. The application site is situated in a largely residential area, with residential dwellings to the north and west. The west boundary of the site is made up of a large brick wall, with a hedge forming the boundary with No. 21 Kimberley Road. The land to the east and south of the site is largely made up of woodland.
- 2.2 The application site is set within the Nuthall Conservation Area and within the Nottinghamshire Green Belt.

3 Relevant Planning History

- 3.1 Planning permission 95/00122/FUL, was granted in 1995 to construct a detached garage and make alterations to the dwelling. In 1999, planning permission 99/00081/FUL was granted to construct a first floor bedroom and bathroom extension. These historical permissions do not have any bearing on the current application.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

4.2 **Part 2 Local Plan 2019**

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 23: Proposal affecting designated and non-designated heritage assets

4.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.

- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

5 Consultations

5.1 **Council’s Conservation Officer:**

No objection raised with regards to the impact of the proposal on the Nuthall Conservation Area.

5.2 **Council’s Environmental Health Officer:**

No objection raised to the proposal subject to a condition being applied requiring the light source to be obscured so as to prevent illumination of adjoining properties, and for the lights to be operated by a passive infrared (PIR) switch for the duration of the permission.

5.3 Fifteen properties either adjoining or opposite the site were consulted and a site notice was displayed. Six responses from members of the public have been received. 1 observation has been raised with 5 letters of support received. The observation raised can be summarised as follows:

- Impact on wildlife needs to be considered – the area has been in darkness for 30 years and behaviour of wildlife is affected by this.
- Potential nuisance caused by lights coming on.
- There should be a condition for full time lighting to be used only in an emergency.
- The use of lighting should be limited to only when it is needed, especially in winter months.
- Sensors should be positioned above a level where it could be tripped by animals such as foxes and cats.
- Colour and level of light should be known for approval.

The reasons for support can be summarised as follows:

- Provides security for the surrounding area.
- The lamp posts are high quality and enhance the area.

6 Assessment

6.1 The main issues for consideration are, whether or not the principle of development is acceptable in the Green Belt, the design and appearance of the development and its impact on the appearance of the conservation area and its impact on the amenity of neighbouring properties.

6.2 **Principle**

6.2.1 The application site is located in the Nottinghamshire Green Belt. Broxtowe Part 2 Local Plan Policy 8 states that applications for development in the Green Belt will be determined in accordance with the NPPF. Paragraph 143 of the NPPF states that inappropriate development is by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. Paragraph 144 states that when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other proposals.

- 6.2.2 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The paragraph goes on to identify a number of exceptions, although the development proposed as part of this application is not covered by any of these exceptions. Therefore, the proposal is inappropriate development in the Green Belt, and whether or not it is acceptable will depend on whether any Very Special Circumstances that outweigh the harm of the development can be demonstrated.
- 6.2.3 The applicant has provided a supporting statement with the aim of demonstrating very special circumstances for the proposal. The application property is a residential dwelling. It is accessed via a private driveway, circa 200m long from Kimberley Road. The lights to be retained are the only light source along this driveway, without which it would be in complete darkness in the evenings. To the east of the site is mature woodland which is not owned or controlled by the applicant, with the west boundary being made up of a brick wall, circa 3.7m high, further reducing any potential light source to the drive. Historically there have been some lights attached to the wall that forms the west boundary of the site, although these were dislodged during maintenance to remove a large amount of ivy from the wall. There were also some lights attached to telegraph poles within the site that were of a low quality of appearance and have now been removed. The new lamp posts were then erected by the owner who was unaware of the need for planning permission.
- 6.2.4 It is considered that the provision of lighting along an access to a residential dwelling, which would otherwise be in complete darkness at night, would amount to very special circumstances in the Green Belt on the grounds that they are required for the safety and security of the residents of the dwelling. The principle of development in the Green Belt would therefore be acceptable so long as the benefit of the development outweighs the harm to the Green Belt.
- 6.2.5 The lamp posts are positioned adjacent to the west boundary of the site, which is made up of a large brick wall, circa 3.7m in height. The lamp posts are positioned to the front of the dwelling at Woodend, along an existing access, and do not extend out into the countryside beyond the dwelling. Therefore, they are read as part of the existing built environment. The lamp posts have a slender design, which in combination with their position adjacent to the high boundary wall, and to the front of the dwelling, are not considered to have a significant, unacceptable impact on the openness of the Green Belt. The house is set a considerable distance from the main road. The drive is not overlooked by any neighbouring properties and is bounded by woodland that is outside the applicant's control and is difficult to secure. The lamp posts would therefore be the only reasonable source of light to the drive, which is considered necessary for the safety and security of the applicant. It is therefore considered that in this instance the benefit of the proposal by virtue of the security the lamp posts provide to the applicant

and residents of the dwelling amounts to very special circumstances, which outweighs the limited harm to the openness of the Green Belt.

6.3 Design and Impact on the Conservation Area

6.3.1 The lamp posts are set away from the main highway and therefore are not visually prominent from the public realm or harmful to the street scene. Whilst the lamp posts represent reasonably high structures, they have a slim design and are positioned in close proximity to the high boundary wall, giving clear context to their siting and ensuring they do not have a harmful impact on the character of the area.

6.3.2 The lamp posts are of a high quality design, with a cast iron construction and traditional appearance which is considered to be in keeping with the character of the Conservation Area. The Conservation Officer has not raised any objection to the proposal on conservation grounds.

6.3.3 Overall it is therefore considered that a satisfactory standard of design has been achieved.

6.4 Amenity

6.4.1 The lamp posts are positioned adjacent to the brick wall, which is circa 3.7m high to the west of the site. Whilst the lamp posts slightly exceed the height of the wall, it is considered that in terms of their physical presence they do not result in a loss of light, or sense of enclosure for any neighbouring residents.

6.4.2 The main consideration regarding the impact of the proposal on neighbouring amenity is the potential for unacceptable light pollution. The lamp post which is positioned furthest north, is in close proximity to the rear boundary of No. 21 Kimberley Road. The rear elevation of No. 21 is approximately 38m from the rear boundary of its garden, where the lamp post is sited. Whilst this is considered a sufficient distance, relative to the size of the lamp post, to ensure the lamp post will not cause unacceptable nuisance to the residents of the neighbouring property, the proposal could still result in light spill to the rear garden of the property. It is therefore considered appropriate to condition that provisions such as the blocking up of the north side of the light source should be made to obscure the light and prevent the lighting spilling into the garden of No. 21.

6.4.3 Whilst the west boundary wall will obscure the lights to some extent for the properties to the west, as the lamp posts will exceed the height of these walls the lights will result in some illumination of the land beyond this boundary. It is considered that the main dwellings to the west are a sufficient distance from the lights to ensure they will not be adversely affected, although it is considered appropriate to condition that the light source is obscured to prevent illumination of these gardens also.

6.4.4 The land to the east of the site is made of mature woodland, and to the south of the lamp posts is the application property. It is therefore considered that the proposal will not result in an unacceptable loss of amenity to the east or south.

- 6.4.5 The lamp posts are required for security reasons for the safety of the applicant particularly when entering and exiting the property. It is therefore considered that it will not be necessary for the lights to be on unless the driveway is in use. With this in mind it is considered appropriate to condition that the lights are operated by a passive infrared switch for the duration of the permission, meaning they will be motion censored and therefore only be operational when the drive is in use.
- 6.4.6 Subject to the recommended conditions it is considered that the proposal will not have an unacceptable impact on the amenity of any neighbouring residents.

7 Planning Balance

- 7.1 The benefits of the proposal are that it will provide security measures which will ensure the safety of the applicant when using the drive at night. The lamp posts are of a high quality design which is not out of keeping with the character of the Conservation Area, and will not be visually prominent in the street scene. Whilst the lights will be partly visible from some neighbouring properties, it is considered that subject to the recommended conditions, they will not result in an unacceptable loss of amenity for these properties.
- 7.2 The application site is within the Green Belt, and is not identified as an exception to inappropriate development by paragraph 145 of the NPPF. However, it is considered that very special circumstances have been demonstrated by the applicant, notably that the lamp posts are required for security purposes, and it is considered that taking into account the scale and siting of the lights, that this benefit outweighs any potential harm of the proposal.
- 7.3 On balance it is therefore considered that the proposal is acceptable.

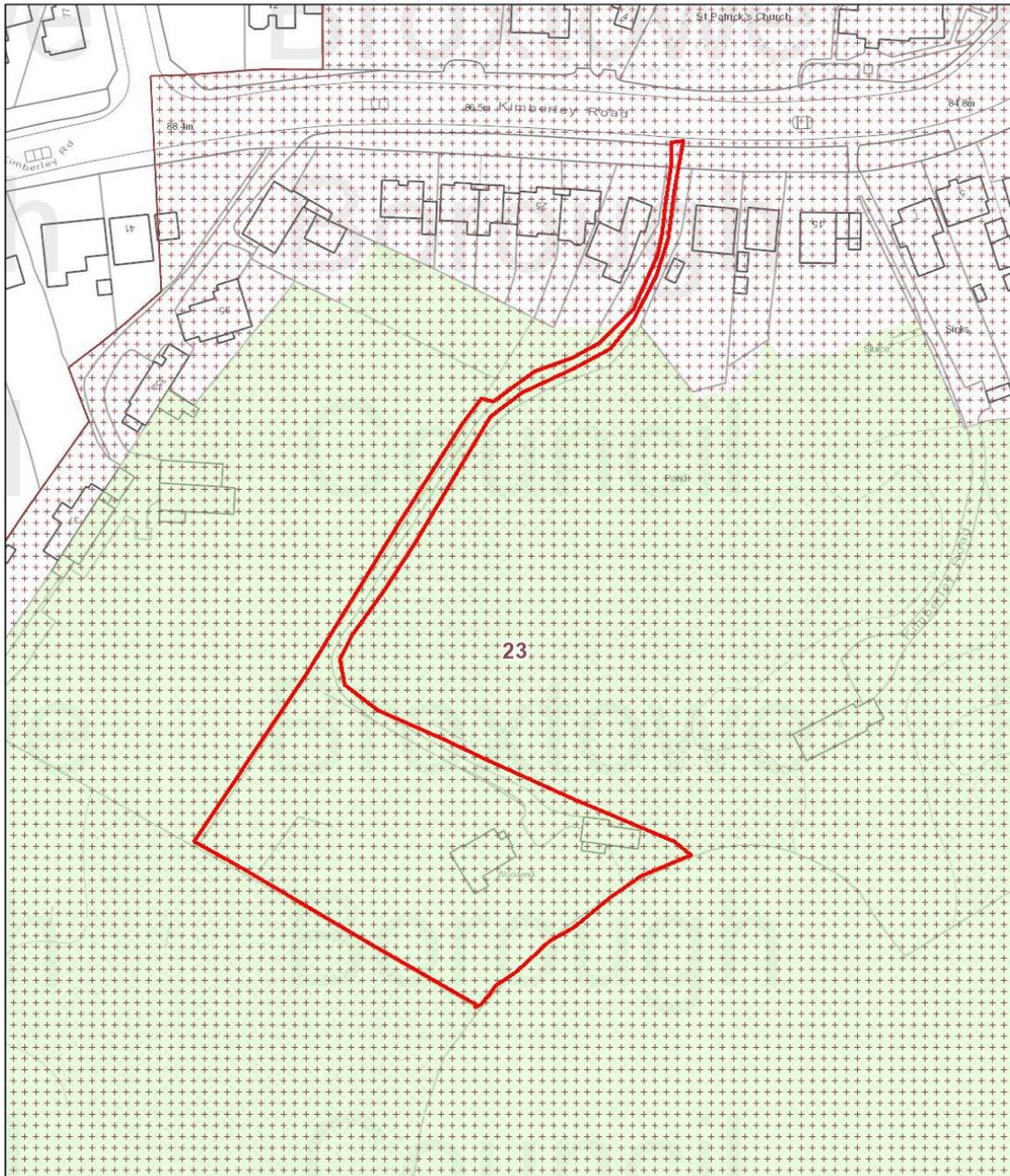
8 Conclusion

- 8.1 It is considered that the proposal is acceptable at that planning permission should be granted subject to the recommended conditions.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be retained in accordance with the drawings numbered 19-187(02)S01 (1:1250), 19-187(08)001 (1:500) and 19-187(08)002 (1:20); received by the Local Planning Authority on 29 April 2020. <i>Reason: For the avoidance of doubt.</i>
2.	The light source shall be obscured so as to prevent illumination of adjoining properties to the north and west, and be operated by a Passive infrared (PIR) switch for the duration of the permission.

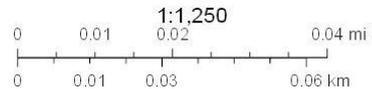
	<i>Reason: To prevent light nuisance to immediate properties.</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

Woodend, Kimberley Road, Nuthall



6/29/2020, 11:55:39 AM

-  INTERNAL: PCO Applications
-  Green Belt
-  Conservation Areas



Photographs



Drive and lamp posts, looking north towards Kimberley Road.

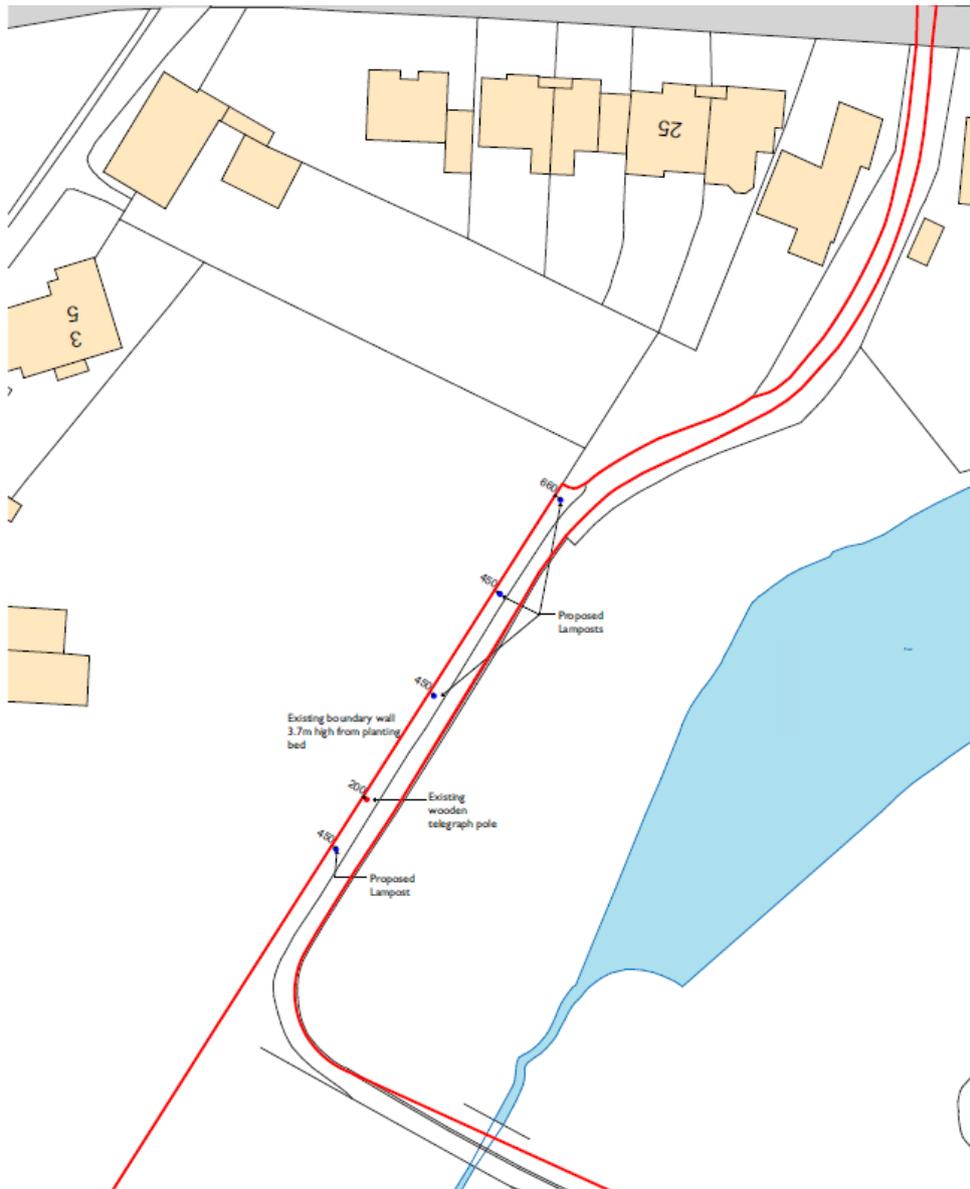


Lamp post and west boundary of the site.

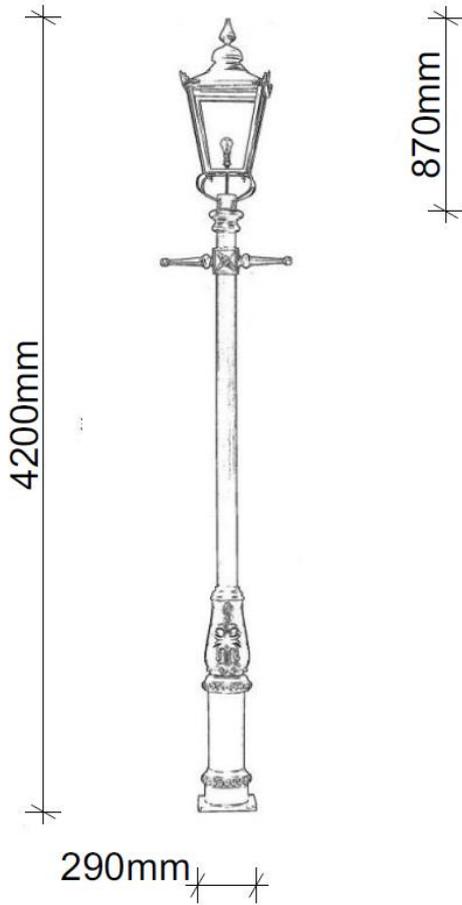


Drive and lamp posts, looking south towards host dwelling.

Plans (not to scale)



Part of site plan showing position of lamp posts.



Lamp post elevation plan.