

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

12 November 2019

**C6/19/03583/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION REF. C6/19/01378/CMA FOR CHANGES TO LOCATION AND QUANTITY OF EXTERNAL LIGHTING, CONSISTING OF ERECTION OF 9 NO. 6M HIGH LIGHTING COLUMNS, 7 NO. 4M HIGH LIGHTING COLUMNS, 4 NO. 1M HIGH LIGHTING BOLLARDS AND 16 NO. EXTERNAL MOUNTED LIGHTING ON LAND AT MOORSIDE INFANT & JUNIOR SCHOOL, HARROGATE ROAD, RIPON, NORTH YORKSHIRE, HG4 1SU ON BEHALF OF CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE'S SERVICES  
(HARROGATE DISTRICT) (RIPON SOUTH ELECTORAL DIVISION)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a part retrospective planning application for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting on land at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire, HG4 1SU on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection having been raised by Ripon City Council in respect of this proposal on the grounds of light pollution and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The application site relates to Moorside Infant & Junior School, which is located to the south of Ripon in North Yorkshire and within a residential area. The site itself consists of two main school buildings, an Infant School and a Junior School. The Infant School building is located to the north-east and is a non-denominational school for students aged between 3 and 7 years of age. The Junior School building is located to the north-west and is non-denominational school for students aged between 7 and 11 years. Both school buildings likely have been built post World War II, are single storey structures and constructed of brown brick, timber cladding and glazed infill panels with a mixture of flat and lean-to roofs. There is also a temporary classroom unit, located to the rear of Infant School (north-east of the site) and has permission to remain on the school site until 19 September 2022.
- 2.2 The site is predominantly bounded by residential properties, consisting of a mixture of 2 storey and single storey properties. There is a small parade of shops on Lead Lane, located adjacent to the south of the site and also a Salvation Army centre on Lead Lane which abuts the southern boundary of the site.

- 2.3 There are various public highways that surround the site. The public highway of Lead Lane to the south, the rear boundary of properties along Highfield Road to the west, to the north is the boundary with the properties along Whitcliffe Grove separated by a pedestrian access and the eastern boundary is shared with the rear of the residential properties at Wendy Avenue and the vehicular access from Harrogate Road. The entrance to the site is gained directly off Harrogate Road which forms the school's main site entrance and the only vehicular access to the site. There are several pedestrian access points around the site which are gained from Harrogate Road (east), Whitcliffe Grove (north) and Lead Lane (south).
- 2.4 The boundary treatment to the east along the public highway of Harrogate Road consists of evergreen hedge (approx. 1.5m high) and wooden fence (approx. 1m high). The boundary treatment between the site and the rear of the residential properties of Wendy Avenue consists of approx. 2 metre high deciduous hedge (north-east), mature trees and 1m high wall and 1m high wooden fence affixed on top of it. There are a number of mature deciduous trees planted at various locations along all of the boundaries and in between the school buildings and within the site.
- 2.5 To the south of the main school building (both Junior & Infant School), there is an area of hard standing which is surrounded by an area of grass playing fields. There is a school car park to the east of the Infant School, which is accessible off Harrogate Road via a tarmac path to the north of the site. This path connects the site with Junior School and also leads to the additional school car parking area located to the north-east of the Junior School.
- 2.6 The application site is shown on Appendix A – the Committee Plan and the lighting is shown on Appendix B – the Lighting Plan, are attached to this report.

#### Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/19/01378/CMA, 24 July 2019, Erection of single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), hardstanding area and vehicle pick up and drop off area with extended car parking (1433 sq. metres) installation of 1.8 m green weld mesh site security perimeter fencing, and 1.8 m high gates, widening of access road, creation of footpaths, erection of 10 No. 6 m high lighting columns, 6 No. 4 m high lighting columns, 3 No. 1 m high lighting Bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping – Granted and implemented.

### **3.0 The proposal**

- 3.1 Planning permission is sought under Section 73A of the Town and County Planning Act 1990 for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting on land at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire, HG4 1SU on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 The application seeks to vary specific elements i.e. external lighting of the approved scheme (planning permission ref. C6/19/01378/CMA). The amendments proposed are repositioning of 1 No. 6m high lighting column from the site boundary, omission of 1 No. 6m high lighting column and additional external lighting consisting of 1 No. 1m high lighting bollard within the access road/pedestrian footpath and 1 No. 4m high

lighting column within the extended Junior School car park. The changes are proposed to provide uniform distribution of ambient light while mitigating its impact to adjacent trees, site security and lighting efficiency.

3.3 The approved external lighting plan referred in Condition 2 is:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
18010/E/607 Rev. P6	July 19	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns

3.4 The proposed external lighting plan as varied is:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
18010/E/607 Rev. P8	August 19	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns

3.5 The design, lighting control system and hours of operation of the external lightings would remain same as previously approved scheme.

#### 4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 22 August 2019.

4.1 **Harrogate Borough Council (Planning)** – A response was received on 13 September 2019 stating no objection with an observation. The observation recommended a condition for tree replacement if trees are felled and an informative to comply with Institution of Lighting Professionals Guidance Notes for the reduction of obtrusive light 2011 (or later versions). A further response was received on 25 September 2019 stating *‘There was an error in the wording of observation one.....however I can confirm the wording for condition one should be as follows: 1. A landscaping condition should be attached to any consent to ensure that for every tree felled, two replacement trees are planted on site.’*

4.2 **Environmental Health Officer (Harrogate)** – A response was received on 27 August 2019. It raised no objection but recommended an informative for the proposed external lighting stating *‘The external lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.’*

4.3 **Ripon City Council** – A response was received on 17 September 2019 objecting to the proposed scheme, stating *‘Ripon City Council continue to object to this application in the strongest terms. The Council is concerned that the proposed lighting will adversely affect neighbouring properties and consider 6m and 4m high lighting unnecessary at this premises.’*

The agent submitted amended supporting statement highlighting the reasons for the lighting columns and detailing the reason for the changes following the grant of original planning permission ref. C6/19/01378/CMA.

Ripon City Council have been re-consulted and a response was received on 17 October 2019 objecting to the proposed scheme, stating *‘The council resolved to continue to object in the strongest terms on this matter and were dissatisfied with the explanation. The council consider that ‘anticipating’ the revised position of the lighting lessening the effect of overspill to neighbouring properties does not give adequate*

*reassurance and is concerned that local residents will suffer unacceptable levels of light pollution as a result of this matter.'*

4.4 **NYCC Heritage - Principal Landscape Architect** – A response was received on 30 August 2019 stating no Landscape objection or comment.

4.5 **Highway Authority** – A response was received on 4 September 2019 stating no objections to the proposed amendments.

4.6 **NYCC Heritage – Ecology** – A response was received on 23 August 2019 stating *'As it relates to a minor change in the layout of car park lighting, we do not have any comments to offer on this occasion.'*

4.7 **NYCC Arboricultural Officer** – No response has been received to date.

#### Notifications

4.8 **County Cllr. Stuart Martin** – Was notified of the application on 22 August 2019.

### **5.0 Advertisement and representations**

5.1 This application has been advertised by means of three Site Notices posted on 12 September 2019 (responses to which expired on 03 October 2019). The Site Notices were posted in the following locations:

- Harrogate Road, at main school entrance, east of the application site;
- Whitcliffe Grove, north of the application site;
- Wendy Avenue, east of the application site.

5.2 Neighbour Notification letters were sent on 22 August 2019 and the period in which to make representations expired on 13 September 2019. The following properties received a neighbour notification letter:

- 1A, 1, 4 and 5 Wendy Avenue, Ripon, North Yorkshire, HG4 1TD

5.3 Additional neighbours were identified and neighbour notification letters were sent on 12 September 2019 and the period in which to make representations expired on 3 October 2019. The following property received a neighbour notification letter:

- 2 and 3 Wendy Avenue, Ripon, North Yorkshire, HG4 1TD

5.4 A total of 4 letters of representation (3 of the representation are from the same neighbour) have been received, all relating to the original approved planning permission ref. C6/19/01378/CMA. The comments relate to incorrect lighting columns installed and disturbance caused by early start and late finish by the contractors. The agent was informed of these concerns and the site manager has since been made aware of all the conditions to be complied with including the working hours' condition. Also it was noted on the site visit the incorrect lighting columns being taken down.

5.5 No further representations have been received from the neighbouring properties in response to the abovementioned advertisement of the application.

### **6.0 Planning policy and guidance**

#### The Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
  - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The *Development Plan* for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009);
  - The ‘saved’ policies of the Harrogate District Local Plan (2001).
- 6.3 The Harrogate District Core Strategy (adopted 2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SG4 – Design and Impact
  - Policy C1 – Inclusive Communities
- 6.4 Policy SG4 of the Harrogate District Core Strategy, entitled ‘Design and Impact’ with regards to residential amenity it states *‘the scale, density, layout and design should make the most efficient use of land’*, and that the *‘visual, residential and general amenity should be protected and where possible enhanced.’* This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.
- 6.5 Policy C1 of the Harrogate District Core Strategy, entitled ‘Inclusive Communities’ states, *‘Proposals for the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. *elderly people, especially in terms of open market housing, health, sport and recreation;*
  - b. *young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*
  - c. *the rural population especially in terms of affordable housing and access to services;*
  - d. *disabled people, especially in terms of access to services and mobility.’*
- 6.6 This policy is also consistent with the NPPF’s objectives of promoting healthy communities, as outlined in Chapter 8 of the NPPF, entitled ‘Promoting Healthy and Safe Communities, emphasis the role that the planning system can have in facilitating social interaction and creating healthy and inclusive communities. Stating that planning policies and decisions should *‘plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.’* As well as *‘Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.’*
- 6.7 In addition to the Harrogate District Core Strategy (2009), the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policies most relevant include:
- ‘Saved’ Policy HD20 - Design of New Development and Redevelopment

- 6.8 'Saved' Policy HD20, of the Harrogate District Local Plan, entitled 'Design of New Development and Redevelopment', advises that proposals must take into account the following design principles:
- *'New buildings must make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout;*
  - *The use and application of building materials should respect materials of neighbouring and the local area;*
  - *New development should respect the local distinctiveness of existing buildings, settlements and their landscape setting;*
  - *New buildings should respect the scale, proportions and height of neighbouring properties;*
  - *New building design should respect, but not necessarily mimic, the character of their surroundings and, in important location, should make a particularly strong contribution to the visual quality of the area;*
  - *The use and application of building materials should respect materials of neighbouring buildings and the local area;*
  - *New development should be designed with suitable landscaping as an integral part of the scheme;*
  - *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
  - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
  - *New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction;*
  - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment.'*

- 6.9 This Policy is considered partially consistent with the NPPF's objectives of achieving sustainable development through good design, as outlined in Chapter 12, in particular paragraph 127, which relates to development being *'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation of change.'* Furthermore, paragraph 130 states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'*. It is therefore considered that the Policy HD20 is consistent with the aims of the NPPF and weight should be given to the determination of this application.

Other policy considerations:

National Planning Policy

- 6.10 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published February 2019)

National Planning Policy Framework

- 6.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.12 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans

are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:

- a) *'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

- 6.13 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 6.14 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.15 Paragraph 92 within Chapter 8 (Promoting healthy and Safe Communities) of the NPPF states that *'to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
  - c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
  - d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
  - e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*
- 6.16 Paragraph 94 within Chapter 8 (Promoting Healthy and Safe Communities) of the NPPF states that *'the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.'* Going on to specify planning authorities should take a *'proactive, positive and collaborative approach to meeting this requirement'*. They should:
- a) *'give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

- b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*
- 6.17 Paragraph 124-127 within Chapter 12 (Achieving Well Designed Places) of the NPPF states that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. Planning policies and decisions should aim to ensure that developments:
- a) *'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visits*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 6.18 Paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*
- 6.19 Paragraph 180 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF states that *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
  - b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
  - c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*



### National Planning Practice Guidance (PPG) (2014)

- 6.20 On 6<sup>th</sup> March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

#### Design

- 6.21 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also '*reflect an areas function, history, culture and its potential need for change.*' Ensuring a development can:
- deliver a wide range of planning objectives.
  - enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
  - address the need for different uses sympathetically.

#### Light Pollution

- 6.22 Light intrusion occurs when the light 'spills' beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:
- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
  - Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.
- 6.23 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people's ability to enjoy the night-sky:
- Lighting schemes could be turned off when not needed ('part-night lighting') to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
  - Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

## **7.0 Planning considerations**

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides for application for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.
- 7.2 With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself remains intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subject to which the previous permission was granted or unconditionally and the effect of which is the issue of a new planning permission sitting

alongside the original permission. Alternatively, the application can be refused if it is decided that the original conditions should continue.

- 7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In making its decision the Council should focus its attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought. In light of the abovementioned policies the main considerations in this instance are summarised under the following headings:

#### Principle of the proposed development

- 7.4 This planning application made under Section 73A of the Town and Country Planning Act 1990 seeks planning permission to vary specific elements i.e. external lighting of the approved scheme. The principle of the external lighting has previously been deemed acceptable under planning permission ref. C6/19/01378/CMA and as such this application will only consider the proposed changes to location and quantity of the external lighting.
- 7.5 The amendments proposed are reposition of 1 No. 6m high lighting column from the site boundary, omission of 1 No. 6m high lighting column and additional external lighting consisting of 1 No. 1m high lighting bollard within the access road/pedestrian footpath and 1 No. 4m high lighting column within the extended Junior School car park.
- 7.6 The proposed changes will provide site security, lighting efficiency and uniform distribution of light while mitigating its impact to adjacent trees and minimise the effect of lighting overspill to neighbouring properties. It is considered that the proposed amendments seek to create and enhance community facilities in terms of health, education and security.
- 7.7 It is noted that the principle of improving school facilities receives support within the NPPF in both securing sustainable development and supporting the need to alter/enhance schools. It is therefore considered that the proposed development is consistent with the NPPF (2019). Furthermore, the school is a community facility, hence the proposal is considered to be consistent with the aims of paragraph 94 of the NPPF which seeks to ensure that development on schools are considered positively and should be given great weight when being determined. Paragraph 92 also seeks to support development of community facilities and this school can be considered as such.
- 7.8 Further support for the development is received within Policy C1 of the Harrogate District Core Strategy which seeks to create inclusive communities through developing education facilities. It is therefore considered the proposal accords with Policy C1 of the Harrogate District Core Strategy as the development will enhance existing and provide new community facilities. Therefore, the development is considered acceptable in principle, subject to consideration of other matters.

#### Design and visual impact

- 7.9 The approved scheme consists of 10 No. 6m high lighting columns, 6 No. 4m high lighting columns, 3 No. 1m high lighting bollards and 16 No. external fixed mounted lighting. However, the proposed amended scheme will result in 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external fixed mounted lighting. The design, lighting control system and hours of operation of the external lighting would remain same as previously approved scheme. Therefore, the number of lighting units would not have any significant visual impact to its surrounding area.

- 7.10 In regards to the location of the external lighting, the proposed scheme does not differ significantly to the approved scheme, other than 1 No. 6m high lighting column along the north of the site to be positioned further away from the residential boundary in order to mitigate the impact on the adjacent trees and its roots. Furthermore, the proposed scheme will result in 2 No. 6m high lighting columns positioned along the boundary towards the rear of residential properties of Wendy Avenue rather than 3 No. 6m high lighting columns under the approved scheme. It is therefore considered the proposed scheme would not have any significant visual impact on the area. This is supported by Planning Practice Guidance for light pollution and consistent with NPPF paragraph 180 which both state through careful design, correct installation and ongoing maintenance the effects of lighting can be limited.
- 7.11 It is acknowledged that lighting is required within the car park area due to the health and safety concerns, hence the provision of lighting columns creates a safe environment. Therefore, the proposed variation will continue to provide a service in regards to safety of staff and visitors using the car park in winter months.
- 7.12 It is therefore considered the proposal is in compliance with Policy SG4 of the Harrogate District Core Strategy in terms of design and impact and 'saved' Policy HD20 of the Harrogate District Local Plan in terms of *'New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment.'*
- Local amenity (light pollution)
- 7.13 It is acknowledged that the site is bounded by residential properties, hence the potential impact of the proposed development upon local amenity is an important consideration in the determination of this application.
- 7.14 The lighting is required to illuminate the extended car parking area and the access/pedestrian footpath in order to make them safe outside of daylight hours. The impact of the external lighting has previously been considered acceptable under planning permission ref. C6/19/01378/CMA and as such this application will only consider the impact of the proposed changes to location and quantity of the external lighting.
- 7.15 The proposed amendment would result in 2 No. 6m high lighting column rather than 3 No. 6m high lighting column as previously approved, along the boundary of the residential properties of Wendy Avenue. Furthermore, one of the 6m high lighting column will be positioned further away from the residential boundary. It is therefore considered the current application would have a reduced impact on residential amenity than the previously approved scheme.
- 7.16 The current application proposes additional external lighting consisting of 1 No. 1m high lighting bollard and 1 No. 4m high lighting column. However, given the low level height of the additional lighting, being lower than existing street lighting columns will not have an adverse impact upon residential amenity. Furthermore, no objections have been received from the occupants of the neighbouring properties.
- 7.17 It is noted Ripon City Council have objected to the proposed scheme on the grounds of light pollution. However, the principle of external lighting columns consisting of 6m and 4m high has been deemed acceptable under planning permission ref. C6/19/01378/CMA. Nonetheless, the application has been subject to consultation with Harrogate Borough Council (Planning and Environmental Health Officers), both of whom raised no objection to the scheme, but requested an informative to be added on any grant of planning permission in regards to the external lighting complying with the Institution of Lighting Professionals Guidance Note.

7.18 Overall it is considered the proposed scheme will not have an adverse impact on residential amenity and as such accords with Policy SG4 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan.

Conditions of planning permission ref. C6/19/01378/CMA

7.19 All previously imposed planning conditions shall remain albeit updated to reflect the development proposed by this application (Condition 2) and any schemes approved under conditions since the grant of planning permission ref. C6/19/01378/CMA.

7.20 Condition 1 stating the statutory 3 year time limit for commencement of development has been removed as the development has been implemented in July 2019.

7.21 Condition 4, 5, 8 and 12 (pre-commencement conditions), have been discharged under application ref. NY/2019/0132/A27. These conditions will be retained but shall be reworded to remove reference to the submission of details prior to commencement and amended to show the works need to be carried out in accordance with the approved details.

7.22 There is at present an application outstanding (NY/2019/0153/A27) for discharging Condition 7 (landscape scheme). As the details have not been approved yet, Condition 7 will be retained.

## 8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting.

8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

## 9.0 Recommendation

9.1 For the following reason(s):

- it is considered that the proposed development will not adversely affect the character of the local area;
- it is considered that the proposed development would not adversely impact upon local amenity; and
- it is considered that the proposed development is in accordance with NPPF (2019), NPPG (2014), Policies SG4 and C1 of the Harrogate Core Strategy (2009) and 'saved' Policy HD20 of the Harrogate Local Plan (2001).

9.2 It is recommended that, **PLANNING PERMISSION BE GRANTED** for the purposes of the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting on land at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire, HG4 1SU subject to the following conditions:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the application details dated 01 March 2019 (amended 12 July 2019) and approved drawings and documents (ref. C6/19/01378/CMA, dated 24 July 2019) and as amended by the application details dated 14 August 2019 and approved drawings and documents (ref. NY/2019/0138/NMT, dated 19 August 2019) and as amended by the application details dated 15 August 2019 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
18010-A-001 Rev. P7	14/08/2019	Site Location Plan
18010/E/607 Rev. P8	Aug 2019	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns
18010 Rev. R1	02/10/2019	Planning Statement

*Reason: To ensure that the development is carried out in accordance with the application details.*

2. No construction, demolition or any other works shall take place except between the following times:

08:00 – 18:00 Mondays to Fridays

08:30 – 13:00 Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

*Reason: In the general interest of residential amenity.*

3. The development hereby permitted must be carried out in strict accordance with the Arboricultural Method Statement (Ref. BA8070AIA) dated 17 July 2019. The fencing must be retained intact for the full duration of the works and there must be no access, storage, ground disturbance or contamination within the fenced area.

*Reason: To ensure protection during construction works of trees and hedges which are to be retained on or near the site in order to ensure that the character and visual amenity of the area is not impaired.*

4. The temporary access must be constructed in accordance with the Contractor Site Compound Access & Phasing Plan (Ref. 18010-A-080 Rev. P4) dated 25 July 2019. Any damage to the existing adopted highway occurring during use of the access until the completion of all the construction works must be repaired immediately. Before the development is first brought into use the highway verge/footway on Lead Lane must be fully reinstated in accordance with the scheme approved in writing by the County Planning Authority.

*Reason: In the interests of highway safety and visual amenity.*

5. Once the temporary access has been created only vehicles associated with on-site construction works are permitted to access the site via the approved temporary access as shown on Drawing No. 18010-A-080 Rev. P3, dated 21 June 2019, with the temporary access only to be used by vehicles associated with the construction works. Upon completion of the construction works the temporary access road and access point off Lead Lane must be removed and the land reinstated to its previous condition, including any hedge planting as replacements following removal to create the access of Lead Lane.

Reason: *In the interests of highway safety and visual amenity.*

6. Within three months of the date of decision notice of planning permission ref. C6/19/01378/CMA, a detailed scheme of landscaping must be submitted to and approved in writing by the County Planning Authority. These details shall include all planting, species, density of planting and aftercare and maintenance proposals. Thereafter, the landscaping shall be implemented in strict accordance with the approved scheme within the first available planting season. Any failures within the first five years of being planted shall be replaced with species of the same size and maturity as previously specified in the approved scheme.

Reason: *To safeguard and enhance the appearance of the development in the interests of visual amenity of the area.*

7. The development hereby permitted must be carried out in strict accordance with:
- a. Construction Details, 18010-APP-00-XX-DR-C-00006 Rev. P03, dated 15 July 2019;
  - b. Section 184 Plan, 18010-APP-00-XX-DR-C-00002 Rev. P03, dated 15 July 2019;
  - c. S184 Levels & Setting Out Plan, 18010-APP-00-XX-DR-C-00003 Rev. P03, dated 15 July 2019;
  - d. S184 Surface Finishes Plan, 18010-APP-00-XX-DR-C-00004 Rev. P03, dated 15 July 2019 and
  - e. S184 Vehicle Tracking, 18010-AA-00-XX-M2-C-00005 Rev. P03, dated 15 July 2019.

Reason: *To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.*

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of altering the site access) until splays are provided giving clear visibility of 33 measured along both channel lines of the major road Harrogate Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: *In the interests of road safety.*

9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
- a. have been constructed in accordance with the submitted drawing 18010-A-050 and 18010-A-060
  - b. are available for use unless otherwise approved in writing by the County Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: *To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.*

10. Prior to the development being brought into use, a Travel Plan for both Schools shall have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
  - b. a partnership approach to influence travel behaviour

- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

*Reason: To establish measures to encourage more sustainable non-car modes of transport.*

11. The development hereby permitted must be carried out in strict accordance with the Traffic Management Plan (Ref. F08.01 Rev. 7) dated 19 March 2019. The approved Statement shall be adhered to throughout the construction period for the phase.

*Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.*

12. The development hereby approved, must, at all times, be carried out in accordance with the recommendations set out in section 5.1 of the Ecological Impact Assessment (Naturally Wild Consultants Limited, ref. APP-18-17, dated November 2018).

*Reason: In the interests of protecting wildlife and their habitats.*

13. Any excavation works adjacent to any trees and hedges within the site must utilise hand dig methods to avoid excessive damage to the tree and hedge roots.

*Reason: To ensure that the trees and hedges within the area of proposed development are not damaged during construction works in order to ensure that the character and visual amenity of the area is not impaired.*

14. Any tree removals, pruning or crown lifting works must be carried out prior to works commencing and shall be carried out in accordance with BS 3998 (2010): British Standard Recommendations for Tree Work, using a suitably qualified and insured arboricultural contractor.

*Reason: To ensure protection during construction works of trees which are to be retained on and near the site and in the interests of visual amenity.*

15. No retained tree must be cut down, uprooted or destroyed, nor must any retained tree to be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approved must be carried out in accordance with British Standard [3998 (Tree Work)]. If any retained tree is removed, uprooted or destroyed or dies, another tree must be planted at the same place and that tree must be of such size and species, and must be planted at such time, as may be specified in writing by the County Planning Authority.

*Reason: To ensure that the retained trees within the area of proposed development are not damaged and in the interests of visual amenity.*

Informatives:

1. Any trees, shrubbery or other dense vegetation should be removed outside the bird nesting season (March to August inclusive for most species), or after a competent person has confirmed that no nesting birds are present. If an occupied nest is found, work will need to be delayed until after young have fledged.  
  
Explanation: Conservation of wildlife and to ensure compliance with the Wildlife & Countryside Act 1981 (as amended).
2. The external lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the details constructional specification referred to Condition 8.

**Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

DAVID BOWE  
Corporate Director, Business and Environmental Services

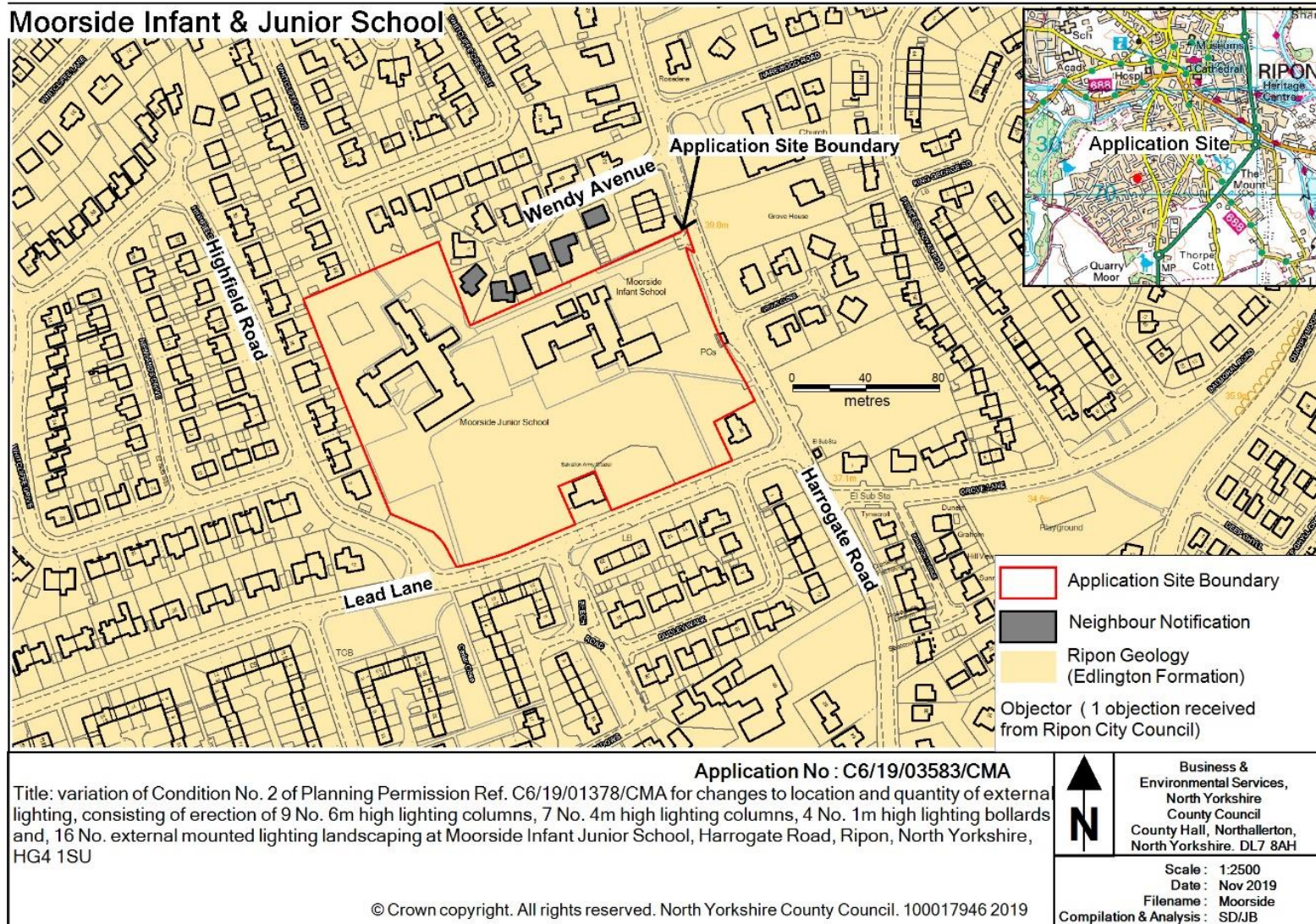
Author of report: Sukaina Devraj

Background Documents to this Report:

1. Planning Application Ref Number: C6/19/03583/CMA (NY/2019/0141/73A) registered as valid on 21 August 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppDisp.aspx?recno=10880>
2. Consultation responses received.
3. Representations received.



Appendix A – Committee Plan



Appendix B – Lighting Plan

