

Planning Committee

22 March 2018

Reference:
APP/17/01493

Area Team:
North Team

Case Officer:
Mr C Smith

Ward:
Liscard

Location: 1 Charter House, CHURCH STREET, EGREMONT, CH44 8AS
Proposal: Proposed external floodlight fittings to existing residential block of flats(amended).

Applicant: Mr Camco Estates Ltd.
Agent : Ainsley Gommon Architects

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

Location: 1 Charter House, CHURCH STREET, EGREMONT, CH44 8AS

Application Type: Full Planning Permission

Proposal: Proposed external floodlight fittings to existing residential block of flats(amended).

Application No: APP/17/01493

Decision Date:

Decision Type:

Location: 1 Charter House, CHURCH STREET, EGREMONT, CH44 8AS

Application Type: Full Planning Permission

Proposal: New ground floor entrance lobby extension to existing residential block of flats and extended bin storage areas, including new ramp access.

Application No: APP/17/01424

Decision Date: 03/01/2018

Decision Type: Approve

Location: Charter House, Church Street, Egremont, CH44 8AS

Application Type: Full Planning Permission

Proposal: Construction of new entrance hall and janitor's room.

Application No: APP/78/11087

Decision Date: 04/01/1979

Decision Type: Approve

Appeal Details

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications 85 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report one objection and one petition of objection containing 32 signatures have been received by the Local Authority.

Brief petition summary:

- I. The local residents were not consulted prior to installation of floodlights.
- II. The proposal create unacceptable levels of illumination into several houses around the site, which will impact occupiers health.
- III. The proposal will illuminate gardens significantly more than the existing street lighting, which will reduce enjoyment of their dwellings and cause unnecessary annoyance.

Brief summary of objection:

The occupier of No. 35 Union Street objected on grounds that the application has already been fully installed. No. 35 stated that when the lights are on it clearly shines into their dwelling rooms and makes these rooms far lighter. No. 35 stated that they have livestock in outdoor areas and their health will negatively be impacted by the proposal. No. 35 stated that they feel this proposal is unnecessary.

CONSULTATIONS:

Head of Environment and Regulation (Traffic & Transportation Division) - No objection.

Head of Environment and Regulation (Environmental Health Division) – No objection.

Wirral Wildlife – No objection or comments to make.

NATS Safeguarding – No objection.

DIRECTORS COMMENTS:

REASON FOR REFERRAL:

A petition of objection containing 32 signatures was received by the Local Authority.

INTRODUCTION

The application is seeking planning permission for external floodlight fittings to an existing residential block of flats.

The developer has indicated that the works have not started on the application form however it came to the Local Authority's attention at a later stage that the floodlighting had been fitted without planning permission.

During the application process the Local Authority Planning department and Environmental Health department met with the developer on site during the early evening for a demonstration of the floodlights in use. The Local Authority Environmental Health department recommended that all proposed floodlights should be directed upwards to completely avoid any potential light nuisance to neighbouring residential property. The developer agreed to amend the proposal to reflect this request.

PRINCIPLE OF DEVELOPMENT

The building is established, and as such the principle of development is established. The impacts of external floodlighting must be considered against the relevant policies outlined below.

SITE AND SURROUNDINGS

The proposal site contains an eleven storey block of residential flats. The surroundings are residential in nature, consisting small terraces of modern two-storey properties. The proposal site building is currently vacant and the developer is undertaking significant internal and external renovations to the existing building, including a recent application for a new front porch entrance to serve the building (APP/17/01424). The site itself contains a small number of street lamps sporadically positioned along paved paths through the site, along with a small number of street lamps running along the adjacent highways of Church Street and Union Street respectively.

POLICY CONTEXT

There is no specific policy relating to external floodlighting on flats proposals within the UDP. It is considered that UDP Policies HS13: Self Contained Flat Conversions, and HS11: House Extensions, are most relevant, establishing criteria for consideration of residential amenity when development of this type is proposed. The National Planning Policy Framework is also directly relevant.

APPEARANCE AND AMENITY ISSUES

The proposed floodlights will be fitted on the North and South elevation of the existing building. Each elevation will include 4 flood lights which will be positioned slightly below the 6th storey of the building and the 9th storey respectively. The flood lights on the South elevation will be relatively close together and the North elevations floodlights are spaced further apart from one another, horizontally speaking.

After discussions with the developer and the Local Authority Environmental Health department, it was agreed that all proposed floodlighting would be directed upwards away from the ground, in the interest of ensuring that neighbouring amenity is protected in regard to potential light disturbance. Following the amended plans received from the developer, the Local Authority Environmental Health department had no objection to the proposed development. It is therefore considered that the proposed floodlighting will have minimal impact on neighbouring occupiers amenity in regard to potential light disturbance.

The proposed floodlights will accompany the extensive renovations currently on-going to the existing building. They are considered to have a positive impact on the appearance of the building and will help to provide a stronger sense of place and distinction to the existing building which is understood to have been unoccupied for a considerable time, and is intended to be brought back into use for residential housing.

The developer has confirmed in writing that the floodlights will be installed at 0 degrees thus ensuring the full ray of light is pointing and lighting the above building only. The Local Authority consider in this instance that is necessary and reasonable to condition this as to ensure the illumination has no

significantly impact on neighbouring occupier's amenity.

Taking into account the relevant policies within Wirral's Unitary Development Plan and NPPF the proposed development is considered to cause no significant harm to neighbouring amenity and therefore the application is recommended for approval.

Other matters:

The petition of objection and neighbour objection received commented in regard to the fact that the floodlights have already been installed prior to any planning consent on the site. This fact does not have any significant weight or consequence on the determination of this application, as each application is judged on its own merits.

The petition of objection and neighbour objection stated that the proposed floodlights create unacceptable levels of light to both habitable rooms and private amenity space. The developer has subsequently agreed to re-direct the proposed lighting so all floodlights will face away from the ground, towards the existing building in an upwards direction. Considerable weight must be given to the fact that the Local Authority's Environmental Health department has made no objection to the proposed development, and therefore the proposed floodlights are not considered to harm neighbouring amenity in regard to light disturbance.

An informative is recommended clearly stating that the existing floodlightings on the building do not have permission unless they altered to accordance with the approved plans (Drawing: 1799-GA-110 Proposed External Elevation Lighting REV A). This informative will make it clear to the developer that the Local Authority will pursue enforcement action should any remaining unauthorised floodlights not be removed and/or repositioned as shown on the amended plan.

SEPARATION DISTANCES

Separation distances do not apply in this instance as the development is purely for the external floodlights.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no traffic/highway issues relating to these proposals.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no environmental/sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application

CONCLUSION

The proposed development is considered to be acceptable and will not harm the overall character of the area. It is not considered that the proposal will harm the amenities of neighbouring properties. As such, the proposal is considered to be acceptable and complies with the National Planning Policy Framework and Wirral Unitary Development Plan Policy HS11 and HS13.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered to be acceptable and will not harm the overall character of the area. It is not considered that the proposal will harm the amenities of neighbouring properties. As such, the proposal is considered to be acceptable and complies with the National Planning Policy Framework and Wirral Unitary Development Plan Policy HS11 and HS13.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 05/12/17 and 23/01/18 and listed as follows:

Drawing(s):

1799-DI-001 Site Location Plan (received on 05/12/17)

1799-GA-105 Existing Elevations (received on 05/12/17)

1799-GA-110 Proposed External Elevation Lighting REV A (received and amended on 23/01/18)

Reason: For the avoidance of doubt and to define the permission.

3. The external floodlighting illumination hereby permitted and shown on drawing: 1799-GA-110 Proposed External Elevation Lighting REV A (received and amended on 23/01/18), shall be installed at 0 degrees ensuring that the full ray of light is pointing upwards to prevent significant illumination being directed towards the ground. The floodlighting shall remain in this position at all times thereafter.

Reason: In the interests of protecting neighbouring occupier's amenity and to accord with Policy HS13 and HS11 of the Wirral Unitary Development Plan.

Further Notes for Committee:

1. This permission does not grant consent for any remaining unauthorised external floodlighting on the existing building, and therefore the Local Authority will pursue further enforcement action if any remaining unauthorised external floodlights are not removed or repositioned in accordance with the approved plans.

Last Comments By: 20/02/2018 14:55:23

Expiry Date: 31/01/2018 03:32:13