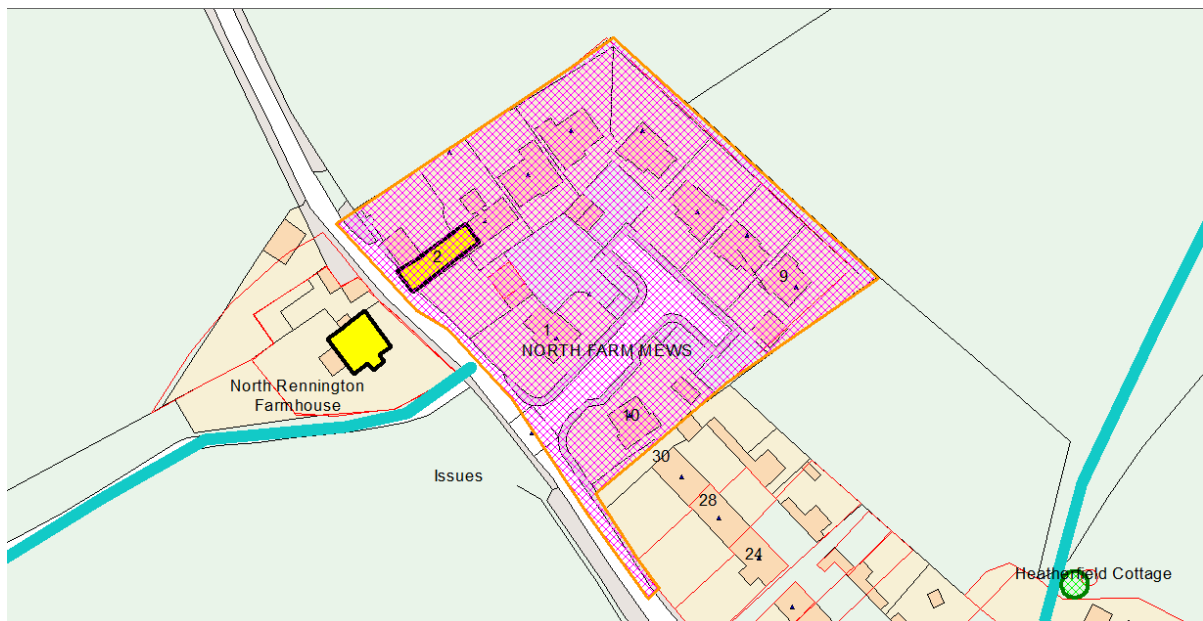




Northumberland
County Council
North Northumberland Local Area Planning Committee
19th October 2023

Application No:	22/03766/VARYCO		
Proposal:	Removal of condition 18 (street lighting) on approved application 20/03446/VARYCO to allow streetlights to be turned off or removed		
Site Address	Farm Buildings East of North Farm, Rennington Village, Rennington, Northumberland		
Applicant:	Parish Clerk 26 Swansfield Park Road, Alnwick, Northumberland, NE66 1AT	Agent:	None
Ward	Longhoughton	Parish	Rennington
Valid Date:	9 November 2022	Expiry Date:	8 February 2023
Case Officer Details:	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction.

1.1 Following referral through the Chair Referral Scheme this application is deemed appropriate for determination at the North Northumberland Local Area Planning Committee.

1.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously

imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue.

2. Description of the Site and the Proposal

2.1 The site to which the application relates (North Farm) is located to the north-western edge of Rennington Village adjacent to the C1130 that leads from Rennington to the village of Rock. The application site comprises the grade II listed cart shed, and granary located along the north-western boundary, and prior to the implementation of this scheme, a range of larger more modern farm buildings with farmyard areas were adjacent to these. The original farmhouse is grade II listed and is located on its own on the opposite side of the highway to the west of the site, and this is now in separate ownership. Open agricultural land surrounds the site to the north and east and beyond the farmhouse, with residential properties adjoining the south-eastern boundary of the site.

2.2 The original application is reference 14/03067/FUL for the change of use of land and buildings and development of residential dwellings, conversion, and extension of Grade II Listed traditional farm buildings to provide 2 residential dwellings, construction of 13 new residential dwellings and development of associated access roads, public open space, gardens, and other ancillary works (as amended by letter dated 26/11/14). This was subsequently varied as seen in the site history section below.

2.3 The most recent variation was granted under reference 20/03446/VARYCO. As part of that consent condition 18 reads:

Prior to occupation a scheme of street lighting shall be submitted to and approved in writing by the Local Planning Authority thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework.

2.4 This application seeks to remove the requirements of this condition and thus the street lights from the development.

2.5 The site lies on the edge of the Dark Skies Park and the applicant is concerned about impacts on its setting, the village character and the AONB (Area of Outstanding Natural Beauty).

3. Planning History

Reference Number: 14/03067/FUL

Description: Change of use of land and buildings and development of residential dwellings (15 in total of which 6 are affordable homes) including demolition of existing modern agricultural buildings, conversion and extension of Grade II Listed traditional farm buildings to provide 2 residential dwellings, construction of 13 new residential dwellings and development of associated

access roads, public open space, gardens and other ancillary works (as amended by letter dated 26/11/14)

Status: PER

Reference Number: 14/03068/LBC

Description: Listed Building Consent: Change of use of land and buildings and development of residential dwellings (15 in total of which 6 are affordable homes) including demolition of existing modern agricultural buildings, conversion and extension of Grade II Listed traditional farm buildings to provide 2 residential dwellings, construction of 13 new residential dwellings and development of associated access roads, public open space, gardens and other ancillary works (as amended by letter dated 26/11/14)

Status: PER

Reference Number: 17/04588/FUL

Description: Demolition of modern portal frame buildings, construction of 8 new houses and 4 detached garage blocks and conversion of listed traditional farm buildings into 2 dwelling houses.

Status: PER

Reference Number: 17/04589/LBC

Description: Listed Building Consent for demolition of modern portal frame buildings, construction of 8 new houses & 4 detached garage blocks and conversion of listed traditional farm buildings into 2 dwelling houses.

Status: PER

Reference Number: 19/03478/VARYCO

Description: Variation of condition 6 (approved plans) related to planning approval 17/04589/LBC

Status: PER

Reference Number: 19/03479/VARYCO

Description: Variation of condition 2 (approved plans) pursuant to planning permission 17/04588/FUL

Status: PER

Reference Number: 19/04436/DISCON

Description: Discharge of conditions: 12 (demolition/construction method statement) and 19 (surface water) pursuant to planning approval 17/04588/FUL

Status: PER

Reference Number: 20/00301/DISCON

Description: Discharge of condition 4 (contaminated land scheme) 7 (ground gasses report) 13 (full engineering, drainage, street lighting and construction details of streets proposed for adoption) 14 (management and maintenance details of proposed streets) 15 (details of required highways works) 18 (programme of archaeological works) and 20 (scheme for surface water) on approved planning application 17/04588/FUL.

Status: CONREF

Reference Number: 20/03446/VARYCO

Description: Variation of Conditions 2 (approved plans) pursuant to planning approval 19/03479/VARYCO to allow reduction in garage sizes plots 1,4,6,7; fenestration amendments to rear elevations; addition of natural stone quoins to all elevations. Amendment of Condition 3 (Materials) pursuant to planning permission

19/03479/VARYCO to allow for discharge of details of materials. (Amended Description 16.02.2021).

Status: PER

Reference Number: 20/03447/VARYCO

Description: Variation of condition 6 (approved plans) pursuant to planning permission 19/03478/VARYCO to allow reduction in garage sizes plots 1,4,6,7; fenestration amendments to rear elevations; addition of natural stone quoins to all elevations. Amendment of Condition 2 (Materials) pursuant to planning permission 19/03478/VARYCO to allow for discharge of details of materials. (Amended Description 16.02.2021).

Status: PER

Reference Number: 21/01595/DISCON

Description: Discharge of condition 8 (landscaping) on approved planning application 20/03446/VARYCO (Amended Description 18.10.2021)

Status: PER

Reference Number: 21/03299/DISCON

Description: Discharge of condition 4 (management plan) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03300/DISCON

Description: Discharge of condition 9(storage facilities and a refuse storage strategy) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03301/DISCON

Description: Compliance of condition 6(Geo Environmental Engineering Ground Gas Verification Strategy Report) and Discharge of condition 16(validation and verification report) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03302/DISCON

Description: Discharge of condition 17 (Ecology) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03303/DISCON

Description: Discharge of condition 18(street lighting) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03312/DISCON

Description: Discharge of condition 3(Ground Gas Verification Strategy) Plot 1 and 2 on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/04217/DISCON

Description: Discharge of condition 3(windows schedule) and 4(details of all new flues) on approved application 20/03447/VARYCO.

Status: PER

Reference Number: 21/04613/DISCON

Description: Discharge of condition 19(plan showing the number and location of Electric Vehicle Charging Points) on approved application 20/03446/VARYCO.

Status: PER

4. Consultee Responses

Rennington Parish Council	No response received as they are the applicant.
Highways	The streetlights are required for purposes of adoption. Residents have already been in touch requesting the lights so there are some who want them. They are dimmed to the minimum amount already.
County Ecologist	Artificial lighting can have significant impacts on nocturnal wildlife and the County Ecologist supports schemes which seek to reduce this impact. Should Highways colleagues require lighting for highway safety there are several design principles which can significantly reduce light spill and impact.
Northumberland Coast AONB	Whilst this development is some 2km distant from the Northumberland Coast AONB, the AONB Partnership support this application by the Parish Council to remove unnecessary streetlighting and / or reduce the light spill from streetlighting that has been installed as part of the housing development at North Farm, Rennington. The intrinsically dark skies of the Northumberland Coast AONB are recognised as a special quality of the designated landscape, and reduction of light pollution out with the designated area will have a positive impact for the dark skies of the AONB.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	35
Number of Objections	0
Number of Support	18
Number of General Comments	1

Notices

Affecting Listed Building, 22nd November 2022

Northumberland Gazette 17th November 2022

Summary of Responses:

There has been considerable support for the proposal totalling 18. To summarise the majority support the removal of streetlights to assist with the night time character of the village and to enforce the adjacent dark skies designation. It should be noted that Renington is not within the Dark Skies designation. A single submission supported the removal of the lights as they shine into their property.

There has been a single objection to the proposal on the grounds of safety and a further general comment asking that if the lights are removed that the pavement is suitably repaired.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RJMSJHQS0IS00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 4 - Climate change mitigation and adaptation (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

QOP 2 – Good Design and Amenity

QOP 3 - Public realm design principles

HOU 9 – Residential development management

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

ENV 1 - Approaches to assessing the impact of development on the natural, historic, and built environment (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

ENV 4 - Tranquillity, dark skies, and a sense of rurality

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

6.4 Other Documents/Strategies

North Northumberland AONB Management Plan 2020 - 2024

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises Northumberland Local Plan. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The key issues for consideration in the determination of the application are:

- Principle of development
- Highway Safety
- Residential Amenity
- Impact on the AONB and Dark Skies
- Ecology
- Procedural Matters

Principle of Development

7.3 The installation and / or removal of streetlights does not in itself require the benefit of express planning permission. However, it is the removal of the condition attached to the current consent that requires permission. Ordinarily streetlights are managed under separate legislation managed by the Council's Highways department.

7.4 Given the proposal relates to the removal of a condition attached to an extant consent then the principle of development is established, and the proposal is consistent with the settlement strategy laid out in policy STP 1.

Highway Safety

7.5 Policy TRA 2 of the Local Plan sets out that proposals that impact highway safety will not be supported. In this instance HDM has commented that there have been no discussions held between developer and HDM/NCC Street Lighting before the submission of this application, and upon consulting with NCC Street Lighting, the following response has been provided:

"We've already made changes to the lighting since it originally went in as it was lit to a P4 Class using Urbis Axia 2.1 5167 16 LED 480mA 3.25klm 26-Watt Lantern. We changed 3 No. of the Lanterns at the cul-de-sac to Axia 3.1 5267 8 LED 400mA 1.44klm 13 Watt dropping to P5 Class with 50% dimming from 00:00 to 06:00.

The lighting levels now in the cul-de-sac are 0.47 lux Average and drop to 0.23 Lux average when dimming starts. To put that into context a clear full moon is somewhere between 0.25 - 1.0 Lux Average. The Main Road outside the development is lit to 0.75 Lux average.

I don't feel it is necessary to remove or switch off any of the lighting installed as part of this development, we currently have a supply fault on the lights on the main road which are now off, and we've had complaints from the residents asking when the light is going to back on so there are clearly people within the village that do want the light. I think the policy is any new developments with three or more properties must have lighting if being put forward for adoption".

7.6 Thus, NCC Street Lighting have made a conscious effort to reduce the lighting levels as much as possible to try and coexist with the darker skies in this area and HDM would agree that all developments above 3 dwellings that are put forward for adoption would require a form of street lighting.

7.7 It is advised that the developer withdraws this application and approaches both HDM and NCC Street Lighting directly to try and resolve the lighting issues as part of the S278/S38 processes.

7.8 As can be seen from the HDM response proposals seeking an adopted road of three or more is the standard NCC policy on street lighting, note this is not replicated in planning policy. A grant of this permission would not result in the immediate removal of the lights as a further permission from NCC Streetlighting would need to be attained. The advice from Highways is that the applicant seeks permission from the Streetlighting team first before seeking approval via the planning process.

7.9 As demonstrated above the proposal is not consistent with the council's approach on streetlighting which is based on safety standards. Therefore, the application would result in a development potentially creating a road safety issue. This is not consistent with policy TRA 2.

Residential Amenity

7.10 Policy QOP 2 of the Northumberland Local Plan states that development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in, or visiting the local area, and sets out several criteria which development will be assessed against. Paragraph 130 of the NPPF also seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.11 Policies HOU 9 and QOP 2 of the NLP (Northumberland Local Plan) seeks to ensure that development does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy, and visual outlook, and is not obtrusive.

7.12 The removal of the streetlights raises two key issues. The first is impact on residential amenity on the grounds of light impact on properties, but the second is impact on the grounds of light removal. The former raises issues which can easily be overcome by householders by using curtains, blinds etc. The latter raises concerns on the grounds of a sense of security and safety. There have been comments posted to the Highways Authority, separate from this application, requesting the installation of the streetlights.

7.13 Overall, the proposal does not raise substantive concerns of residential amenity, either through removal or retention. The proposal is currently and, would be, consistent with the provisions of policies HOU 9 and QOP 2.

Impact on the AONB and Dark Skies

7.14 Paragraph 176 of the NPPF advises that "*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status protection in relation to these issues...The scale and extent of development within all these designated areas should be limited*".

7.15 Policy 2 of the North Northumberland Coast Neighbourhood Plan relates landscapes and seascapes and requires planning proposals to respect the landscape and seascapes of the area. Policy 2 states "*great weight will be given to the conservation of these local landscapes, the Heritage Coast, and the scenic beauty of*

the coast including views into and out of the Northumberland Coast AONB within the Plan area".

7.16 Policy 5 of the North Northumberland Coast Neighbourhood Plan relates to design in new development and sets out design criteria for all new development to meet. This policy indicates that development within the Northumberland Coast AONB, will also be expected to incorporate the principles contained in the Northumberland Coast AONB Design Guide.

7.17 Policies ENV 4 of the Local Plan seeks to protect rural tranquillity and dark skies, whilst ENV 5 seeks to protect the character and setting of the North Northumberland AONB. The site lies within neither but is on the edge of both.

7.18 The lights are currently set to their lowest levels. It is not considered that the proposal raises concern that the impact on the designations is unacceptable and the proposal is consistent with ENV 4 and ENV 5.

Ecology

7.19 Policies ENV 1 and ENV 2 seek to enhance opportunities for biodiversity. In this instance the County Ecologist has commented that they support the proposal as artificial lighting can have significant impacts on nocturnal wildlife. They also comment that if the lights are necessary for highways safety purposes, then there are several design principles which can significantly reduce light spill and impact.

7.20 The applicant also stresses that the lighting could be having a negative impact on nocturnal wildlife. The impact cannot be quantified but as the County Ecologist has stated there are mitigation measures that can be used to reduce the impacts. It is understood that the lights are at the minimal setting permissible and consistent with guidance on impact on bats.

7.21 Highways have already commented that the lights are set at their minimum level to reduce light spill and impact. The removal of the streetlights would have a benefit for wildlife and the proposal is consistent with policies ENV 1 and ENV 2.

Applicant's Submission

7.22 In support of the application the applicant has submitted a supporting statement. This queries the need for the lights when similar developments did not require the same level of lighting. The differences are often down to an applicant seeking an adopted road which would then necessitate the need for street lighting. In this instance the applicant sought to have the access adopted. As it is for more than three units it is required to have street lighting.

7.23 A last point in the applicant's submission is that turning off the lights would reduce electricity consumption thus contributing towards the fight against climate change, albeit in a small manner. This is not disputed.

Discussions

7.24 The council's Street Lighting team has offered a negotiated position to remove some of the existing lights and drop the height of those in the residential development.

There remains a question of who would pay for this work. Regardless, this offer has not been accepted by the Parish Council.

Equality Duty

7.25 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.26 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.27 The Human Rights Act requires the County Council to consider the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.28 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.29 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 On the planning balance there is some sympathy with the Parish Council who are keen to maintain the nighttime character of the village and enjoy minimum light pollution. However, the streetlights are required by NCC Highways as the road is adopted and they are required to provide streetlights. There is evidence to suggest

that there is not 100% support for the removal of the lights. Regardless the case officer is advised that the lights are necessary for highway safety and policy TRA 2.

8.2 Considering the above the case officer recommends the application be refused on the grounds of highway safety and advises that the application is not consistent with policy TRA 2.

9. Recommendation

That this application be REFUSED permission

Reason for Refusal

The proposal seeks to remove the streetlights from the residential development at North Farm, Rennington. The lights are required because of highways adoption approach, separate from planning policy, and safety. The proposal to remove the lights would result in a potential highway safety concern and thus is not consistent with TRA 1 as it would not result in an effective and safe access to the existing transport network.

Background Papers: Planning application file(s) 22/03766/VARYCO