CASE OFFICER'S REPORT

Application Reference:	PL/2023/05626
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	27 May 2024
Case officer:	Selina (Nina) Parker-Miles

Site Address:	Car Park, Land east of Village Hall, Bath Road, Atworth, Melksham, SN12 8JY
Proposal:	Installation of lighting in car park
Recommendation:	Approve with Conditions

Proposal and Site Description

This application relates to the car park serving the village hall in Atworth near Melksham. The application site is located off Post Office Lane that runs south from Bath Road, the main route through the village. The proposal relates to a strip of land to the south east of the village hall. To the west of the car park lies a semi-detached pair of Grade II listed cottages, 56 and 57 Bath Road. The application site sits within the Bath and Bradford on Avon Special Area of Conservation for bats

This application is seeking permission for a installation of lighting within the car park to serve the visitors to the village hall. The scheme has been subject to revisions following lengthy discussions with the ecology team over the suitability of the proposed three lighting columns. Revised detail was submitted (24.04.2024) with five reduced height lighting bollards being proposed.

Policies

National Context:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015
CP2 Delivery Strategy
CP15 – Spatial Strategy for the Melksham Community Area
CP50 – Biodiversity and Geodiversity
CP57 - Ensuring High Quality Design and Place Shaping
CP58 - Ensuring the Conservation of the Historic Environment

Key Issues

Principle of Development
Design and Visual impact
Impact on the Setting of the Listed Buildings nearby

Neighbouring Amenity
Ecology

Relevant Planning History
W/75/00530/HIS Siting of mobile home for use as temporary changing room only - Approve with conditions
W/76/01153/HIS Siting of caravan for changing room (Renewal) - - Approve with conditions
W/76/00114/HIS Protective 12 feet chain link fence for childrens play area - Approve

Consultation Responses
Atworth Parish Council - No comment
Wiltshire Council Ecology - No objection
Natural England - No objection

Representations
Consultation consisted of advertisement by site notice and neighbour notification. Three objection letters were received, the objections received will be appriased within the neighbouring amenity and ecology section below.

Planning Considerations and Assessment
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development
The proposed development comprises development set within an established curtilage within the settlement boundary of Melksham. The proposed development is wholly within the application site associated with the host building and as such the principle of development is acceptable subject to the following considerations.

Design and Visual Impact
Core Policy 57 requires a high standard of design in all new developments, of particular relevance to householder extensions is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

The application site is located off Post Office Lane that runs south from Bath Road, the main route through the village. The proposal relates to a strip of land to the south east of the village hall that covers a footprint of 366m2. The location plan below illustrates the area of car park with position of the lighting bollards annotated. The proposal seeks to install five lighting bollards within the south side of the car park to assist the visitors to the village hall with a safe access across the parking area during the darker months of the year.



Site plan illustrating the position of the lighting bollards



Views across the Village Hall car park.

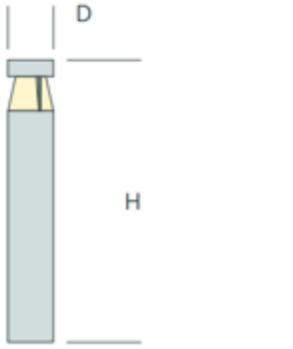

Image of the proposed bollard lighting

The bollards would be LED 2700k bollard luminaires that illuminate the ground whilst leaving the night sky dark, The bollards would function at 180 degrees and would consist of a dark grey aluminium finish and would sit at a height of 0.9m with a diameter of 0.15m. The simplistic style of the bollard is considered acceptable within this natural setting and would ensure the proposal would not appear out of keeping with the character and appearance of the area. The development would therefore comply with Policy CP57 of the WCS.

Impact on the Setting of the Listed Buildings nearby

Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 203 requires local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF. The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance".

NPPF paragraph 200 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance.

To the west of the application lie a semi-detached pair of Grade II listed cottages 56 and 57 Bath Road. The buildings date from the late 17th Century, and are identified by the black hatching in the map insert below.



Any works within the application site have to be appraised in relation to any impact upon the immediate setting of these listed buildings. However, given the limited development, erection of five lighting bollards within the curtilage of the application site, it is assessed that the development proposal would not cause harm to the setting of the listed buildings within the vicinity. The development therefore complies with Core Policies, 57 and 58 of the Core Strategy and Paragraph 200 and 203 of the NPPF.

Neighbouring Amenity

Core Policy 57 of The WCS states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of

amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

Interested parties have raised concerns that the proposal would impact on the light levels within their garden areas that are adjacent to the existing car park, and this is duly noted. Following the submission of the additional detail (24.04.2024) and the applicant's proposal to insert five lighting bollards at a reduced height, officers consider that the proposed lighting because of its limited height and separation, would not be of such a level to result in a detrimental impact on or material harm to existing levels of residential amenity currently afforded to neighbouring occupiers and their properties. The Car Park Lighting Modelling statement undertaken by Kew Electrical dated 20/03/2024 (Pages 5/6) illustrates the potential overspill into the adjacent gardens, and this is considered to be nominal and acceptable, and refusal is not warranted on this basis.

Objectors have raised concerns that the installation of the proposed lighting would reduce the existing manoeuvrable car park space within the application site, making it difficult for safe passage between vehicles. However, given the bollards would sit at a height of 0.9m and would be less 0.15m in width officers consider that any reduction in serviceable car parking space would be nominal, and the benefits afforded by illuminated pathways within the winter months would increase highway safety.

Objections raised in relation to increased loitering within the car park due to an increase in lighting levels is supposition only and this matter does not form part of material planning considerations. In the event of any persistent noise disturbance the Local Authority Public Protection can be contacted. Following the submission of the revised scheme, with the installation of five lighting bollards, at a reduced height, and supporting evidence, officers consider that the proposal would not result in any adverse neighbouring amenity impacts and therefore the scheme is considered to comply with Core Policy 57 of the Wiltshire Core Strategy.

Ecology

CP50 of the adopted WCS and the NPPF requires the local planning authority (LPA) to ensure the protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. The application site sits within the Bath and Bradford on Avon Special Area of Conservation for bats, therefore due consideration has to be given to the potential disturbance of any bats because of the proposed development.

Interested parties have objected to the scheme on the grounds that the proposal would disturb the local wildlife due to increased lighting levels, and this is duly noted and officers consider has been suitably addressed through the consultation with the Local Authority Ecology team. The application was subject to extended consultation with the Local Authority Ecology team who requested additional detail (06.09.2023) in relation to lux plot with existing and proposed lighting levels to show zero increase in light spill onto linear features such as walls and hedgerows.

The Ecology team advised that where appropriate, external security lighting should be set on motion sensors and set to as short a possible a timer as the risk assessment will allow. For most general residential purposes, a 1 or 2 minute timer would be appropriate, with the use of a Central Management System (CMS) with additional web-enabled devices to light on demand.

The applicant and ecology officers were engaged in lengthy discussions over the suitability of the proposed three lighting columns which resulted in the submission of additional detail being submitted (24.04.2024) with five reduced height lighting bollards being proposed that would meet the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers. The proposed bollards comply with the Dark Sky Standards and Bat Conservation trust Guidance Note 08/18.

The proposal was subject to an Appropriate Assessment under Section 63 of the Habitats Regulations by the Local Authority with Natural England being consulted who raised no objections to scheme following revisions. Therefore, it is considered that there would be no adverse ecological impacts arising from the proposed scheme so as to warrant refusal, and the proposal meets the requirements contained in policy CP50 of the WCS.

RECOMMENDATION: Approve with conditions

Conditions: (3)

1 The development hereby permitted shall be begun before the expiration of three 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 by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Location Plan Received 10.07.2023
Car Park Site Plan Annotated Received 15.06.2024

REASON: For the avoidance of doubt and in the interests of proper planning.

3 All lighting must be installed in strict accordance with the submitted document titled ‘Car Park Lighting Modelling (Kew Electrical, 20/03/2024).’ This specifies the Dark Sky 2 LED bollard luminaire 2700k,180-degree version. No additional lighting will be installed without the prior written consent of the LPA.

REASON: to ensure compliance with the Habitat Regulations Assessment undertaken on 20/05/2024 with respect to likely significant effects on the Bath & Bradford-on-Avon Bat SAC.