Swalcliffe Park School
Main Road
Swalcliffe
Banbury
OX15 5EP

15/02119/F

Case Officer: Emily Shaw **Ward(s):** Sibford

Applicant: Swalcliffe Park School

Ward Member(s): Cllr George Reynolds

Proposal: Installation of external security lighting

Committee Date: 17.03.16 **Recommendation: Approval subject to the receipt of acceptable amended plans/details.**

1. Application Site and Locality

1.1 The application site is located within the village of Swalcliffe to the south of the Main Road which runs through the village. The site is accessed from the Main Road via a long tarmacked drive. The buildings are currently occupied by Swalcliffe Park School, a specialist residential and day school for boys with Autism. The whole of the site is located within the Swalcliffe Conservation Area and the main school building and stable block are grade II listed buildings. Surrounding the site there are a number of other listed buildings to the west, north and east. To the north is the Tithe Barn which is a grade I listed building and a Scheduled Ancient Monument and also to the north is The Manor House and St Paul's Church both Grade I listed buildings.

1.2 The site is bounded to the north and east by the gardens and outbuildings of a number of residential properties. The closest residential property is Forge Cottage which lies to the north and the side elevation of the dwelling sits on the northern boundary of the school site. There are also a number of properties to the west sited approximately 30 metres from the driveway to the school and approximately 60 metres from the nearest building (The Stable Block).

2. Description of Proposed Development

2.1 This application seeks planning permission to install a number of pole mounted lights within the curtilage of the school site and a number of wall mounted lights to the school buildings which include two listed buildings. The proposed lighting scheme has been developed and designed by a professional lighting consultant, Alan Tulla, and is a site wide scheme which will replace all the existing external lighting at the site.

2.2 Part 7, Class M of the Town and County Planning (General Permitted Development) Order 2015 allows for some alterations to school buildings as permitted development. However, because the works proposed fall within the curtilage of a listed building they cannot be considered under Part 7 Class M as permitted development and therefore all the lights proposed within this application require planning permission.

2.3 The proposed layout plan shows an area for Muster Points (safe meeting points during an emergency) within the grounds. These are covered under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Class 2 allows for

miscellaneous advertisements relating to the premises on which they are displayed for the purpose of identification, direction or warning. The poles required to display the Muster Points do not require planning permission as stated under Section 222 of the Town and County Planning Act 1990. This section of The Act allows development without planning permission provided it is required to display an advertisement which complies with the Advertisement Regulations. The Advertisement Regulations do not allow any illumination of these advertisements.

2.4 The proposal comprises the following:

A total of 44 wall mounted lights laid out as follows -

- 10 wall mounted lights are proposed on the main school building – 8 are Talos 14w LED lights mounted at 2.5 and one at 3.0 metres above ground level and 2 are Talos 31w LED lights mounted at 2.5 metres above ground level.

- 10 wall mounted lights on the stable block - 9 of the lights proposed are Talos wall mounted 14w LED lights mounted at 2.5 metres above ground level and one is mounted at 3.0 metres above ground level.

- 9 wall mounted lights on the modern school building and attached residential unit – 8 are Talos Wall mounted 14w LED lights mounted at 2.5 metres and one at 3.0 metres above ground level. One is a Talos 31w LED light on the southern elevation of the building.

- 4 wall mounted lights on the rear extension to the stable block and 3 fence mounted lights to the rear of the stable block – All these are Talos wall mounted 14w LED lights mounted 2.5 metres above ground level.

- 5 wall mounted lights on the site managers office and storage buildings to the north of the site – All these are to be Talos wall mounted 14w LED lights mounted 2.5 metres above ground level.

- 3 wall mounted lights on two of the residential houses within the site – all Talos 14w LED lights mounted 2.5 metres above ground level.

A total of 23 pole mounted lights:

- 11 Talos 14w LED lights mounted on 2 metre high poles to the east and north east of the site;

- 12 Talos 14w LED lights mounted on 3 metres high poles to the north and west of the site.

A total of 67 lights are proposed overall.

2.5 There is currently a pending listed building consent application for the lighting which is to be physically attached to the listed buildings. This application is intended to be determined under delegated powers and will be assessed on its own merits.

2.6 Amendments have been sought from the agent to address comments and concerns raised by the Case Officer and the Council's Conservation Officer. At the time of writing this report the amendments had not been received. however, the agent has advised in writing that the proposed layout plan will be updated with the following:

- Show the lights in the covered canopy area to the rear of the main building, which will replace existing lighting.

- Move the light proposed close to important windows in the main building to the courtyard.

- Confirm the pole mounted lights are 3m in height at the western side of the site.

- Light to north of Muster Points to be moved 2 metres back away from the roadway.

- The lights on the listed building will be raised to the string course level.

The agent has also confirmed that the applicant would be agreeable for a condition to be attached to the recommendation to agree the exact locations of the lighting to be installed on the elevations of the listed building.

3. Relevant Planning History

3.1 Planning permission was granted in 1995 for 3 floodlights to the tennis court to the centre of the site. A further application later in 1995 was submitted to remove condition 4, which restricted the tennis court use for school use only. The removal of this condition allowed the use by residents of the village of Swalcliffe.

3.2 There is no other planning history on the site relating to lighting on the site. Therefore, the existing lighting within the curtilage of the buildings and attached to the building does not benefit from planning permission or listed building consent. This application seeks planning permission and listed building consent for a site wide lighting scheme which replaces all the existing lighting on the site.

App Ref	Description	Status
95/00399/F	Erection of 3 No floodlights mounted on 6 metre columns to illuminate existing tennis court (To illuminate court for all its existing established uses i.e. tennis football hockey and other games)	PER
95/01158/F	Relaxation of condition 4 of 95/00399/F to allow the floodlights to be used by the residents of Swalcliffe parish.	PER
16/00035/LB	Installation of external security lighting attached to the main school building and stable block	Pending Consideration

4. Response to Publicity

4.1 7 Letters of objection to the proposal have been received, 6 from residents to the north and east and one letter from a resident on Park Lane, raising the following comments:

- *Concerns raised about why the lighting needs to be on all the time during the hours of darkness.*
- *Concerns from adjoining neighbours about the impact of the lights being illuminated all the time at 20% output and then full output when triggered by two motion sensors close to the northern and eastern boundary of the site.*
- *The existing lighting at the school was installed without planning permission and listed building consent and has been in place since 2014. This lighting led to a complaint by neighbours to Cherwell District Council Anti-Social Behaviour Team and Planning Enforcement.*
- *Swalcliffe is an E1 Environmental Zone. This means zero luminance post curfew. This includes buildings and roads.1 Lux for public roads is allowed but there are no public roads within the school site.*
- *No emergency exits are shown on the proposed plans.*
- *The teaching and recreational buildings to the north are locked during the hours of darkness so there there is no need for security lighting here only lighting required for fire escape and safety.*
- *The proposed LED lights cannot be dimmed so the proposed 20% output is not a function of the proposed lighting.*
- *5 metres spacing of the lights to the northern boundary on poles appears to be an excessive number of lights in this area.*
- *The lighting consultant's report states 64 lights are proposed yet the layout plan shows 67 and the principle in his letter of support stated 82 lights.*
- *The proposal represents a high level of energy consumption*
- *There is no need for the lights to be on all the time at 20% output.*
- *Impact of the proposed lighting on the conservation area, listed buildings and existing dark village environment.*
- *The proposal doesn't include any information about the future management of the lighting scheme.*
- *Allowing this level of excessive lighting at Swalcliffe school will set a precedent for other school sites in the area.*
- *Concerns raised from residential neighbour 'Backwater' due to their siting lower than the school grounds and the height of the proposed lighting and the impact the proposal will have on them in terms of light spillage.*
- *Concern about the impact of the lighting on local wildlife and ecology.*
- *This lighting scheme will affect the currently dark environment within the village of Swalcliffe.*

4.2 3 letters of support received from members of staff at the school, in summary raising the following comments:

Letters of support from members of the school staff have raised the following:

- *The current lighting at the site is not fit for purpose because it does not light the site adequately to provide a safe site for staff and pupils. Concerns have been raised by members of staff in relation to the health and safety of the site which is poor due to the existing lighting.*
- *The proposed external lighting is proposed to improve the safety of the site during the night.*
- *The school has demonstrated the lighting the Parish Council and Local Residents*
- *The proposed scheme proposes two levels of illumination at 20% and at maximum output ro reduce the impact on neighbours.*
- *The school is very keen to ensure that the resulting scheme meets the needs of all interested parties and hopes that residents within the village will understand the constraints within which the school must operate to ensure the health and safety of all students, staff and visitors.*
- *Comments from a member of the Care Team - We would like to improve the lighting around the school site for the following reasons. We often need to monitor our boys and observe them from a distance to ensure that they are safe and their whereabouts are always known to us. We are presently finding it difficult to maintain this duty of care due to the poor lighting that we currently have on site. There have been several accidents to staff and boys due to the poor lighting and not being able to see adequately on paths and driveways.*
  Improved lighting means that we would also be able to offer more outdoor activities which would improve the wellbeing of our boys.

5. Response to Consultation

5.1 <u>Parish/Town Council:</u>

We <u>object</u> to the application for the following reasons:-

The proposal to install lights which will be kept on all night is not acceptable. They will light up, not just the school, but much of the surrounding area and contribute significantly to the light pollution. Swalcliffe is a dark village, and is much valued for this reason by the residents. We do not understand why the lights have to be on all the time and why some of the lights cannot be put on a motion sensor. The school has not given us a sufficiently good reason for this.

The number of lights is excessive. It has now increased from 64 to 77, which will increase the lighting coverage of the area. We do not understand why this number is necessary.

A number of technical issues have been raised about light intensity and how many lights come on if a beam is tripped. The paperwork is not clear in addressing these queries.

5.2 Cherwell District Council:

Environmental Protection Officer:

I have looked at this application and visited the site. I believe that whilst the ideal would be for no lighting at all that is not an option as the school has a duty to protect the health and safety of the children and it's staff. The scheme proposed would be a dramatic improvement on the lights that are currently there now (which have been investigated by colleagues for potential statutory nuisance, but no action was taken) and will reduce any light trespass to neighbouring properties to virtually zero when they are at a low level.

I therefore have no comments or objections to the application as long as it is installed according to the plan provided by the applicants and any changes that are made in the future are approved in writing by the Local Planning Authority.

Conservation Officer:

General Comments - The fittings are acceptable for walls but I am not keen on them being appended to the poles which are proposed. I would prefer to see a very sleek modern lampost with cowls shining to the ground and only where there is no alternative to a wall fitting. We suggested the lights would be less obtrusive in the north east corner of the site fixed to the modern blockwork of the boundary wall rather than on independent poles even if the pupils were directed to the grassed path rather than the road. The Agent said he would investigate the lighting diagrams. In the car park to the north of the site, west of the driveway there are a number of lights on posts proposed, again we would prefer lampposts rather than the fitting on a stick.

Principle south elevation: *We discussed the proposal and agreed on site that 3 No lights located higher up above the string (centre and centred on bays) would be preferable - wiring to run up in a corner and along the string. Subject to photo montage no objection subject to old fittings being removed. We agreed the light near the driveway and listed building would be removed as it was in a slightly precarious position. We agreed the light next to the Palladian stair window should be moved onto another wall – possibly the covered walkway.*

Muster point: *Poles to the west of the central lawn of the driveway have been added since the 2009 aerial photograph and affect the setting of the listed building. The addition of further lighting poles on the opposite side of the driveway would further impact on the setting.*

It is recognised there is a need for a muster point but there has been little consideration given to the design or their effect on the setting of the listed building. If this is the best muster area then we would recommend simple matt dark charcoal grey lamp posts with downlight, with discreet luminous banding at low level if there is a worry about walking into them in the dark. The signage would remain bright green as currently exists attached to the lamposts. This would reduce the number of poles and make the muster signage slightly more elegant. The head of the light needs to be in proportion to the column height.

The alternative for the signage would be to fix them to new (instant mature) trees, possibly silver birch (initially with tree guards) this would be more subtle and the bark would be visible by day and night. The proposed lighting in the general positions on the east of the road would be more acceptable coupled by strengthening the planting on the boundary. This

would require the sign to move down the tree as it grew and for the fixing to be reviewed as the tree grew so it did not cut into the bark.

Ecology Officer:

Habitat lighting

There are records that the woodland in this area supports Natterer's bats. This is a relatively scarce species and these Myotis bats are particularly affected by artificial lighting - generally avoiding it. In addition there are bats roosting in the tithe barn, school itself and other buildings in the area which are likely to use the Park woodland for foraging and commuting. Disturbance to bats by lighting can constitute unlawful disturbance as it can dissuade bats from using roosts and affect their survival. The Conservation of Habitats and Species Regulations 2010 makes it an offence to 'intentionally or recklessly disturb any bat while it is occupying a structure or place that it uses for shelter or protection'. As we don't know exactly where the roost for some of these bats are and they are likely to use the woodland for foraging, particularly areas close to the water, all care needs to be taken to minimise light spill as far as possible and not to light any areas unnecessarily.

The submitted light spill diagrams suggest that the light spill from the proposed lighting columns will be fairly small, although I am not an expert in this and there is little information currently on the exact levels of lighting which causes an unacceptable impact as this is habitat dependent. I think the main areas of concern as regards impacts on habitat are the 'Muster area', 'Lower crescent car parking section', 'Lodge cottage to George House' and 'Muster point to road'. I understand the light levels will be reduced when not in use along the driveway however ideally there should be a period of complete darkness in these areas where lights which are not needed are switched off.

I question if this number of lights are necessary for safety or whether the number could be reduced? Even a small reduction in columns could create some further dark areas to be utilised by wildlife. Could the driveway lights be turned off for four hours a night for example, or are staff driving up and down throughout the night? The use of each light throughout the whole night should ideally be justified.

Building lighting

In addition a bat survey report in 2012 for this site (ref 12/00207/F) showed that there are bats roosting within the school buildings themselves. As far as I can see no account has been taken of this in designing the lighting scheme for the building (if it has they could send this information on). If the building lighting scheme disturbs bats using these roosts it could also be considered unlawful. This aspect needs additional consideration and some parts of the building may need checking for roosts before lighting is installed to ensure no offence occurs. This is dependent on how this scheme compares to the current lighting levels on site. If these or similar lights on the building are already present then this is less likely to be an issue.

5.3 <u>Other External Consultees:</u>

Oxfordshire Fire Authority: no comments received to date. Any comments will be reported in the written up date to Planning Committee.

6. Relevant National and Local Planning Policy and Guidance

6.1. Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

Policy ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Policy ESD13 – Local Landscape Protection and Enhancement
Policy ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

Policy C25 – Development Affecting the Site or Setting of a Scheduled Ancient Monument
Policy C28 – Layout, Design and External Appearance of New Development
Policy C31 – Compatibility of Proposals in Residential Areas
Policy ENV1 – Development likely to cause Detrimental Levels of Pollution

6.2. Other Material Planning Considerations:

National Planning Policy Framework (The Framework) – the National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Paragraph 69 (safe and accessible environments), paragraph 109 and 118 (Ecology), paragraph 128 (heritage significance), 131, 132, 133, 134 (sustain and enhance heritage assets)

Planning Practice Guidance (NPPG) – Relevant section Light Pollution. This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7 Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of development
- Impact on setting of Heritage Assets;
- Landscape and Visual Impact;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Other issues – future management and precedent

Principle of development

7.2 The National Planning Policy Framework seeks to secure healthy communities and at paragraph 69 states that the planning system can play an important role in creating healthy and inclusive communities. The Local Planning Authority should ensure through planning decisions the creation of *'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public spaces.'* The National Planning Policy Guidance on Light Pollution goes further and sets out advice on the considerations to be taken into account when considering light pollution. Relevant to this proposal is the consideration of the following:

- What is the benefit of the proposed lighting scheme and what are the needs of the school?
- When is the light required?
- Does is materially alter lighting levels in the locality/is the area currently a dark landscape?
- Impact on protected species.

The impact of the proposed lighting on the amenities of the area and the impact on protected species are considered later in this report. However before considering these issues it is first necessary to establish whether the proposed lighting is justified and acceptable in principle.

7.3 **What is the benefit of the proposed lighting scheme**? - The proposed lighting scheme is to provide a site wide lighting scheme which will comprise suitable lighting for all the emergency escape routes identified on drawing 15-246-01 Rev. C as well as improving the overall safety of the site as a residential school where staff and students are resident during the night time and can be required to move about the site in the dark. Following an accident at the site when a member of staff fell in the car park it has been identified through a risk assessment required as part of The Regulatory Reform (Fire Safety) Order 2005 that a more suitable lighting scheme is required to improve the health and safety of staff and students at the school. The school has a duty to ensure the site is safe for its staff and pupils and must ensure the requirements of *BS5266 Emergency Lighting* in terms of fire escape lighting, which requires a minimum of 1 lux along the centre line of the escape route, is provided. It is therefore identified that the proposal provides a benefit to the school to have an improved site wide lighting scheme for fire safety and for the running of a safe site for staff and pupils.

7.4 **When is the light required?** The lighting is to be operated during the hours of darkness between dusk and dawn at a 20% output providing a light level of 1 lux to the centre of the road and pathways around the site. 1 lux can be compared to the light levels at twilight, therefore a very low level of light is proposed to light the identified escape routes. The light is also required for security and the safety of pupils and staff at the site and therefore the lights will be fitted with two motions censors. When both motion sensors are triggered the light will switch to full output 100% providing a light level of up to 60 lux to provide a safe environment for staff and pupils if they are out in the grounds during the hours of darkness. Once the motion sensor has been triggered the light will then turn back to the reduced output after a specified period of time. This specified period of time can be agreed as part of a maintenance and management scheme to be secured by condition.

7.5 In summary the proposed lighting scheme will reduce the light spill at the site currently caused by the existing lighting at the site and replace this with a suitable site wide lighting scheme which provides appropriately lit emergency escape routes in accordance with BS5266 and appropriate lighting to ensure the site if safe for safe and pupils. The proposed lighting scheme is therefore considered to be justified and acceptable in principle, subject to other considerations as assessed below.

Impact on heritage Assets

7.6 The site comprises two grade II listed buildings, the main school building Swalcliffe Park House and the Stable Block. Furthermore, the whole of the application site is located within the Swalcliffe Conservation Area. The proposed scheme must therefore be assessed taking into consideration the impact of the proposal on the setting of these buildings and the setting of the Conservation Area as designated heritage assets.

7.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") sets out the duty of the Local Planning Authority in assessing applications for listed building consent and planning permission which affects a listed building. Subsection (1) of Section 66 provides: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

7.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") sets out the duty of the Local Planning Authority in assessing applications which affect Conservation Areas to give: *special attention…to the desirability of preserving or enhancing the character or appearance of that area."*

7.9 The Conservation Officer has commented on the proposals and has raised some concerns regarding the impact of the proposed lighting scheme on the existing elevations of the building and the setting of the listed buildings. A number of the proposed lights are attached to the listed buildings and the other school buildings within the site. It is accepted that the principle of attaching lights to the buildings is acceptable in order to provide a suitable lighting scheme for the safe running of the site. However, the submitted details do not include details of the exact location of the lights on the listed buildings which is required to fully assess the impact of the proposed lights on the setting and appearance of the listed building. Suitable locations for the lights were discussed with the agent at the site meeting to reduce the visual harm on the existing elevations and the setting of the listed buildings. Further details to show the exact location of the lights can be sought through an appropriately worded planning condition.

7.10 The Conservation Officer has also raised some concerns regarding the lighting which is proposed to be mounted on poles within the grounds of the site and its impact on the setting of the grade II listed buildings. There are two main areas of pole mounted lighting:

(1) 12no. 3 metre high lighting to the west and north west of the site adjacent to the Muster Points and the rear car parking area
(2) 10no. 2 metre high lighting to the north and east of the site close to the north and eastern boundary.

Area (1) to the west is close to the western entrance to the listed building and sited close to a dense bank of mature trees. It is considered that the lighting to the frontage of the main Listed building would impact on the setting of the listed building. However, due to the lights location close to a dense bank of trees which will help the poles appear discrete within the existing setting, it is considered that they would not adversely harm the special historic setting of the listed building. Area (2) to the east and north of the site comprises 8 pole mounted lights along the rear access road. These pole mounted lights will cause additional clutter within the site of the school. This was raised with the agent at the site visit and it was suggested that the lights could be attached to the existing boundary wall. However, attaching the lights to the boundary wall would require a much brighter light and a light which would have to spread further to light the roadway. This would further impact the neighbouring properties and in this location this increase in impact on the neighbouring properties should be avoided due to the close

relationship between this area of the school and the neighbouring properties. It is therefore considered that in this location to the rear of the modern school building the lights and poles are not within direct view of the listed building, and on balance it is considered that the harm caused by the proposed pole lighting is minimal and the benefit of the scheme by improving the safety of the site outweighs this minimal harm.

7.11 The proposed lighting scheme replaces an inappropriate lighting scheme and proposes a scheme which ensures that the lights are directed down towards the area they are lighting without light spillage outside the boundaries of the site. Therefore the impact of the proposal on the special character of the conservation area is considered to be minimal ensuring that the character and appearance of the conservation area is preserved and even enhanced due to the removal of inappropriate lighting.

7.12 The proposed lighting is contained within the site of the existing school and will therefore have no impact on the setting of the Grade I listed Tythe Barn and Church to the north of the site.

7.13 In summary the proposal is considered to cause some harm to the setting and significance of the listed buildings within the site. However, on balance the identified harm caused is considered to be outweighed by the benefit of the improvement to the safety of the site through appropriately lit emergency escape routes and lighting for the site to improve the safety of the site. The proposal would preserve the character and appearance of the conservation area and setting of the Grade I listed Tythe Barn and Church to the north. The proposal is therefore considered to be in accordance with Government guidance contained with the National Planning Policy Framework and Local Plan policies ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policy 25 of the Cherwell Local Plan 1996.

Landscape and Visual amenity

7.14 Concerns have been raised by neighbours regarding the impact of the proposal on the currently dark environment of Swalcliffe.

7.15 The site is enclosed to the north-west and west by dense mature woodland which screens the site from the west and similarly to the south east the site is enclosed by dense mature woodland which screens the site from the south east. To the north and north east lie residential properties within Swalcliffe Village. From the Main Road through the village to the north and from The Square and Bakers Lane to the east there are very limited views of the site from within the public domain. To the south of the school is the park land which provides the setting for Swalcliffe Park. Public views of the site from the south are limited as there are no footpaths which run to the south of the site.

7.16 The existing lighting at the school is not fit for purpose because it is very bright and causes excessive light spill and shadows within the site and into neighbouring properties and does not light the grounds around the building effectively to provide suitable security and does not provide safe lit emergency escape routes. The proposed lighting scheme for the site will replace the current lighting which does not benefit from planning permission or listed building consent. The proposed scheme will replace the existing lighting with a total of 67 Talos LED Lights, two of which are 31w LED (approximately 2400lms each) and 65 of which are 14w LED lights (1000lms each). The proposed lighting is enclosed within a die cast aluminium body and faces downward which ensures no upward light will be caused. The lighting will be on during the hours of darkness at a 20% output rate to provide an illumination of 1 lux on the road ways and pathways, a suitable low level of lighting for the identified as escape routes. When movement is detected, by triggering two motion sensors, the luminaires will then switch to full output providing a level of 40-60lux.

7.17 Considering the proposed site wide lighting scheme the overall lighting levels will be low levels of lighting and the downwards forward direction of the lighting will ensure a reduced level of light spillage compared to the existing lighting. The proposal would not produce light spillage beyond the boundaries of the site and would direct lighting to the ground, therefore not adversely affecting the existing dark landscape of the village of Swalcliffe. Therefore the impact of the proposal on the visual amenities of the locality will be limited and are not considered to be adverse. The proposed lighting scheme is considered to be in accordance with Government guidance within the National Planning Policy Framework and Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 Part 1.

Effect on neighbouring amenity

7.18 A number of objections have been received from residents who live in Swalcliffe to the north and east of the application site. Concerns have been raised by the neighbours regarding the lights being illuminated all the time. The lights are proposed to be illuminated between dusk and dawn at an output of 20% of maximum power to ensure a minimum lighting level of 1 lux at the centre point of the escape routes and a maximum level of 10 lux. The light levels created when the lights are lit at the reduced output will be very low light levels which due to the design of the proposed light fittings will direct light on a specific location without light spill beyond the footpath or road way to be lit. At maximum output when the lights are triggered by the motion sensors they will produce a level of light at approximately 40 lux near the boundaries of the site and up to 60 lux near the main school building; this level of lighting is similar to internal residential room lighting. These levels of lighting proposed are required by the school to ensure the health and safety of the site is maintained during the hours of darkness.

7.19 The existing lighting at the school is unsuitable because it causes light spillage across a large area of the site and into neighbouring properties. The existing lighting was investigated by the Council's Environmental Protection Team for potential statutory nuisance, but no action was taken. The Environmental Protection Team have commented on the proposed scheme and have raised no objection and have commented that the scheme proposed would be a dramatic improvement on the lights that are currently there now and will reduce any light trespass to neighbouring properties to virtually zero when they are at a low level.

7.20 Additional lighting is proposed to the north and west of the site to enable staff and pupils to locate the fire assembly points at the front of the school building. The proposal will remove existing bollard lighting in this location and replace these with 4no. 3 metre high pole mounted lights. These lights are located immediately adjacent to this mature woodland which sits between the school site and the neighbours. The lights will face towards the school and away from the neighbour and due to the low level of lighting and the low level of light spillage it is considered that the proposed lighting will not adversely affect the residential amenity of neighbours on Park Lane.

7.21 New lighting is proposed to the north east corner of the site facing into the site. These replace a number of lights which are attached to the building at the north east corner and face towards the neighbours. The lighting here is 8no. 2 metre high pole mounted lights facing towards the school building. The lights will face away from the neighbour and will be sited no higher than the existing boundary wall. Therefore with the existing boundary wall between the school and the neighbour acting as a screen to the lighting and the low level of lighting and low spillage of the lighting it is considered that the proposed lighting in this location will not adversely affect the residential amenity of neighbours to the north and east.

7.22 The pole mounted lights to the east on the site between Lodge Cottage and the main school building will provide a lit pathway back to the school building. To the south of this lighting there

is dense tree planting which will screen this lighting from the neighbours to the east of the site and would not adversely affect residential amenity.

7.23 The lights attached to the buildings are to be sited 2.5 metres above the ground and would be located within the site and much further away from the neighbouring properties than the pole mounted lights considered above. It is considered that no building mounted lights would adversely affect the residential amenity of neighbouring occupiers.

7.24 Comments raised have questioned the ability of the lights to be dimmed below their maximum output. The Case Officer has spoken to the lighting consultant Alan Tulla who has advised that the lights are dimmable.

7.25 The number of lights proposed and the spacing of the lights is required due to the design of the lights which directs the light downwards towards the ground and therefore there is very little spread of light beyond the position of the light. Therefore, in areas to the north east of the site where the lights are mounted on 2 metre high poles the lights are required to be spaced closer together to achieve the required lighting at the centre of the road/pathway.

7.26 The proposed lighting scheme due to the individual light design, siting and output, and taking into account the need for the lighting in safety terms, would be considered to cause no undue harm to the residential amenity of neighbouring occupiers and is therefore considered to be in accordance with Government guidance contained within the National Planning Policy Framework and saved policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

Impact on protected species

7.27 The Ecology Officer has identified that the woodland to the west and south east of the site supports Natterer's Bats, as roosting habitat and foraging habitat. Therefore, consideration must be had for the impact of the proposed scheme on the protected species and their habitat.

7.28 To the western side of the site the area adjacent to the woodland is currently lit by bollard lighting. This lighting is to be removed and replaced by the proposal lighting. As part of the proposal, lights on 3 metre high poles are proposed to the western side of the site adjacent to the mature woodland. To the south east of the site, again this area is lit by lighting currently attached to Lodge Cottage and the main school building, the proposed lighting in this area replaces some existing lighting and two additional lights on 2.5 metre high poles are proposed. The light design proposed directs the light towards the ground and forward with virtually no light spillage to the back of the light. The lighting consultant provided information showing the light spillage in each area of the proposal and this illustrates that there would be very little light spillage of light into the mature woodland.

7.29 Furthermore, it should be noted that the lights proposed in this application would not usually require planning permission as the installation of lights within the grounds of a school is normally permitted development under Part 7 Class M of the Town and Country Planning (General Permitted Development) Order 2015. The lights proposed in this application only require permission because they are within the grounds of a listed building. As such, if these lights were not sited within the curtilage of a listed building then the impact of the lights on protected species could not be controlled as part of the planning process and would have to be controlled under other protected species legislation.

7.30 In conclusion, the impact of the proposal on bats using this habitat would, on the evidence available, be minimal and would not be considered to cause undue harm to the protected species. In addition a condition, requiring the submission and approval of a statement outlining the detailed arrangements for operating and maintain the lighting, can be imposed to

ensure the impact is minimised as far as possible. The proposed development is therefore considered to be in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

Other issues – future management and precedent

7.31 The application has not been supported by any information to explain how the lighting scheme would be maintained into the future. This is required to ensure the scheme works correctly to ensure the impact on the setting of the buildings, the locality, neighbouring properties and protected species is not altered due to the system not working correctly. It is proposed to seek a Statement to explain the maintenance and management of the scheme as a condition of granting permission, to be submitted and approved before the lighting scheme is brought into use.

7.32 Concerns have been raised in some of the third party comments received that the proposal if approved would set a precedent for similar lighting schemes elsewhere in the district. This site is unique in its location and setting and therefore is assessed taking into account the surrounding constraints of the site considering the impact caused on surroundings. Proposals for lighting schemes at other locations within Cherwell will be assessed on their own merits taking into account the constraints relevant to that site and therefore, the proposal at Swalcliffe Park School would not create a precedent for similar schemes elsewhere.

8. Conclusion

8.1 The proposed lighting scheme would remove the existing inappropriate lighting at the site and replace it with a site wide lighting scheme providing low level lighting during the hours of darkness. The lighting would be at two output levels, a reduced level 20% of maximum output from dusk until dawn and maximum output when triggered by motion sensors. The proposal is considered to provide an appropriate lighting scheme to meet the safety requirements of the school, and whilst there would be some limited harm to the setting of the listed building and the amenity of neighbours, this harm is considered to be outweighed by the benefit of the health and safety improvements of the school site. Furthermore, the proposal would not unduly harm the visual amenities of the locality and protected species. Therefore the proposal is considered to be in accordance with Government guidance within the National Planning Policy Framework and policies ESD10, ESD13 and ESD15 of the adopted Cherwell Local Plan and saved policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

9. Recommendation: Approval subject to the following conditions and the receipt of amended plans to address the concerns of the Conservation Officer as outlined in paragraph 2.6 of the report;

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement Ref: 15/246, Significance Statement dated December 2015, Lighting Survey Report and Recommendations dated the 14th October 2015 and drawing 15-246 01 Rev. C

and 15/246 02 OR

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the fitting of any light to any of the listed buildings at Swalcliffe Park, full details of the locations of the lights and their power sources on the listed buildings, including the method of fixing them to the fabric of the listed buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any external lighting column, details of the colouring and finish of the column(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the column(s) shall be installed and finished in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the lighting scheme hereby approved being brought into use, a statement for the operation, management and maintenance of the entire lighting scheme, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting scheme shall be operated only in accordance with the approved operation, management and maintenance scheme.

Reason - In order to safeguard the amenities of the area and protected species, and to minimise the risk of nuisance arising from the lighting and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. **Note to condition 5:** The Operation, Management and Maintenance Statement shall include full details of the planned period of use of the lights, output level at the reduced level and maximum output level, and full details of the future maintenance of the scheme.

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