

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BAM Construction Limited. 'B'(Previously known as HBG)	Retrospective planning application for the erection of lighting on the grounds of Meadows First and Parkside Middle School, Stourbridge Road (as amended by supporting statement, plans and specifications received 14th September 2009) (as amended and augmented by email, report and plan received via email 27th October 2009)	Res	B/2008/0675 09.12.2008

Members resolved to **DEFER** the application (from the meeting of 2nd November 2009) in order that further negotiations between Officers of the Council, the developers and those local residents directly affected by the development take place to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.

RECOMMENDATION: that Planning Permission be **GRANTED**.

Consultations

WH No objections, subject to conditions. 22.09.2008.
EHO Raised issues of clarification with agents by email. 29.09.2008.

As a result of receiving additional information (19.11.2008) and on going discussions with the technical provider of the lighting system the Council's EHO provided additional comments. This required further amendment to address the impact on number 1 Santridge Lane (reduction in wattage to 100w). It has been confirmed that this has been carried out on site. (email 24.11.2008).

However satisfactory drawings to demonstrate this arrangement are still awaited. As a result the last para of page 11 starting 'The submitted drawings....' Should be OMITTED as minor changes to these calculations will occur as a result of this amendment. In addition an amendment is required to the recommendation

Consulted on amended information received 14th Sept 2009

Recommends conditions including hours of use of lights. In addition suggests that following the full installation of the lights the subject of this application that a light pollution statutory nuisance assessment is undertaken with regard to the bulkhead lights and their impact upon the residents in The Flats. Remedies relating to any pollution found will be sought by use of the Statutory nuisance provisions. 12.10.2009.

Reconsulted (with Agents letter of 28th May 2010) on 15th June 2010.

Email response 28.06.2010. Considers agents' comment in letter dated 28.05.2010 is fair, and considers that the original comments still apply.

RA
PROW
Publicity

Examined lights on site. No adverse comment to make. 26.09.2008.

Consulted 12.09.2008. Response awaited.

Site notice displayed 24.09.2008 expires 15.09.2008.

Press Notice displayed 19.09.2008 expires 10.10.2008.

Seventeen letters sent to neighbours, expires 07.10.2008.

Six specific objections received:

- Proposed amendments to existing lights are inadequate to address concerns.
- Request additional time to respond to application.
- Queries as to whether scheme includes CCTV poles.
- Has no concerns with CCTV poles as long as there is no loss of privacy.
- Part of lighting system installed without consent (in January). This caused significant disturbance to residents as lights were left on throughout the night. EHO visited the site to assess the impact. Following complaints the light were turned off but his has been unreliable.
- Intensity of lighting is unacceptable; use of louvers will just reflect light on to school which in turn will reflect back onto dwellings. There are already 8 bulkhead lights on the building which add to light on the boundary. Suggest that the wattage of these lights is reduced.
- Number and intensity of lights in the car park areas is greater than those used in the Council's own car parks.
- Columns are too tall, there are too many lights.
- It will not be acceptable to attach conditions to control lights as applicants have shown their inability to control the lights in the period since they have been erected.
- Suggest shorter columns are used with angled lights. Columns 1 - 4 should be removed and replaced with lower key lights which provide illumination suitable for use of access road by vehicles.
- Questions display of site notice.
- Refers to lights being in use in advance of application being taken to Planning Committee.
- No effort made to shield adjoining dwellings from light pollution.
- Refers to number of lights on other carparks (Asda has 7 doubles, Artrix has 16 singles) and those at edges are shielded.
- Design of scheme not compliant. Will cause glare and light spill into homes. Light emitted is disproportionate to their purpose, given that 1-4 light a service road and this is not related to the community use of the site.
- Waste of energy, no energy saving suggestions.
- Poles are unsightly in day time.
- Light pollution will create an offence under 'Clean Neighbourhood and Environment Act 2005' which will be prejudicial to health.
- Other Schools do not have consent for lights.
- Wider context view hasn't been considered.
- Lights represent an invasion of privacy, both internally and externally.
- Consider lights to be a statutory nuisance and represent light pollution, being prejudicial to health and a nuisance.

- Suggested modifications to lights as a result of fitting louvers will do little to reduce the 20 lux pools of lights under the columns, just 2-3m from the boundary.
- Reference is made to the inefficient and erratic operation of the lights through out the day and night since their installation. This gives no confidence in the applicant's ability to control the system in the future.
- Calls on the Council to ensure that the nuisance residents have experienced is stopped.
- Request Members visit the site at night to assess the impact and that they visit resident's gardens and homes also. Request EHO accompanies visit and that the writer addresses planning Committee when the application is determined.

In addition to these letters residents have sent in a significant number of email communications to the Enforcement Officer, Environmental Health and the Planning Department informing officers of the numerous instances when the lights have been in use outside the agreed hours of operation.

A number of additional emails have been received from residents before the meeting in December 2008. These relate to the addition of the Louvers (installed on Friday 21st November) and added to lights 1 -6 inc. Residents express the view that it is a gross interference with the planning process for Members not to see the lights in their unmodified form, before considering the application.

Two additional letters have also been received (one of which Members have also received) and an email (which refers to '.. many residents in the flats'):

1. That of the PFI schools no other site has residential properties so close. Four of the columns are less than 1m away from the boundary.
2. Consider Council has failed to take action against the developer when they were aware that lights were being installed illegally.
3. Do not consider planning dept should allow lights to be altered in advance of the application coming before Members. Consider that if they do allow this they will be aiding and abetting developers in pursuit of a planning permission.
4. Modification of the lights would change the grounds on which their objections have been made and interfere with Members perceptions of the proposal.
5. Lighting is high intensity and will be on all night.
6. Wall lights, until they turned them off some months ago were coming on and off randomly all night long.
7. Surely low level lighting is what is required.

The report made reference to significant number of objections. It is estimated that these exceed 10 in number.

All neighbours reconsulted on amended information 24.09.2009

Additional Site notice erected 29.09.2009

Additional Press notice displayed 01.10.2009

Three additional letters/emails received with respect to recent changes:

1. Stating that meeting of 28th January was a closed meeting, only 1 resident was invited.
2. It's taken 8 months to produce revised drawings and this only includes changes to install 4 bollards.
3. A total of seven 6m high columns are visible from residential properties and this is no change to the previous scheme. There is no highway near by and this is a poor solution when you consider solutions at car parks like Asda, Morrisons, Market Hall.
4. Refers to SLL code for lighting 2009 and lack of reference to this document in applicant's submission. Refers to full notes on www.ite.org.uk and considers committee should view that information.
5. Considers use of jargon unhelpful. States that documents are guidelines and not contractual. Considers statement is poorly written.
6. Considers reducing the height of the lighting columns is not the solution. Questions what other solutions were considered.
7. Scheme is suitable for a road not a school carpark in a residential area. County should be reducing use of lights.
8. Considers revised scheme is materially the same and the solution deferred in Dec 2008 and Committees concerns have not been addressed.
9. The scheme will create nuisance, the cowls do nothing. It does not support guidelines in BB87 or the Clean neighbourhood and Environmental Act 2005.
10. Lighting should have been considered at outset of development.
11. BDC should have informed developer that lighting should have been part of original application and it is a concern that that application was approved without such a scheme. Suggests PFI schemes were considered in Haste.
12. Refers to previous scheme, impact that had upon residential amenity as well as fact that not all lights were working at time of visits.
13. Pleased to see that the proposed modifications to the scheme, as the service road is not used after 6pm the bollards will provide an acceptable level of illumination and reduce pollution of the adjoining dwelling.
14. However concerned that no other changes have taken place and still consider that excessive light pollution is generated by remaining carpark lights.
15. Considers the proposal for the carpark 'over lights' the area with respect to height, power and design and this is against the advice of the ILE.

16. Replacement of column light with four bollards is a welcome improvement.
17. Scheme however fails to address the other matters raised by Committee, which includes reduction in intensity and height of lighting to carpark as a whole and enforceable curfew.
18. Columns in carpark are designed for urban motorways not an urban area adjacent to residential dwellings.
19. Scheme has been poorly thought out, it needs a complete redesign to provide something that is acceptable to local residents.
20. Curfew is needed of 1800 hours when school is not occupied and 2200 when there is out of hours use.
21. Annoyance at wall mounted lighting, that doesn't require consent causes harm to amenity.
22. Suggest trees may block out lights when grown to a suitable size.
23. Lighting scheme wasn't considered at time when school was proposed in current positions.

Additional email received from resident:

1. Referring to boundary of property being formed by ancient hedge and supplemented by planting, rather than being formed by a solid fence.
2. Service road is only used during the day and therefore it wasn't necessary to install column lights.
3. During winter, when trees lose their leaves, more light will spill on to residential properties, especially from the bulkhead lights.
4. Concern that no modifications to the scheme in respect of height of columns, wattage, number of lanterns etc have been considered. Scheme appears as a rubber stamping requirement. Genuine concerns about impact of car parking light seem to have been ignored.
5. Request for review of bulkhead light to take place as soon as possible.

Collective objection from residents received 10th March 2010:

1. Identifies the key issues for the residents:
 - Reduction in column height of the car park lights (6m are excessive)
 - Reduction in the intensity of car park light from 150w to 75w or less.
 - Removal of curved glass in the road lighting luminaries.
 - A complete re-design, the latest submission has minimal change.
 - A curfew of 6pm when the school buildings are not in use.
 - To provide lanterns that would complement a school designed for the 21st century.

2. These comments were supported by photographs.
3. Residents feel the revised scheme is 95% the same as the original scheme. But do recognise the use of Bollards as an improvement in zone b.
4. Refers to PFI Contractors change document No 46 and suggestion that if the bollards are removed planning permission would be approved. Suggests this is a presumptuous statement.
5. Suggest that developers said light levels could not be reduced due to creation of shadows and this was referenced in a contract document. Request made under FOIA to WCC but contract has not yet been located.
6. Considers schemes with 100w lights still provided lux in excess of 20 lux on the ground.
7. Questions why 75w scheme was not considered, why 6m high columns were chosen, why the quantity of lights and refers to lack of consistency between schemes.
8. States that information received from WCC under FOIA suggest the whole design is non compliant with contractual specification 213674/03/C20 Aug 2004/73, sections x and xii.
9. Suggests due to the siting of the building that compliance had not been considered at an early stage of the design.
10. Questions siting of pole adjacent to site entrance.
11. Refers to emails requesting resiting of poles and quick responses.
12. To prevent light pollution lanterns normally require flat cut glass, those on site are curved
13. Suggests that lighting schemes normally have uniformity with respect to height and spacing where as this scheme mixes these aspects together.
14. Refers to Design Bulletin which suggests luminance should reflect the location and the risk of vandalism.
15. Considers light pollution has not been minimised. That SPILL drawings of 150w lamps show lux in excess of that required. And that calculation distorts average readings which in turn creates a nuisance to surrounding residential dwellings.
16. Appeals to Council to ensure residents are able to enjoy their homes free of disturbance and nuisance and considers scheme contravenes 'The clean Neighbourhood Environment Act 2005'.
17. Considers form of lighting heads is poor.
18. Suggests a major redesign and consultations process.
19. Refers to Electrical Services Specification Bromsgrove Schools PFI, p34 which says the building perimeter will be illuminated by building mounted bulkhead luminaries. Car park lighting will be provided by means of Column mounted lanterns. Suggests that what BAM have used is a road lighting solution for what should have been a column mounted lantern solution.

Residents reconsulted (with Agents letter of 28th May 2010) on 15th June 2010.

Two comments received:

1. Considers idea of PFI schools being developed in partnership with local community has failed.
2. Further negotiations have failed to resolve the issues; all constructive ideas have been dismissed.
3. FIOA request has revealed that light levels are not contractual but reference is made to Building Bulletin 90.
4. Scheme contributes to light pollution, light should only shine where needed and wanted and no where else.
5. Suggests not reproducing relevant sections of the contract is unhelpful.
6. Questions whether other scheme referred to complies with Health and Safety regulations.
7. Questions details of an email suggesting that would consider changing lighting head if residents withdrew objections.
8. Questions whether CCTV poles have been regularized.
9. Comments upon the changes made to the scheme referring to the fact that some of these have not been implemented on site.
10. Concerns about impact of number of columns on nearby residents.
11. Residents consider light intensity is excessive; they are designed for roads not car parks.
12. Changes to scheme are minimal, the use of bollards was required as the previous scheme was non compliant. Questions impact on 1 Santridge Lane.
13. Considers 10.00 p.m. curfew does work on the whole, but on average once per quarter it fails.
14. Aware that other lantern heads exist, but these have been dismissed. Residents are concerned about visual impact of lanterns.
15. Considers changes have not improved residents position. The changes made were as a result of EHO input. Resident's consultants view is that scheme is overkill.
16. Refers to fact lights installed without consent, time taken to prepare scheme, reference to contractual obligation constantly made, despite lack of reference to this on the contractual documents.
17. If scheme prepared prior to installation would have had opportunity to reduce height of poles.
18. 6m high columns are designed for roads and motorways.
19. Remain of the view that scheme requires re-design, by reducing height and lowering wattage, acknowledges that this would require additional columns but considers this could be incorporated.

The site and its surroundings

The application relates to the recently constructed Meadows First and Parkside Middle School, sited to the south of the Flats and west of Stourbridge Road, Bromsgrove.

The application is submitted by HBG, who are now known as BAM construction Ltd.

As defined by the application drawing the site extends to 2.01 Hectares and includes the carpark and the immediate area around the school and the main play areas.

The School has been constructed against planning application B/2005/1001. This consent did not propose lighting to the car park or access road and as such that planning consent did not grant consent for the lighting columns. Given the size and permanency of the structures I am of the view that they constitute an engineering operation for which Planning Permission is required. The school is not granted any 'Permitted Development' by virtue of the General Permitted Development Order which would remove the need to expressly apply for that Consent. This fact is not disputed by the applicants.

For clarity, the lights mounted on the walls of the School (bulkhead lights) are not considered to represent development and as such do not form part of this submission or its assessment.

Proposal

The application is retrospective and the submitted forms outline that works commenced on site around 1st February 2008. Members will recall that this application has been live for a considerable time and below sets out a time line of the major changes and decisions made:

1. The application was presented to Planning Committee in December 2008 and was subsequently deferred to enable further negotiations to take place between senior officers of the Council, Worcestershire County Council and the developers to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.
2. As a consequence a meeting was held at the end of January 2009 and amended plans were received by the Council on 14th September 2009. Neighbours were reconsulted on those amended details and revised site notices and press notices were displayed. The amendments included a lighting Strategy using three Zones -

Zone A - Bulk head lighting around the school building (Planning Permission is not required for the installation of Bulkhead lights on the building)

Zone B - Service Road to the north of the site which includes 2 x 6m high columns with 150w lights and 4 bollard lights at a height of 1.2m.

Zone C - Carpark 13 x 6m high columns with 150w lights and 5 bollards.

On 27.10.2009 the agent emailed a composite plan which illustrates the numbered columns and the lighting zones which can be linked to the proposed conditions.

They also confirmed that the scheme relates to 150 watt bulbs on all the 6 metre columns. Further email received 02.11.2009 clarifying that lamp bulb in Column 7 is a 100 watt bulb and this is to be retained as such. Suggestion made that condition 01 is amended to clarify.

3. The Application was presented back to Members on 2nd November 2009 with a recommendation for Approval. Members resolved to defer the application again in order that further negotiations between Officers of the Council, the developers and those local residents directly affected by the development take place to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.
4. That meeting took place on 19th November 2009. Residents were requested at the end of that meeting to prepare a collective objection letter. Following delays due to the collection of information using FOIA, that letter was received on 10th March 2010 and is summarised above. The agents' response to that letter is attached as Appendix 1 and concludes by requesting that the Council now determines the application as in their view, they have done everything possible to meet residents concerns. Within the context of the scheme.

For clarity, the application is accompanied by:

1. An updated Supporting Statement (received 14th Sept 2009)
2. Updated Design and Access Statement (received 14th Sept 2009)
3. Amended Access road and carpark lighting SPILL document (received 27.10.2009)
4. Amended Access road and carpark lighting PERF document (received 27.10.2009)
5. Associated plans showing lighting strategy, red line plan, elevations (received 14th Sept 2009)
6. As fitted external lighting layout plan MP/AF/E/208 Rev A (received 14th Sept 2009) and Colour coded Plan as above showing Zones.
7. Lux plot of spill light with louvers fitted to lanterns MP/E/PLANNING/002 Rev 01 (received 14th Sept 2009)
8. Lux plot of whole area with louvers fitted to lanterns MP/E/PLANNING/007 Rev 01 (received 14th Sept 2009)

The Supporting Statement is included as Appendix 2.

Relevant Policies

WMSS QE1, QE3
WCSP CTC.1, RST.3
BDLP DS13, S28, S31, RAT8, RAT12
Others PPS1

Relevant Planning History

The site has an extensive planning history, but of most relevance is:

- B/2005/0485 Construction of First/Middle School with associated sports areas; landscaping, car parking and access alterations at Meadows First & Parkside Middle Schools, Stourbridge Road, Bromsgrove. Grant 16.09.2005
- B/2005/1001 Construction of new First/Middle school with associated sports areas; landscaping; car parking and access alterations (Revised scheme to relocate school and footpath) Grant 11.11.2005.

Notes

Members will recall the previous committee report which considered such issues as why is lighting required along the northern boundary? Why can't it be provided by shorter columns or more spaced out columns? And whether the lights were acceptable in their current form? For background information that previous report from December 2008 is included as Appendix 3.

The main consideration for this application is whether; give the amendments received on 14th September, the proposal will be harmful to the -

1. Visual amenity of the area and
2. The residential amenity of the nearby residents, whilst considering the resolution of Members with respect to discussing the external lighting requirements at the School and exploring alternative lighting solutions for the site.

For clarity Members are reminded that this application site is located in the residential area as defined by the Bromsgrove District Local Plan. Whilst saved Policy S31 of that plan relates to development at Educational Establishments, it refers to development not being permitted which would result in a loss of sports facilities. It states that the Council will consider favourably development required to facilitate the provision of education and training or for purposes ancillary to that.

New and enhanced community facilities are supported by Policy S28, and RAT8, which of course is relevant to the approval of the application for the erection of the school in the first instance and its associated community use agreement. Policy DS13 refers to the need for development to safeguard and improve the quality of life of residents.

Assessment of the impact of the development upon visual amenity

Turning now to the merits of the application and considering the issues of visual amenity. In its revised form, the application now includes five 1.2m high bollards to the KS3 play area at the south of the site and four bollards along the access road to the north of the site. With respect to the first group of bollards these are sited at the bottom of a small flight of steps and below the ground level of the footpath that dissects the site. Given the form, design and location of these bollards they are not considered to be harmful to visual amenity.

The bollards sited along the access road are positioned at 8 - 8.5m centres and sit amongst existing shrub and tree planting sited along the northern boundary of the site. These bollards abut three residential properties in the Flats and are divided from them largely by a 2m high close boarded fence. Installed planting forms the backdrop behind

light 1 where the levels vary. Given the relationship of these bollards to the dwellinghouses, the associated screening and fencing along this boundary, along with the form and design of these bollards, the impact of the development upon the visual amenities of the area is considered acceptable.

Turning now to the 6m high lighting columns in the car park area, I note the form, height and location of the lighting columns, which remains unaltered in relation to the earlier proposal. In the context of the site, its size and the relationship of the columns to nearby residential properties, I don't consider that the design or appearance of the structures is harmful or out of keeping. In relation to the wider context, I note the existing street lights provided on the public highway surrounding the site and their relationship to existing properties and this does not lead me to believe that the design or appearance of the columns is harmful to the more general street scene.

I conclude therefore that with respect to the impact of the development upon visual amenity, that the development is acceptable.

Assessment of the impact of the development upon residential amenity

Members will recall that there are three areas of lighting on the site, the bulkhead lights, the bollard lights and the 6m high car park lights. The bulkhead lights do not form part of this current application and the EHO has already indicated that following the implementation of the current proposal that a separate assessment will be carried out of the impact of those bulkhead lights upon the amenity of residents.

With respect to the bollard lights along the northern boundary, it is important to remember why lighting was required along this access road. The applicant was the preferred Development Partner selected by the County Council to construct, operate and maintain a school on this site for the next 30 years. The site is part of the Building Schools for the Future (BSF) programme, a scheme which includes considerable benefits to the local community as well as to the staff and pupils of the new schools. Community use of the buildings outside core hours is an integral part of this approach and is controlled through the contractual obligations of the developer and the Local Educational Authority, as well as being linked to the planning process via the consultations with Sport England.

The applicant is required, under contractual obligations to provide a development which ensures security and safety of users at all times, which includes users of the facility after school hours as well as the building itself and this is referred to in the supporting statement. It is against this specification and requirement that the scheme has been designed. To omit or reduce lighting along this boundary below that which is proposed would remove the ability of the developers to comply with this requirement.

The Light Spill diagrams for the amended scheme show the impact of the proposed changes. Light spill is confined to the immediate area around the four bollards, rather than the spill joining up to make a single linear area of additional light. The spill is reduced with its extent so that it only strays very marginally beyond the site boundary at which point the level of spill is down to 2 lux, which is well within the pre curfew limits suggested by the ILE, which is 5 lux. There is no direct spill onto the face of any of the three dwellings along this part of the site.

I also note the applicant suggested time restrictions for the use of these lights (on at 7.30 am and off at 6pm, with sensor to turn lights off during daylight hours and no use at weekends). Given this combination of factors along with the comments of the EHO with respect to the revised scheme, I consider that there would be no harm to residential amenity as a result of the proposal and that there is no technical reason to withhold consent.

With respect to the 6m high carpark columns, Members will recall louvers (which do not affect required light levels, but control back spill) were fitted to lights 1 - 6 prior to their site visit. Clearly lights 1- 4 have now been replaced by the bollards and for clarity louvers remain on lights 5 and 6 on site.

The Institute of Lighting Engineers (ILE) guidance note sets out light limitations for exterior lighting installations in a variety of Environmental Zones with zone E2 being relevant for the site. In these instances light trespass onto windows pre curfew is a maximum is 5. The revised scheme provides for a maximum of 2 lux as recorded at 1 Santridge Lane which is well within the ILE limitations. In addition the ILE uses 11pm as a guide time for a curfew, where as the applicants are suggesting a 6pm curfew along the northern boundary and 10pm on the rest of the site.

The applicants have demonstrated that the revised design will comply with the ILE guidance and that as a consequence the amenity of residents along that boundary will not be harmed as a result of the development. In addition the use of suitable conditions will control this matter further.

Consideration of options following meeting between Officers of the Council, the developers and those local residents directly affected by the development to discuss the external lighting requirements at the School and to explore alternative lighting solutions for the site.

At the above meeting attendees explored whether there were other solutions available for the site, whether the proposal represented 'overlighting', what other options had been explored with reference to changing the height and the number of columns, the role of the conditions and the proposed curfew and the changes made to the scheme to date including the use of bollards, louvers and reduced wattage in lamp 7, why lamps 5 and 6 were not bollards, comparisons with other site, alternative lighting heads, lower columns and greater number of columns.

Following on from this BAM provided a series of emails setting out 4 options that they had considered previously these were:

- 6m columns with 70w luminaries to car park and bollards
- 6m columns with 100w luminaries to car park and 70w to bollards
- 6m columns with 70w luminaries
- 6m columns with 100w luminaries

These were forwarded to residents.

The agents' letter of 28th May 2010 reflects on this meeting. In particular this letter sets out the relevant criteria of the contract (page 2) as well as a summary of the changes

made to the scheme to date. It considers the residents concerns and responds to the comments made on page 3 and 4. However the letter concludes that the scheme is the optimal solution for the site. It meets relevant standards and guidelines. The applicants have done all possible to meet residents concerns and now request that the application is determined by the Council.

Your Officers acknowledge that the scheme is retrospective and has been an ongoing issue at the site for a considerable period of time. However Members are also reminded of the steps taken to improve the scheme which include:

1. Inclusion of bollards in four positions rather than use of 6m high columns,
2. Use of 100w bulb in column 7 and louvers on columns 5, 6 and 7.
3. Comprehensive control of hours of operation through use of curfew type conditions.
4. Detailed discussions with residents on two occasions and demonstration of alternative options and considerations to suggestions for change.

Furthermore Members are reminded of the views of the Council's lighting expert. He considers the proposal, as amended and controlled by condition are acceptable and will not cause harm to residential amenity.

Members are reminded of the need to assess and determine the proposal before them. An alternative solution may exist which is preferable to some parties, but the Council is required to determine the proposal submitted in the light of the development plan policies and other material considerations. And it is the view of your professional Officers that this scheme is an acceptable solution for the site and that it will not harm either residential or visual amenities as a result. It's recommended therefore that Members support the scheme.

Conditions

The lighting system for the site and other PFI schools is controlled centrally at North Bromsgrove High School. Problems have arisen in the past when there has been manual switching of lights taking place by third party users for Health and Safety reasons. The amended supporting statement continues to propose the following lighting strategy :

1. School Building Bulkhead Lights (Zone A) (not subject to planning application 08/0675) - Lights are timed to come on at 6.45am and go off at 6.30pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. Outside these hours lights are controlled manually by the building manager.
2. Service Road Lights (Zone B) - Lights are timed to come on at 7.30am and go off at 6.00pm and further controlled by a light sensor so automatically turn themselves off between these times during daylight hours. These lights will not be switched on outside these hours unless in an emergency and the circuit is configured so that they do not come on at the weekend.
3. Car Park Lights (Zone C) - Lights are timed to come on at 6.45am and go off at 6.30pm and further controlled by a light sensor so automatically turn themselves

off between these times during daylight hours. The circuit is configured so that they do not come on at the weekend. Outside these hours when the buildings are being used by the community the car park lights will be turned on manually by the building manager and off manually when everyone has safely left the building and car park. As outlined above, community use runs until 9.30pm so the lights are switched off at 10.00pm to allow for safe egress from the site.

The applicants are also investigating failsafe software that will override the system and turn off all lighting at 10pm. This will remove the possibility of human error.

The applicants have also outlined a time scale for implementation of the development that would need to form part of any forthcoming consent, given the retrospective nature of the development. The bollards would take 6 - 8 weeks to order and installation on site would take a week plus several days on site. The applicants therefore request a minimum period of three months to implement the development and the conditions are worded accordingly.

Conclusions

The lighting onsite does not have the benefit of planning permission. It was installed around March 2008 and has been a source of considerable frustration to local residents. Following deferral of the previous scheme a meeting was held with the applicants and other interested parties in order to understand the constraints and consider alternative solutions for lighting at the school

The current scheme is an amended scheme which has removed four 6 m high lighting columns from the northern boundary and replaced them with 1.2m high bollards.

This revised lighting strategy accords with the necessary requirements of the ILE and this approach is supported by the EHO. The applicants have also put forward a lighting strategy with respect to curfew times which accord with the views of the EHO.

The applicants have set out the need for the development in relation to the applicant's appointment as a BSF which includes contractual obligations to provide a development that will ensure the security and safety of users of the school at all times. The BSF build specification indicates that in order to achieve a satisfactory level of safety and security, lighting will need to be provided that meets standards set out in various technical notes.

It is also a contractual requirement of the BSF programme that facilities that are provided as part of new school developments should be made available to the local community outside of core school hours. The Applicant has received a wide range of requests from local groups and organisations that wish to use the school outside school hours and these are being taken up on the site at present.

I conclude, that subject to the use of appropriate conditions relating to time limits for the operation of the lighting and the implementation of the scheme, that the development would accord with the policies of the development plan and would not cause harm to the amenity of residents.

RECOMMENDATION: that Planning Permission be **GRANTED** :

1. Light column number 7 shall be fitted with a Phillips 83309500 back louvre and 100W bulb as detailed in the submitted plans. That Louvre and bulb shall be fitted in its entirety by 12th August 2010 and shall be retained as such for the life of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.
2. The development hereby approved shall be implemented in full and in full accordance with the submitted and approved plans by 12th October 2010 and shall be retained as such for the life of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.
3. Light columns and bollards numbered 1 - 6 inclusive shall only be operational between the hours of 7.30am and 6.00pm, Mondays to Fridays inclusive and shall not be used on weekends or Bank holidays, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004
4. Light columns numbered 7- 23 inclusive shall only be operational between the hours of 6.45am and 10.00pm, Mondays to Fridays inclusive and shall not be used on weekends or Bank holidays, unless otherwise agreed in writing with the Local Planning Authority. Reason. To ensure that the development does not cause harm to the amenity of residents, in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.

Notes

1. This decision has been taken having regard to the policies within the West Midlands Regional Spatial Strategy (WMRSS) June 2004, Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE1, QE3
WCSP	CTC1, RST3
BDLP	DS13, S28, S31, RAT8, RAT12
Others	PPS1

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

2. HN15

Approved Plans:

- Redline site plan: HBG Q 2000. As amended by details received 14th September 2009.
- External lighting layout Drawing: MP/AF/E/208/ (A) as amended by details received 14th September 2009.
- Lux plot with Louvres fitted to lanterns drawing no. MP/E/PLANNING/007 Rev 1. As amended by details received 14th September 2009.
- Lux plot of spill light with Louvres fitted to lanterns drawing No.MP/E/PLANNING/002 Rev 1. As amended by details received 14th September 2009.
- Access road and carpark lighting report (PERF) prepared by Phillips Lighting as amended by details received 27.10.2009.
- Access road and carpark lighting report (SPILL) prepared by Phillips Lighting as amended by details received 27.10.2009.
- Column mounted Lighting specification extract from Philips 'Road Lighting' as amended by details received 14th September 2009.
- Bollard specification extract; as amended by details received 14th September 2009.
- Updated Planning Supporting Statement; as amended by details received 14th September 2009.
- Updated Design and Access statement; as amended by details received 14th September 2009