

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/0616/MA
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NOTATION:

The application site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005 and Landscape Character Area 53 (Northaw Common Parkland) and Wildlife Site W159 Northaw Marshes, Northaw Brook Pastures

DESCRIPTION OF SITE:

The application site is accessed from a long (shared) single track with a gated entrance onto Coopers Lane Road. This track follows the field boundaries of other fields in different ownerships before reaching the application site. The application site is at the end of this track and is situated at the bottom of a valley with land rising to Northaw Road West to the north and to Coopers Lane in the south.

A line of trees runs follows the valley bottom where Northaw brook runs and this creates a natural north boundary of the application site. The manege is located towards this north boundary and adjoins the access track. To the south of the manege are open fields which extend up the hill to Coopers Lane, with the residential development of Woodgate Avenue slightly towards the east.

The application site also extends to another field to the west and also adjoins Northaw Brook.

An 'L' shaped building is located to the west of the manege and comprises of a timber stable building which was granted planning permission in 2000. The manege comprises of an area which is 20m x 40m and is fenced with a 3 bar open timber rail and post fence with an access gate on the west side.

Six metal lighting poles approximately 4m high have been erected on the side of the manege fencing, with single floodlights attached to the top of each. The lights are on a pivot which allows them to be adjusted to direct the light source downwards.

DESCRIPTION OF PROPOSAL:

The application seeks full planning permission for the:

'Retention of six poles and attached lights around perimeter of manege'.

PLANNING HISTORY:

S6/2000/372/FP - Erection of six stables, tack room and feed store and access track
- Granted 3/06/00

S6/2003/0371/FP - Formation of menage and new hardstanding -Granted
28/03/2009

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development
PPG2: Green Belts
PPS9 - Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development
ENV2: Landscape Conservation

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development
GBSP1: Definition of Green Belt
R15 : Wildlife Sites
R20 : Light Pollution

(Note Policy RA1 - Development in the Green Belt is not a 'saved' policy)

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

Northaw and Cuffley Parish Council – No objection providing that impact to wildlife is minimal and current planning conditions are re-imposed.

REPRESENTATIONS

Period expired 15/07/2008.

One letter of objection has been received which has raised in summary the following points:

- the application form indicates that the applicant did not consult his nearest neighbours at Woodside Avenue and Oakwell Drive, both of which pre-date the stable block and manege

- in regards to screening, only the stable block benefits, as there is clear open land between the manege and some residential dwellings which allows direct line of sight during the winter months when all 6 lights are noticeable
- the lighting was originally prohibited to protect the visual amenity of the area and there are no known changes to these circumstances
- there is surprise that the applicant was not aware of the planning condition prohibiting the lighting
- there is reference to the lighting at the manege at Northaw Brook Meadow and that similar conditions apply, but it is considered that it is a material consideration that the lighting was refused at Coopers Fields (by imposing a planning condition preventing the installation of lighting) after this adjoining site was granted planning permission, which implies a different set of circumstances
- it is noted that the application is silent on how it satisfies Policy RA1 and it is submitted that to exercise a stallion for breeding purposes is neither an outdoor sport or an outdoor recreational pursuit and that an illuminated manege is not an essential facility.
- the need for lighting appears to be directly linked with the daughter's job in London and her daily schedule. The lighting of the manege has previously been noted to be from dusk till late 4.30/5.00pm until 10.00/10.30pm
- the need for lighting the manege is to exercise a stud animal, which seems to suggest an element of commercial activity which was prohibited on the original permission.
- reference in the planning statement refers to halogen lights which is the bright intense white light that has been experienced for the last few years. The letter from Phosco makes reference to high pressure sodium lights which were seen by the Planning Officers in July 2009.
- Policy R20 requires all the following criteria to be satisfied :
 - i) illumination will only be granted for security AND operational purposes - no representations for security have been made.
 - iii) the residential amenity for Oakwell Drive and Woodgate Avenue is adversely affected - the manege does not benefit from screen planting and that the 6 month period when the lighting is considered a nuisance is not an inconsiderable time. The length of breach by the applicant is inaccurate as the original compliant was made over a year ago (Nov 2008).
 - v) it is not sufficient to say the Client is 'not aware' of the adverse impact as the complaint was made last year
 - vi) what assessment by the applicant to measure the effect on ecology, natural environment and wildlife has been undertaken

DISCUSSION:

Introduction

The reason why planning permission is required is that planning condition 3 of planning application S6/2003/371/FP imposed the following restriction:

No floodlighting or other means of artificially illuminating any part of the manege shall be installed and/or operated.

REASON In order to protect the visual amenity of the area.

The application has been submitted on Full Planning Application Forms and so full planning permission is being sought to regularise the breach of planning control that currently exists. As the application has been made on these forms, the proposal will be assessed on its own merits against current National and Local Plan Policy for the application site as indicated on the Location Plan. The reasons for the imposing the original planning condition back in 2003 will also be a material planning consideration.

The main issues are:

1. The impact of light pollution in the countryside

Local Plan Policy R20 of the local plan is concerned that artificial light can change the character of the countryside at night by creating the impression that it is urbanised, and thereby harm the character and openness of the Green Belt. Artificial light, although beneficial for extending time available for recreation and leisure, can also be detrimental to wildlife if poorly designed.

Policy R20 states:

In order to minimise light pollution, external lighting scheme proposals, including floodlighting, will only be approved where it can be demonstrated that all of the following criteria can be satisfied:

- (i) The scheme proposed is the minimum needed for security and operational purposes or to enhance the external appearance of the building to be illuminated;*
- (ii) Glare and light spillage are minimised;*
- (iii) The amenity of residential areas is not adversely affected;*
- (iv) The visual character of historic buildings and conservation areas are not adversely affected;*
- (v) There would be no adverse impact on the character or openness of the countryside and green belt;*
- (vi) There would be no adverse effects on ecology and the natural environment including wildlife; and*
- (vii) There would be no dazzling or distraction of drivers using nearby roads.*

Each of these criteria will be dealt with in turn:

(i) The scheme proposed is the minimum needed for security and operational purposes or to enhance the external appearance of the building to be illuminated;

The purpose of the lights in the planning statement is for the functional use of the manege during the winter months of an evening or early morning when natural light is too poor.

The strength of the lights proposed is, according to the submitted light survey, 6 No. 70 W High pressure sodium floodlights. The type of lighting referred to in the planning statement on page 4 is, however, 6 No. 75 W halogen lights. Although this report was prepared in March, the light survey it appears in early May probably as this was requested by the LPA to validate the application. The lighting seen at the time of the Planning Officers site visits had a yellow appearance and so it appears that the current lighting is now the sodium floodlights.

The issue of whether the proposed lighting is adequate for the operational purpose of the manege during the winter months has not, in the Council's view, been clearly demonstrated by this lighting survey undertaken during the summer months when the ambience of site is very different to the intense darkness experienced in mid winter.

Although details on the drawing advise the lighting survey was undertaken with weather conditions of 'thick cloud' and at '21.45' hours, this does not provide the same conditions as in mid winter. The level of light was found to be '20.6 lux' which was considered to be adequate for exercising horses at this time of year, but no confirmation was been given for the winter months.

There is a concern that if this is the minimum required for only this time of year, then it may be insufficient in the winter months for the proper intended operational purpose of the manege. Insufficient evidence therefore been submitted to clearly substantiate this from a qualified lighting engineer. This lack of supporting detail with the submitted report does not provide the level of reassurance that there may not be a subsequent application requesting a higher level of wattage bulb at a later date.

(ii) Glare and light spillage are minimised

The type of light fitting used is common with outdoor lighting, and the ability to angle the lights downwards and the design of the lamp is such that the light source is focused downwards.

The level of glare and light spillage is however partly linked to the wattage of the lamps used as discussed in i). Notwithstanding the concerns raised in i) above, the overall design of the fittings and their height do appear to attempt to limit the glare and spillage that would impact on the wider environs.

(iii) The amenity of residential areas is not adversely affected

The nearest residential properties to this site are at Woodgate Avenue and during the winter months when the leaves have fallen there is a likelihood that the lighting could be seen by some of the properties on the north side of this development. This view is also supported by a letter of representation received from a resident of this development. The purpose of this criteria of Policy R20 is whether the visual impact of lighting in regards to its close property would create an Environmental nuisance to occupiers of neighbouring dwellings such as light penetrating into rooms. The distant location of the manege would, however, not result in this type of loss of residential amenity.

(iv) The visual character of historic buildings and conservation areas

are not adversely affected;

There are no historic buildings or conservation areas within the immediate vicinity of the application site.

(v) There would be no adverse impact on the character or openness of the countryside and green belt;

The most relevant policies are considered to be Planning Policy Guidance Note 2 (Green Belts) - (PPG2) as Local Plan Policy RA1 has not been 'saved'.

PPG2 identifies some forms of development which are appropriate in the Green Belt and this includes one category which is small scale essential facilities for outdoor sport and recreation. Such development should, however, preserve the openness of the Green Belt and are essential facilities that are genuinely required for the uses of the land. Small stable for outdoor sport is one possible example given.

PPG2 sets out that the most important attribute of Green Belts is their openness and that one of the purposes of including land within Green Belts is to safeguard the countryside from encroachment. Within Green Belts there is a general presumption against inappropriate development which is, by definition, harmful to them.

The application site is located at the bottom of a valley which extends from Cattlegate Road in the east to Hook Lane in the west. This valley has some very limited residential development scattered along the upper ridges line to the north along Northaw Road West and there are some larger residential developments along the ridgeline to the south along Coopers Lane. The residential developments are therefore restricted to the higher sections of the valley and so the part of the valley where the application site located is characterised by open fields with field boundaries defined by hedges and lines of trees. The central lower section of the valley is, therefore, undeveloped with one exception which is a another property to the east know as Northaw Brook Meadow has a residential use, albeit currently unauthorised and unlawful, although subject to a High Court appeal.

The proposal is to illuminate an existing manege which is used in association with the stables granted in 2000 and is used according to the planning statement by the applicant's daughter for a stallion which needs to be exercised daily.

The floodlights are attached to the top of 4m high metal poles which are permanently fixed to the sides of the manege. The visual impact of these poles and lamps, although of limited height, do give an urban appearance to this open rural area. Although there are no close public viewpoints to this manege, the owners of the other adjoining fields would be impacted by their appearance.

In regards to the visual impact of the lighting itself, it has been noted already that this has been designed to just illuminate mainly the surface of the manege. Nonetheless, whilst the light is reasonably well contained, the proposal would still have the effect of creating a pool of light that would have a significant visual impact during the hours of darkness in this particularly undeveloped part of the Green Belt making it a prominent feature in the countryside. Whilst it is accepted that distant views towards the application site are limited, particularly in the summer months when the trees are in full leaf, there is a reasonable likelihood in the winter that these lights will be noticeable from further away including residential developments,

Even if such distant views are very limited, the concern is the change to the overall character of the countryside at night by creating the impression it is urbanised, and areas which are naturally dark are considered the most vulnerable and sensitive to this kind of development. It is considered that this is one such site.

PPG2 also requires development to be essential for outdoor sport and recreation. The requirement for lighting is to be able to extend the hours of use, but is not essential for the use of the manege during daylight hours. Although it is appreciated that the applicants daughter works in London and so this limits the availability of visiting the site, it is not considered that this in itself makes the development essential for its use, but only desirable.

In regards to the proposed limited hours of use, and the ability to impose planning conditions on the type of lights, wattage and pitch, this is not considered to overcome the principle Green Belt objection that any lighting for a manege in this location would harm the openness of the Green and that it is not essential for the manege to be used for extended hours into the night time.

The applicant has drawn attention to another manege which is illuminated at Northaw Brook Meadow, however, this was granted prior to the current local plan policy R20. Furthermore, although each site should be considered on its merits, the Council is concerned that this proposal could set a precedent for lighting in this part of the Borough which would make it difficult to resist further applications. The resultant incremental impact of further lighting installations in this dark valley would dramatically alter the appearance of the countryside to the harm of the visual amenity and so openness of the Green Belt.

The proposal is therefore considered to represent inappropriate development.

As the applicant has considered in their opinion that the proposal is appropriate development and have offered no very special circumstances for the Council to consider as stated on page 5 of the planning statement.

(vi) There would be no adverse effects on ecology and the natural environment including wildlife

The manege is located close to an existing wildlife site W159 Northaw Marshes, Northaw Brook Pastures. Policy R15 (Wildlife Sites) is also relevant. No evidence has been submitted with the application to indicate that the level of lighting proposed is not likely to have an impact on the ecology of the site or the wildlife in this particular location. In the absence of such evidence being submitted with the application it is not possible to properly assess the impact of the proposal in regards to this criteria.

(vii) There would be no dazzling or distraction of drivers using nearby roads.

The application site is considered to be sufficiently distant from any public highway to ensure that it would not result in a risk to highway safety.

CONCLUSION:

The proposal is considered not to comply with the requirements of Local Plan Policy R15 & R20 in regards to Criteria i) & v) & vi).

The proposal is considered to represent inappropriate development due to the impact of lighting in this part of the countryside which would reduce the openness by creating the impression that it is urbanised. No very special circumstances have been submitted by the applicant and none are considered to exist which would clearly outweigh the harm of such development.

It is noted that the applicant’s daughter has limited access to the site during the daylight hours in winter and that restricted hours of lighting are proposed, however, these are not considered to represent very special circumstances.

RECOMMENDATION: REFUSAL AND REASONS

1. The proposed floodlights would have a harmful impact upon the established night-time rural landscape of the area by being visually intrusive into this part of the countryside. This would cause harm to the character, appearance and visual amenity of the Green Belt by reducing the openness of this rural area by creating the impression that it is urbanised. Furthermore, insufficient information has been submitted to demonstrate that no adverse impacts will result from the night-time lighting on the nearby wildlife site. As such, the proposals fail to comply with Local Plan Policies R15 & R20 of the Welwyn Hatfield District Plan 2005 and Planning Policy Statement 9 - Biodiversity and Geological Conservation and is also considered to represent inappropriate development which is contrary to the requirements of Planning Policy Guidance Note 2 – Green Belts. No very special circumstances have been shown to exist.

REFUSED DRAWING NUMBERS

Site location plan (Scale 1:2500) & LS 11534-1-1 (illuminance survey) & BW/01 (A4 sheet of lighting details) Received and dated 1 June 2009

Signature of author..... Date.....