
Appeal Decision

Site visit made on 27 April 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/N4720/W/20/3260453

Farnell Land Rover, White Cross Garage, Bradford Road, Guiseley, Leeds LS20 8NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vertu Motors PLC against the decision of Leeds City Council.
 - The application Ref: 19/02083/FU, dated 1 April 2019, was refused by notice dated 9 April 2020.
 - The development was originally described as an 'External Lighting application in relation to the approved re-development of the Farnell, Land Rover dealership, Bradford Road, Guiseley LS20 8NJ.'
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Decision

1. The appeal is dismissed insofar as it relates to the 6 lighting columns near to the boundaries with the residential properties on Bradford Road, Tranfield Avenue and West End Terrace as shown on drawing External Lighting Rev 0 referenced X1 @ 6m, X3 @ 6m and X4 @ 6m. The appeal is allowed and planning permission is granted insofar as it relates to the remaining lighting columns, wall mounted lights and bollards as shown on drawing External Lighting Rev 0 at Farnell Land Rover, White Cross Garage, Bradford Road, Guiseley, Leeds LS20 8NJ in accordance with the terms of the application, Ref: 19/02083/FU, dated 1 April 2019, and the plans referenced Site Location Plan 1:1250, External Lighting Rev 0, HE/2443/E7 Rev AF External Services, AR58792/115 Revision C Proposed Site Plan - Option 2 and JLR05-MCB-XX-XX-DR-A-XXXX XX-XX External Light Fittings, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. The development has already been carried out and so I have dealt with the appeal on a retrospective basis.
3. In order to experience the effects of the development, I requested that the lighting that was the subject of the appeal was turned on when I visited the site outside of daytime hours. The lighting columns closest to the boundaries with the neighbouring residential properties were not turned on. As a consequence, my decision on the related living conditions matters is based on the information that has been submitted with regard to the effects of the lighting.

4. The description of development in the banner heading above is taken from the planning application form. As I have issued a split decision, the description in my decision paragraph differentiates between the lighting where the appeal is dismissed, namely the 6 lighting columns near to the boundaries with the residential properties on Bradford Road, Tranfield Avenue and West End Terrace, and the remaining lighting that is approved. As the development has already been completed, the associated plans are set out within the decision paragraph, rather than a condition. I have not included a further annotated site layout plan that was submitted because this only shows the position of some of the lighting for which permission is sought.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring residential properties by way of light spill.

Reasons

6. The appeal site is in use as a car dealership. The building on the site comprises the car showroom, a workshop and related facilities. There are extensive areas of car parking around the building. The lighting that has been implemented and is the subject of this appeal comprises 10 wall mounted lights, 6 bollards and 14 lighting columns.
7. The site is located on the fringes of a commercial area that lies to the north and partially opposite. The south boundary is shared with residential properties on Bradford Road and Tranfield Avenue, and this boundary extends around to the rear of the site where there are further properties on West End Terrace. The lighting which has caused much of the concern relates to 6 of the columns which lie close to these boundaries with residential properties.
8. With the proximity of these lighting columns to the neighbouring residential properties, there is the potential for light spill to arise. Accordingly, the appellant has carried out a lighting assessment¹ with associated light spill drawings and considers that the results meet the Institute of Lighting Professionals guidelines.
9. Whilst the lighting columns face down and into the site, the associated light spill drawings still show that there is some light spill, in particular into the rear gardens and the rear facing windows on neighbouring properties. This results from back light spill from the associated light fittings that are at an elevated height of around 6 metres. I am aware from the submissions that a number of the properties on Tranfield Avenue in particular contain habitable room windows that face towards the boundary, or at an angle to it. The residents of these properties have also drawn my attention to such an effect and are said to have resorted to black out blinds and contacting the appellant direct to try to resolve the issues which have arisen.
10. Accordingly, an assessment of such an effect requires more than simply a calculation based approach measured against guidelines. This is because light spill can still cause annoyance to local residents and so impact on their living conditions. Indeed, the Planning Practice Guidance: Light pollution includes annoyance as a light pollution consideration that planning needs to address.

¹ Jaguar Land Rover Guiseley, Veru (sic) Motors Luminous Intensity Calculations, dated 21.06.2019

11. I am mindful of the number of these lighting columns, their height and the related elevated positioning of the lights, as well as their proximity to the residential properties on Bradford Road, Tranfield Avenue and West End Terrace, even with the cowls that have been fitted. The potential for such effects also needs to be considered with regard to the hours that the lighting columns are in use. At the times of the year in particular when daytimes are shorter, they are in use for a number of hours during evening and night time periods. It is at these times when the potential for annoyance caused by the light pollution most likely adversely impacts on the living conditions.
12. Based on the evidence before me, I am not persuaded that the light spill amounts to a level of pollution that does not cause undue annoyance. Importantly, there is the potential for disruption and disturbance to domestic activities caused by lighting that is not ordinarily experienced in a residential situation.
13. I have also been referred to the historical presence of older lighting columns in the same locations as those that are the subject of this appeal. However, there is limited information before me on the effects of these former columns as regards light spill compared to the newer lighting arrangements. Hence, the former lighting columns have a limited bearing on my decision.
14. Where there are other lighting columns on commercial premises in the area, I did not observe the same overall juxtaposition to residential properties. The street lighting that relates to the road network is where there is some expectation that such apparatus is found. In contrast, the lighting columns that are in dispute are found where less light pollution is anticipated with regard to protecting living conditions because they are in proximity to residential properties and set back from the road.
15. In taking these considerations together, I am not sufficiently satisfied that the effect on the occupiers of these properties is not unacceptable due to the potential for annoyance caused by lighting pollution from these columns.
16. I conclude that the 6 lighting columns closest to the residential properties on Bradford Road, Tranfield Avenue and West End Terrace have an unacceptable effect on the living conditions of these occupiers by way of light spill. As such, they do not comply with Saved Policy GP5 of the Council's Leeds Unitary Development Plan (Review 2006) where it states that proposals should seek to avoid problems of environmental intrusion, loss of amenity and pollution, amongst other considerations.
17. The remaining lighting columns cause less of a concern because they are located a greater distance from the residential properties. The wall mounted lights and bollards have limited impacts in relation to light spill. Hence, they comply with Saved Policy GP5 and, in addition, controlling their hours of operation is not necessary. As these remaining lighting columns, wall mounted lights and bollards are physically severable from the lighting columns where I have concerns, it would not be reasonable to withhold planning permission for them.

Other Matters

18. I am aware that the lighting is needed for the daily operation of the site, including for the safety of employees and customers, and that lighting plays an

important role in providing security with the value of the cars on site. My decision still though permits the majority of the lighting and there are a number of other security features in the part of the site where I have concerns over light spill, including a metal palisade fence and gate, bollards and a metal barrier. These matters do not outweigh the harm to the living conditions that I have identified.

19. Issues that have been raised in relation to loudspeaker noise are not for my consideration as the development subject of the appeal concerns only lighting, and not other apparatus. The same applies as regards statutory nuisance because this operates outside of the planning system.

Conclusion

20. I conclude that the appeal should be dismissed insofar as it relates to the 6 lighting columns near to the boundaries with the residential properties on Bradford Road, Tranfield Avenue and West End Terrace but allowed insofar as it relates to the remaining lighting columns, wall mounted lights and bollards.

Darren Hendley

INSPECTOR