

ITEM NUMBER: 5b

20/01657/FUL	The installation of external lighting to the south, east and west facades of the multi-storey car park and the installation of light posts within the allocated disabled parking area.
Site Address	Public Car Park, Lower Kings Road, Berkhamsted
Applicant	Dacorum Borough Council
Case Officer	Nigel Gibbs
Referral to Committee	DBC is the applicant

1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposal would provide essential operational external lighting to serve the immediate surroundings associated with the recently constructed new Lower Kings Road car park in Berkhamsted Conservation Area. The lighting is for the adjoining service road, the footpath between the rear of the multi storey car park and the Waitrose Store and for the designated disabled surface car parking area adjoining the multi storey car park. The footpath lighting has been installed.
- 2.2 The proposed attachment of a series of luminaires to the multi storey car park's outer wall is an alternative to providing column based lighting for the service road. Based upon the submitted information this lighting would generally assist lorry access to the Waitrose Store and vehicular /pedestrian access to the rear of Berkhamsted High Street shopping parade.
- 2.3 The proposals would benefit the Conservation Area and the users of the locality with no overriding environmental objections.
- 2.4 The proposal complies with the National Planning Policy Framework (2019), Policies CS 8, CS12, CS27 and CS32 of the Dacorum Borough Core Strategy (2013) and saved Policies 113 and 120 of Dacorum Local Plan (2004).

3. SITE DESCRIPTION

- 3.1 The recently built multi storey public car park, subject to Planning Permission 4/00122/16/ MFA, is located off Lower Kings Road adjoining the Waitrose Store within Berkhamsted Conservation Area and the designated Town Centre.
- 3.2 The building is separated from the rear of the shopping parade in Lower Kings Road by an elongated Council owned service road linked to the Waitrose Store delivery/ service yard and to the rear of Berkhamsted High Street shopping parade yard. There are upper level residential units within both this shopping parade and that in Lower Kings Road opposite the multi storey car park.
- 3.3 New surface car parking also forms part of the redevelopment. This adjoins the barrier controlled entrance to the Waitrose Store from Lower Kings Road, providing an area of disabled parking spaces.

3.4 Planning Permission 4/00122/16/ MFA was subject to a separate condition regarding exterior lighting.

4. PROPOSAL

4.1 The scheme is for the installation of:

- Fifteen virtually horizontally angled LED luminaires attached to the 3 sides of the multi storey car park at the front /along the service road and to the rear which light the footpath between the car park and the Waitrose Store. For the front and service road these would be at 5.94m from ground level, with the footpath at maximum of 6.44m.
- Six galvanised steel 6m high column based virtually horizontally angled LED luminaires serving the disabled parking area.

4.2 Clarification is being sought regarding whether the service road lighting needs to be switched on over night, unlike the footpath link. The surface car park lighting would be switched off at 22.00 hours each day.

5. PLANNING HISTORY

4/00122/16/ MFA- Construction of 8 half storey car park with Associated work to provide 312 spaces + 15 disabled space
DET – 22ND December 2020

20/00287/NMA- Non Material amendment to Planning Permission 4/00122/16/MFA (Construction of 8 half storey car park with associated work to provide 312 spaces + 15 disabled spaces)
GRA- 10TH March 2020

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 2
Area of Archaeological Significance: 21
EA Bank Top: 20m Buffer
Canal Buffer Zone: Minor
Canal Buffer Zone: Major
Conservation Area: Berkhamsted
EA Source Protection Zone: 1
EA Source Protection Zone: 2
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Planning Policy Framework (February 2019)

National Planning Policy Guidance

National Design Guide

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Policy CS1- Distribution of Development

Policy CS4 Towns and Large Villages

Policy CS8- Sustainable Transport

Policy CS9 - Management of Roads

Policy CS10- Quality of Settlement Design

Policy CS11- Quality of Neighbourhood Design

Policy CS12 - Quality of Site Design

Policy CS13 - Quality of Public Realm

Policy CS27 -Quality of the Historic Environment

Policy CS29 - Sustainable Design and Construction

Policy CS31 - Water Management

Policy CS32 - Air, Water and Soil Quality

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 13 – Planning Conditions and Planning Obligations

Policy 51- Development and Transport Impacts

Policy 54- Highway Design

Policy 106- The Canalside Environment

Policy 113 – Exterior Lighting

Policy 120- Development in Conservation Areas

Appendix 8

Supplementary Planning Guidance

Area Based Policies: Berkhamsted Conservation Area

9. CONSIDERATIONS

Main Issues

9.1 The main planning issues in the determination of this application are:

- The Principle.
- The Effect upon the Conservation Area.
- Residential Amenity.
- User Safety/ Crime Prevention/ Security.
- The Ecological Implications.

Principle of Development

- 9.2. This is set against the 2016 planning permission for the main car park, its associated connecting rear footpath and surface car park for people with disabilities. It is fundamentally important that these parts are always well lit for overriding safety reasons. Therefore the principle of providing exterior lighting is acceptable in this location. The use of LED lamps have energy efficiency and low level maintenance benefits.
- 9.3 Hertfordshire Constabulary Crime Prevention Team provided detailed pre application advice for the 2016 scheme with a significant emphasis upon the role of lighting and CCTV. This included CCTV covering the alleyway between the rear of car park and Waitrose store.
- 9.4 Overall it was also considered that Application 4/ 00122/16/MFA did not demonstrate a comprehensive approach to external lighting as expected through the relevant policies. In summary it was confirmed:
- The external open top deck car parking will be visible, with the white light more strident than the existing more subtle sodium lighting. It is however understood why the LED white light is proposed in terms of safety due to its excellent colour rendition as compared with high pressure sodium. LED are also very energy efficient and low maintenance.
 - If the car park's day time design is accepted there is a need to ensure that the external lighting impact is minimised with a recommended condition(s) based upon the submitted concept. This is without compromising users/ public safety with reference to the expected lux/ lighting levels. More information provided by the necessary isolux diagrams will be essential.
- 9.5 In considering the proposal this is in the context of the overarching expectations of key lighting policies which are CS32 and the saved DBLP Policy 113 and its associated Appendix 8. These comprehensively address the associated light pollution/ the environmental/ amenity and safety issues. These are in accordance with the NPPF's Para 180 (c) which explains the requirement to 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

Quality of Design / Impact on Berkhamstead Conservation Area

- 9.6 Dacorum Core Strategy Policies CS11 and CS12 require that new development is compatible with the established streetscape. This is reinforced by the design expectations for the Conservation Area as expressed through Policy CS27 and saved DBLP Policy 120.
- 9.7 Policy CS27 seeks to protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of heritage assets and this reflects the statutory duties defined in the Act. Accordingly CS27 clarifies 'development will positively conserve and enhance the appearance and character of conservation areas', amplifying saved DBLP Policy 120. The respective development plan policies are consistent with the NPPF's overarching emphasis upon achieving well designed places through Parts 12 and 16.
- 9.8 The development plan policies reflect S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 9.9 The NPPF's Para 193 confirms that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). NPPF's Para 194 confirms that any harm to or loss of, should be with reference to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) and should require clear and convincing justification. This is set against the NPPF's overarching emphasis upon achieving well designed places through Parts 12 and 16.
- 9.10 In this case the starting point is that the LPA granted planning permission 4/00122/16/MFA for the car parking in the Conservation Area in the knowledge that there would need to be some exterior lighting. The Design and Conservation Team (CT) did not object following a comprehensive assessment with due regard to the NPPF's rigorous expectations in addressing the effects upon heritage assets. Overall the car park's public benefits were regarded as materially very important, with the assessment taking into account the impact of the rooftop and internal lighting. Historic England (HE) was satisfied that the case for the provision of the proposed level of town centre parking had been justified in accordance with the NPPF, welcoming amendments to the elevations enhancing the overall appearance of the car park. HE advised that the overall scale, massing, design and materials of the car park would not cause an unacceptable level of harm to the significance of the Berkhamsted Conservation Area and that any harm caused could be outweighed by the public benefits accruing from the scheme.
- 9.11 The now proposed lighting was not an integral part of the 2016 application's assessment, with no conditions to address additional exterior lighting. However, it must be fully recognised that it is essential that the service road, rear pedestrian link and the surface disabled car park are well lit in the interests of safety. In this context the principle of providing lighting to serve such key parts of the car park redevelopment is in the interests of the character of the Conservation Area.
- 9.12 By day the proposed modern narrow profile luminaires attached to the multi storey car park wall's perimeters should subtly complement the existing building, although not being an integral part of the original car park design. The surface car park column based luminaires is typical technologically up to date lighting which would complement the design of the new multi storey car park. It would represent a more appropriate design approach when compared to the use of heritage lighting, as a modern architectural setting benefits more from similar latest lighting technology. The footpath luminaires would be less prominent and have minimal impact upon the locality. Overall, by day the lighting would have a neutral effect upon the character and appearance of the Conservation Area, therefore preserving its environment.
- 9.13 By night the individual and cumulative effect of the lighting would be significant. The presence of the LED white light would be materially different to the previous high pressure sodium lighting which is softer with less clarity (colour rendering). The LED luminaires would create a perception of being a safer environment for users, benefitting this part of the conservation area. The proposed main car park luminaires would be quite assertive/harsh in lighting the service road and less subtle than typical column based lighting. Overall there would be neutral effect upon the Conservation Area, with the area benefitting from the virtually horizontal alignment of luminaires thereby restricting the light pollution.

Residential Amenity

- 9.14 This is with reference to the aforementioned lighting based policies and Policy CS12 criterion (c) regarding the visual impact and disturbance to the surrounding properties from the lighting. In this respect there are the issues of glare and spill. The effect primarily relates to the impact upon the residential accommodation of the shopping parade units in Lower Kings Road and to a lesser extent, those in the High Street from the luminaires attached to the car park walls. By day there would be no impact.
- 9.15 By night, although installed in a virtually horizontal plane, due to the combined effect of the relative closeness and height of the luminaires there would be a significant perception of change and some potential glare and spill. Once installed there will be the need to ensure whether any of the luminaires require modification with cowl/ louvre/ dimming which is addressed by recommended Condition 2.

User Safety/ Crime Prevention/ Security.

- 9.16 This is with due regard to the NPPF's Part 6 which addresses the achievement of inclusive and safe places and the aforementioned Part 12. Also significantly Hertfordshire Constabulary Crime Prevention Design Team provided extensive pre application advice relating to Application 4/00122/16/MFA for the car park.
- 9.17 As all of the application site is separated from the highway, Hertfordshire County Council Highways response is limited. However, the submitted 'Berkhamsted MSCP Highways Safety Outdoor Lighting Assessment (Technical Note 01) is very important providing a detailed consideration of user safety. Its Summary confirms:
- The review within this TN has considered the highways safety of all users of the Site at the three study areas, as well as the users of the adjacent users of the Service Road which provides access to adjacent residential and retail properties of Lower Kings Road and the High Street. The highways safety assessment above is based on the multi modal interaction and movement of all users, the proposed light provisions levels and spread and the physical proposals for construction and placement of lighting units.
 - Based on the above it is considered that the lighting proposals contained within the Huber Lighting Assessment meet/ exceed the minimum lighting standards and therefore provide suitable levels of visibility for all users within the Study areas. As such the proposals do not present any specific safety issues for users in terms of movement or interaction of movements and are therefore considered to be acceptable.

9.18 With due regard to this report there are no apparent objections.

9.19 As confirmed earlier it is fundamentally important that the areas subject to the additional lighting are well lit for overriding safety reasons. In this respect high quality lighting is essential for the surface car parking to assist people with disabilities and limited mobility. The narrow footpath to the rear of the car park requires adequate lighting, with this alleyway also identified by Hertfordshire Constabulary as requiring CCTV.

Ecological Implications

9.20 The consideration of the 2016 application fully considered this issue. There were no implications for protected species and none were present or considered to be a constraint to the development proposals. Hertfordshire Ecology's recommended informative included that any external lighting scheme should be designed to minimise

light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. In addition HE explained that any biodiversity enhancements incorporated into the development proposal should be considered at an early stage to avoid potential conflict with any external lighting plans. HE also noted that subsequent information included lighting details, and all of these appeared to provide horizontal luminaires or are otherwise designed to minimise light pollution from above.

- 9.21 The additional lighting would affect the local environment due to the resultant increased light pollution. Hertfordshire Ecology has been informed of the additional lighting.

10. CONCLUSION

- 10.1 The application is recommended for approval. The lighting would be in the interests of the vitality of Berkhamsted Town Centre, with the scheme representing a sustainable development in accordance with the NPPF's economic, social and environmental objectives.
- 10.2 The additional lighting is very important to the immediate surroundings of new car park development. The proposals would generally comply with the National Planning Policy Framework (2019), Policies CS 8, CS12, CS27 and CS 32 of the Dacorum Borough Core Strategy (2013) and saved Policies 113 and 120 of Dacorum Local Plan (2004).

11. RECOMMENDATION

- 11.1 That planning permission be **GRANTED** subject to the following conditions:

1.The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. Following the installation of the wall based luminaires a scheme shall be submitted to the local planning authority showing where it is necessary to modify any of the wall based luminaires to limit the impact of light pollution upon adjoining buildings. The approved scheme shall include a timetable to carry out any changes. Once any of the approved modifications to the luminaires have been installed these approved modification(s) shall be retained at all times.

Reason: In the interests of the residential amenity of adjoining buildings in accordance with Policies CS12 and CS32 of Dacorum Core Strategy (2013) and saved Policy 113 and Appendix 8 of Dacorum Borough Local Plan (2004).

3. Subject to the requirements of any other conditions of this planning permission the development hereby permitted shall be otherwise carried out in accordance with the following approved plans:

0751 Rev 3

0757 Rev 1

0750 Rev 1

0757 Rev 1

07555 Rev 0

28347-1

Lighting Column 28347-1

Luminaire VFL540 LED

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

Informative:

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	Concern The Committee were concerned that the lights may not all be downward facing and could result in air pollution. They requested confirmation of this from the Planning Officer.
Conservation & Design (DBC)	The proposed lamp posts appear in keeping with the character of the area. As such we would not object to their installation. We would recommend that you get specialist lighting advice to ensure that the number of posts are the minimum necessary. We would not object to the lighting units to the car park.
Archaeology Unit (HCC)	No response.
Canal & River Trust	No comment.
Environment Agency	No response.
Trees & Woodlands	No response.
Hertfordshire County Council Highway Authority	Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) . highway informative to ensure that any works

	<p>within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>A) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the website</p> <p>https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>The application comprises of the installation of new lighting at a car park at Lower Kings Road, Berkhamsted. Lower Kings Road is designated as a classified 'C' local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.</p> <p>A lighting assessment report has been submitted as part of the application. None of the proposed</p> <p>lighting is located on or considered to interfere with the surrounding highway network.</p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour	Contributors	Neutral	Objections	Support
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Consultations				
105	0	0	0	0

Neighbour Responses

None.