

Recommendation Report for Planning Permission

REF NO: EP/164/21/PL

LOCATION: Warren Recreation Ground Car Park
40 Sea Road
East Preston
BN16 1JP

PROPOSAL: Installation of 3 No LED lights, attached to three 6 m columns (resubmission of EP/156/20/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Installation of 3 No LED lights, attached to three 6m columns.
TREES	None of significance affected by the development.
SITE CHARACTERISTICS	Car Park.
CHARACTER OF LOCALITY	Residential.

None.

REPRESENTATIONS

East Preston Parish Council - No Comment:
- Application was submitted on behalf of the Parish Council.

No Representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HWBSP1	HWB SP1 Health and Wellbeing
QEDM2	QE DM2 Light pollution

East Preston Neighbourhood Plan 2014 Policy 6 Open Spaces

East Preston Neighbourhood Plan 2014 Policy 11 Community Facilities

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it is seen as an upgrade to existing facilities, this will increase accessibility and promote safe use of the site.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The primary policies used to determine this application will be HWB SP1 of the Arun Local Plan relating to Health and Wellbeing, D SP1 relating to Design, D DM1, Aspects of Form and Design, QE DM2, Light pollution and Policy 6 and 11 of the East Preston Neighbourhood Plan (EPNP) and paragraph 92 of the NPPF.

DESIGN AND SETTING

It is proposed to install 3, 23W LEDs attached to 3 6m high columns. The columns are made of Galvanised Steel and painted Sherwood Green which are the same materials and colour as those which can be found on nearby lampposts. The columns are positioned near the North-East, North-West and South-East corners of the Warren Recreation Ground car park. The materials proposed match those found in the area make this proposal compliant with policy D DM1 of the Arun Local Plan.

Policy 6 of the East Preston Neighbour Development Plan resists inappropriate development on open space such as the Warren Recreation Ground. However, this is considered appropriate development as it encourages viable use of community facilities, compliant with Policy 11 of the EPNP. The lighting units will increase the accessibility and safety for users of the Recreation Ground in accordance with Policy D SP1 of the Arun Local Plan and Policy 11 of the EPNP.

HEALTH AND SAFETY

Policy HWB SP1 encourages development that provides necessary infrastructure to encourage improved health and exercise. Illuminating the car park will increase the viable accessibility for users of the recreation ground outside of daylight hours and provide a safer environment to do so. This proposal is in accordance with Policy HWB SP1 of the Arun Local Plan and paragraph 92(b) of the NPPF.

RESIDENTIAL AMENITY

The Warren Recreation Ground car park is neighboured by 4 No. 2 storey terraced dwellings to the north (1-4 Field Court, Sea Road). The rear boundary of these dwellings are in close proximity to the north of the car park. The northern 2 lighting columns are approx. 2m from the rear boundary of these dwellings and approx. 7.5m from the rear elevation of the closest dwelling. The LEDs are to be mounted at 6m in height. A Lighting Scheme has been submitted alongside this proposal and this shows some light spillage to the rear gardens of these dwellings and that they will be visible from rear facing windows. There may be some level of adverse impact on neighbouring properties due to light spillage. Environmental Health have considered this proposal and have not raised any objection. East Preston Parish Council consulted neighbouring properties to the north and the minimal concerns raised were addressed. The illumination hours of these columns are conditioned to seek further minimisation of negative impacts of intrusive light pollution on these dwellings. As such, this proposal is compliant with QE DM2(a),(b) and (c) of the Arun Local Plan.

THE ENVIRONMENT

Certain species including bats are sensitive to lighting of the night sky and can be disrupted by its introduction. Policy ENV DM5 seeks to control adverse impacts on the environment. The lights have a relatively low wattage and the plan provided shows the impact of the illumination to be largely limited to the car park which is already adjacent to light sources. The recreation ground with less proximity to existing light sources would be less effected. The hours of illumination are to be controlled so they are only on between 16:00 and midnight each day. The position, intensity and hours of illumination all ensure any impact on lighting to the environment is acceptable.

CONCLUSION

The provision of lighting to the car park of Warren Recreation Ground is seen as an upgrade to existing facilities, this will promote increased usage of the site and encourage healthy and active lifestyles of residents. This proposal is in accordance with Policy HWB SP1, D SP1, QE DM2, D DM1 of the Arun Local Plan, Policy 11 of the East Preston Neighbourhood Development Plan and paragraph 92 of the NPPF.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- LAYOUT DRAWING ENV317268-LD-001 REVB
- BLOCK PLAN
- DETAILS OF SOLAR LIGHTS (Submitted 16/12/21)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE DM2, HWB SP1 & D SP1 of the Arun Local Plan, policy 11 of the EPNP and the NPPF.

- 3 The 3 No. Light Columns hereby approved shall be constructed of Galvanised Steel and be painted Sherwood Green as specified and confirmed with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of maintaining the existing design of lighting columns within the locality, so as to accord with policy D DM1 & D SP1 of the Arun Local Plan.

- 4 The lighting hereby approved will be only be illuminated between the hours of 16:00 and 00:00.

Reason: To improve operational amenity and accessibility of the Warren Recreation Ground in compliance with Policy 11 of the East Preston Neighbourhood Development Plan and Policy QE DM2(a) of the Arun Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.