

Recommendation Report for Planning Permission

REF NO: R/272/19/PL

LOCATION: Zachary Merton Hospital
 Glenville Road
 Rustington
 BN16 2EB

PROPOSAL: Remedial works to external lighting to a car park area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to install 5 lampposts and 18 emergency bulkhead lights on the exterior of the existing hospital building. The scheme is a like for like replacement of existing lampposts and emergency lighting systems.
SITE AREA	2356 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A variety of fence types between the hospital and adjoin residential occupiers generally 1.8 metre close boarded fences.
SITE CHARACTERISTICS	The site is an NHS hospital with internal roadways and parking areas.
CHARACTER OF LOCALITY	The hospital is a large site located within a residential area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No objection - No adverse comments

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

Asset Comm Value

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
QEDM2	QE DM2 Light pollution

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

No policies within the Rustington Neighbourhood Plan relate to this development.

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 would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. The main criteria against which this application will be assessed are policies D DM1 and QE DM2 of the Arun Local Plan .

DESIGN AND VISUAL AMENITY:

ALP policy D DM1 states that new development should be in character with the surrounding development.

The proposal is to replace existing car parking lighting with new lighting columns and to install replacement emergency lighting on the building itself.

The Zachary Merton Hospital is an institution and it is entirely appropriate for the building and car parks to benefit from lighting to assist access to vehicles, vehicle movements and pedestrians around the site as well as providing emergency lighting for that purpose if needed. The proposed lighting would be considered to be minor additions to the grounds and building and will be read alongside existing lighting and other wall mounted paraphernalia.

For that reason the proposed design of the lighting is considered acceptable and to comply with policy D DM1 of the Arun Local Plan.

LIGHT POLLUTION

The proposed lighting has not generated any objection from the Council's Environmental Health team and is relatively limited in its extent around the site and therefore is is not considered to cause a significant amount of light pollution.

The replacement lighting is not considered to cause any significant additional loss of residential amenity over and above the existing lighting on the site.

The proposal is considered to comply with policy QE DM2 and D DM1 of the Arun Local Plan with respect to residential amenity and light pollution.

SUMMARY:

It is considered that the replacement of lighting columns and emergency lighting will be acceptable having regard to the character of the existing building, its setting and the amenity of nearby residential occupiers. Accordingly, it is recommended that this application is approved subject to the following conditions.

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.

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:

Proposed Site Plan - Dwg.no. NTBs3223/ZMH/05 dated 10/2019
Lighting Design - Dwg.no. P109-3117-A dated Oct 1st 2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The proposed lighting scheme shall, at all times, be operated in accordance with the specifications set out in the applicants lighting assessment and proposed lighting statement dated 6 December 2019.

Reason: In the interest of residential amenity and the environment in accordance with policy QE DM2 of the Arun Local Plan.

- 4 **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.