

Planning Committee

6 November 2018

Regulation 3 Application

Installation of new lighting layout to the existing car parking area

The Glebe Primary School, Church Lane, Southwick, West Sussex, BN42 4GB

Application No: WSCC/030/18/SW

Supplementary Report by Head of Planning Services

Local Members: David Simmons and Debbie Kennard

Borough: Adur

Executive Summary

At its meeting on 11 September 2018, the Planning Committee deferred determining an application for the '*Installation of new lighting layout to the existing car parking area*' at the Glebe Primary School on the following grounds:

- *"Pending further investigation into the impact of the design on the conservation area, listed buildings and surroundings adjacent to the site;*
- *To ascertain whether or not a bat survey is required; and*
- *To further investigate the impact on residential amenity caused by the current light spill and height of the lighting columns in the car park and to establish a way of mitigating this."*

This Supplementary Report sets out of the findings of the investigation by officers, which has involved further consultation with Adur District Council's Planning Department, consultation with the County Council's Ecologist, and discussions with the applicant (West Sussex County Council as the Local Education Authority (LEA)) and their appointed lighting contractors.

At the meeting on 11 September 2018, the Committee approved an amendment to Condition 5 (Tree Protection) to require a five year replanting and maintenance plan; the final form of wording of the condition was delegated to the County Planning Team Manager.

This report should be read alongside the [Committee Report from 11 September 2018](#).

Impact of Design of New Lighting Columns on Conservation Area, Listed Buildings and surroundings adjacent to the Site

Members requested that officers investigate further the impact of the proposed lighting columns on the nearby Conservation Area, Listed Buildings and surroundings. Although the proposed columns would be adjacent to a Conservation Area and close to Listed Buildings, they would be separated from them by mature trees, minimising the visual impact. The lighting columns would be viewed in the context of the school buildings and structures, and there are similar columns in the local area, including immediately outside the school, within the Conservation Area itself. Adur District Council maintains that the proposed development remains an

acceptable one in terms of its impact on the character of the area. On this basis, the proposal is considered acceptable in terms of its impact on the Conservation Area and Listed Buildings.

Whether a Bat Survey is Required

Members requested that officers assess the impact of the proposed lighting scheme on local bat populations. The County Council's Ecologist concluded that the proposed lighting scheme is 'a low impact light scheme', that it is unlikely to have any impact on protected bat species, and that no additional mitigation would be required.

Impact of New Lighting Scheme on Residential Amenity

Members requested that officers further assess the impact of the proposed lighting scheme on residential amenity. Adur District Council maintained their view that the proposed scheme is acceptable subject to timer controls being installed. Furthermore, the incorporation of additional mitigation measures to the columns' fittings and updated light spill data concluding that illuminance (Lux) levels were low and would not encroach onto adjoining residential properties, both ensure the lighting scheme's impact is an acceptable one. It is concluded, therefore, that the proposed development would not adversely affect the outlook or residential amenity of neighbouring properties to the east and south of the car parking area and the wider school site.

Overall Conclusion

Officers remain of the view that whilst the proposed development would be adjacent to a Conservation Area and Listed Buildings, it would be set back from them and separated by mature trees, minimising the visual impact. Further, the lighting columns are not unusual in the local area, including immediately outside of the school, within the Conservation Area. The proposed lighting scheme is unlikely to have any undue ecological impact on the immediate local area and any local protected bat species' adjoining the site. Although the three proposed lighting columns would be visible from neighbouring residential properties, light intensity and spill would be within acceptable levels, and largely confined to the school site.

Subject to conditions, the proposed development would not result in any significant impacts on the local environment or on local amenity. The proposed development, therefore, is in accordance with the policies of the Development Plan.

Recommendation

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of Committee Report from 11 September 2018 (repeated in **Appendix A** to this Supplementary Report and incorporating the proposed amendments to Condition 2 (Approved Plans/Documents) and the previously-approved amendment to Condition 5 (Tree Protection Statement)).

1. **Introduction**

- 1.1 At its meeting on 11 September 2018, the Planning Committee deferred determining an application for the '*Installation of new lighting layout to the existing car parking area*' at the Glebe Primary School on the following grounds:
- *"Pending further investigation into the impact of the design on the conservation area, listed buildings and surroundings adjacent to the site;*
 - *To ascertain whether or not a bat survey is required; and*
 - *To further investigate the impact on residential amenity caused by the current light spill and height of the lighting columns in the car park and to establish a way of mitigating this."*
- 1.2 This Supplementary Report sets out of the findings of the investigation by officers, which has involved further consultation with Adur District Council's Planning Department, consultation with the County Council's Ecologist, and discussions with the applicant (West Sussex County Council as the Local Education Authority (LEA)) and their appointed lighting contractors.
- 1.3 At the meeting on 11 September 2018, the Committee approved an amendment to Condition 5 (Tree Protection Statement) to require a five year replanting and maintenance plan; the final form of wording was delegated to the County Planning Team Manager. Therefore, the wording of Condition 5 has been amended as identified in bold in **Appendix A** to this report.
- 1.4 This report should be read alongside the Committee Report from 11 September 2018.

2. **Impact of Design of New Lighting Columns on Conservation Area, Listed Buildings and surroundings adjacent to the Site**

- 2.1 Members raised concerns that the impact of the proposed lighting columns on the nearby Conservation Area, Listed Buildings and surroundings (presumably, in planning terms, the settings of the historic features) had not been fully assessed. Officers were asked to investigate further.
- 2.2 The Southwick Conservation Area extends along the southern boundary of the school site, abutting the playing fields and including the southern part of the school's access road onto Church Lane. There are three Listed Buildings in the immediate locality, namely the Old Rectory and Old Rectory Cottage, immediately south-west of the school playing fields, and the Church of St Michael, to the south-east of the school access road.
- 2.3 Officers contacted Adur District Council (ADC) for a further view on this matter. ADC is responsible for both designating and protecting Conservation Areas and Listed Buildings, as well as their surroundings, from development-related harm.
- 2.4 In response to re-consulting them, ADC confirmed that they had nothing to add to their previous response, which stated:

"Visual Amenity

The lighting columns are within the school car park and will not be visible from Church Lane. The bollards are low in height and will also be relatively

unobtrusive. The bollards along the pedestrian access may have some impact but, due to their low height, it is considered that impact from light will be minimal. The impact on the Conservation Area will be acceptable."

- 2.5 This confirms the District Council's view that the lighting columns, which are in situ, are not visible from Church Lane and so do not have any impact on the Conservation Area.
- 2.6 The school's boundary with the Conservation Area is characterised by thick, mature trees which largely screen views to and from it. There is also a dwelling along the school access outside the conservation area that helps to provide additional physical screening of views, and the lighting columns would be viewed in the context of the buildings and structures on the school grounds.
- 2.7 The columns are typical of those used along roads and in parking areas across urban and rural West Sussex. It is of note that Church Lane contains large lighting columns, including immediately adjacent to the school's access road. It is not considered that lighting columns would be out of keeping on a site outside the Conservation Area, even if it could be considered to be within the setting of it.
- 2.8 The applicant's lighting contractor has reiterated that the combination of the reduction in column height to 4m from the existing 5m, and the prior agreement of column finishes would help to integrate the columns sympathetically into the locality, including the conservation area.
- 2.9 *Members requested that officers investigate further the impact of the proposed lighting columns on the nearby Conservation Area, Listed Buildings and surroundings. Although the proposed columns would be adjacent to a Conservation Area and close to Listed Buildings, they would be separated from them by mature trees, minimising the visual impact. The lighting columns would be viewed in the context of the school buildings and structures, and there are similar columns in the local area, including immediately outside the school, within the Conservation Area itself. Adur District Council maintains that the proposed development remains an acceptable one in terms of its impact on the character of the area. On this basis, the proposal is considered acceptable in terms of its impact on the Conservation Area and Listed Buildings.*

3. **Whether a Bat Survey is Required**

- 3.1 Members were concerned that the impact of the proposed lighting scheme on local bat populations had not been assessed by an ecological expert. Officers were asked to investigate this.
- 3.2 In response, the applicant's lighting contractor provided an ecological assessment of the proposal.
- 3.3 The County Council's Ecologist reviewed the submitted information and lighting assessment and confirmed that any locally-protected bat species, whether roosting or foraging in trees adjoining the site's boundaries, were unlikely to be affected by the proposed lighting scheme, and that the site offers low potential to support tree roosting bats, and limited suitability for foraging or commuting bats. They also noted that the proposal was an ecologically low impact lighting

scheme. No change to the proposed lighting scheme was necessary and no additional mitigation would be required.

- 3.4 *Members requested that officers assess the impact of the proposed lighting scheme on local bat populations. The County Council's Ecologist concluded that the proposed lighting scheme is 'a low impact light scheme', that it is unlikely to have any impact on protected bat species, and that no additional mitigation would be required.*

4. **Impact of New Lighting Scheme on Residential Amenity**

- 4.1 Members raised concerns that the impact of the proposed lighting scheme on the nearby residents and surroundings had not been fully assessed. Officers were asked to investigate further.

- 4.2 Officers contacted ADC for a further view on this. ADC (as the Local Environmental Health Authority) is responsible for protecting local residents and the environment, from development-related harm and pollution

- 4.3 ADC offered no further comments to their original consultation response, which stated:

"Residential amenity

The proposal is generally not considered to have an adverse impact on residential amenity because of the height and location of the lighting columns and bollards. However, the column nearest to 20 Church Lane has the potential to cause some light pollution. The Environmental Health Officer has suggested an hours of use condition in order to safeguard residential amenity."

- 4.4 Furthermore, the applicant's lighting contractor provided amendments to the columns' proposed fittings and updated light spill assessment data to address the Committee's concerns.

- 4.5 This included rotating the fittings by 90 degrees to reduce their visibility from Oldfield Crescent and incorporating both side and rear baffles to ensure light is directed only into the car parking area and not into adjacent residential properties. These changes would need to be secured by condition. Therefore, the proposed wording of Condition 2 has been amended as identified in bold in **Appendix A** to this report.

- 4.6 The updated light spill assessment data confirmed that the majority of the school car park and access road area affected by the proposed lighting scheme would average 13 Lux illuminance, with no lighting infiltrating onto the adjacent gardens in Oldfield Crescent. Health and Safety Regulations and Directives stipulate a minimum level of car park lighting to be 5-20 Lux. All proposed lighting would also be 'warm white' rather than 'cool white'. This is a less prominent and intrusive type of white light.

- 4.7 *Members requested that officers further assess the impact of the proposed lighting scheme on residential amenity. Adur District Council maintained their view that the proposed scheme is acceptable subject to timer controls being installed. Furthermore, the incorporation of additional mitigation measures to*

the columns' fittings and updated light spill data concluding that illuminance (Lux) levels were low and would not encroach onto adjoining residential properties, both ensure the lighting scheme's impact is an acceptable one. It is concluded, therefore, that the proposed development would not adversely affect the outlook or residential amenity of neighbouring properties to the east and south of the car parking area and the wider school site.

5. **Overall Conclusion and Recommendation**

- 5.1 Officers remain of the view that whilst the proposed development would be adjacent to a Conservation Area and Listed Buildings, it would be set back from them and separated by mature trees, minimising the visual impact. Further, the lighting columns are not unusual in the local area, including immediately outside of the school, within the Conservation Area. The proposed lighting scheme is unlikely to have any undue ecological impact on the immediate local area and any local protected bat species' adjoining the site. Although the three proposed lighting columns would be visible from neighbouring residential properties, light intensity and spill would be within acceptable levels, and largely confined to the school site.
- 5.2 Subject to conditions, the proposed development would not result in any significant impacts on the local environment or on local amenity. The proposed development, therefore, is in accordance with the policies of the Development Plan.
- 5.3 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at Appendix 1 of the Committee Report of 11 September 2018 (repeated in **Appendix A** to this Supplementary Report and incorporating the proposed amendments to Condition 2 (Approved Plans/Documents) and the previously-approved amendment to Condition 5 (Tree Protection Statement)).

6. **Crime and Disorder Act Implications**

- 6.1 As set out in Section 11 of the report to Planning Committee on 11 September 2018.

7. **Equality Act Implications**

- 7.1 As set out in Section 12 of the report to Planning Committee on 11 September 2018.

8. **Human Rights Act Implications**

- 8.1 As set out in Section 13 of the report to Planning Committee on 11 September 2018.

Michael Elkington
Head of Planning Services

Background Papers:

Report on planning application WSCC/030/18/CR to Planning Committee on 11 September 2018.

List of Appendices:

Appendix A: Conditions and Informatives set out at Appendix 1 of the Committee Report of 11 September 2018, incorporating the amendments to Condition 2 (Approved Plans/Documents) and the previously-approved amendment to Condition 5 (Tree Protection Statement))

Contact: Sam Dumbrell, ext. 26947

Appendix A: Conditions and Informatives

GENERAL

Commencement

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

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

Approved Plans/Documents

2. The proposed development shall not take place other than in accordance with the approved plans:

- Location Plan (Drawing No. TSP542/00/A/1000, dated 25/08/17);
- Site Plan (Drawing No. TSP542/00/A/1001 Rev D, dated 25/08/17);
- Electrical Services. Car Park Lighting & Barrier Power and Entry Systems (Drawing No. PML-EC3600-E-500 Rev C8, dated July 2016);
- Elevations (Drawing No. TSP542/00/A/1002 Rev C, dated 25/08/17);
- ~~Kingfisher Klou Bollard Data Sheet (KF KLOU 180 VERSION 2);~~
- **ASD Lighthouse Bollard Black Fresnel LED 500Ma (LHS/B1AFLED50);**
- Kingfisher Lighting Columns Data Sheet 2016 (KF COLUMNS 14.04.2016 VERSION 3);
- ~~Viva City Lighting Column – Data Sheet 2016 (KF VIVA CITY 14.04.2016 VERSION 4);~~
- **ASD Lamp (ASD Highway Diamond Elite LED 24 – HWD-B40LED2450-S0) & ASD Lamp Side & Rear Shield (ASD HWD/BLS100S & HWD/BLS100R);**
- ASD Installation : Roadway Lighting Specifications (09.04.2018);

along with documents submitted with the application, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: To secure a satisfactory development in accordance with the NPPF (2018).

PRIOR TO COMMENCEMENT

Finishes

3. No development shall be carried out until a schedule detailing the proposed finishes of the lighting columns has been submitted to and approved in advance and in writing by the County Planning Authority. Once approved, the development shall be constructed in accordance with the approved schedule, and maintained as approved.

Reason: In the interests of amenity and to ensure the development has a good quality appearance.

Construction Management Statement

4. No development shall take place until a Construction Management Statement has been submitted to and approved in advance and in writing by the County Planning Authority. The Statement shall provide details as appropriate but not necessarily be restricted to the following matters:
- the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - measures to ensure safe vehicular and pedestrian access during installation.

Once approved, the Construction Management Statement shall be implemented in full during the entire installation period.

Reason: To secure safe and satisfactory means of vehicular access to and from the site during the installation period in the interests of highway safety.

Tree Protection Statement

5. No development involving groundworks shall be commenced until a Tree Protection Statement has been submitted to and approved in advance and in writing by the County Planning Authority. Once approved, the Tree Protection Statement shall be implemented in full throughout the entire installation period. Any planting which dies, is removed or becomes seriously damaged or diseased during the installation period **and within five years following the completion of the installation works** shall be replaced in the next planting season with others of similar size and species, unless the County Planning Authority gives written consent for any variation.

Reason: To protect existing high value trees in the interests of the local landscape.

CONTROLLING INSTALLATION WORKS

Hours of Installation Works

6. Installation (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:
- 08.00 and 18.00 on Monday to Friday inclusive (but no deliveries or departures by goods vehicles shall take place between the hours of 08:30 and 09:15 and 14:30 and 15:30 during school term-time);
 - 09.00 and 13.00 on Saturdays; and

not at any time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of the amenity of the locality and of local residents.

ONGOING USE

Hours of Use

7. The lighting columns hereby permitted shall be turned off between the hours of:
- 21:15 and 07:00; and
 - at all times when the car park is not being used for educational purposes.

Reason: In the interests of the amenity of the locality and of local residents.

Informatives

- A. In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- Providing pre-application advice;
 - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
 - Discussing issues of concern as early as possible, including those raised by consultees and third parties;
 - Giving them the opportunity to provide further information/changes to overcome material impacts; and
 - Working with consultees.

As a result, the County Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- B. The Environmental Health Authority, Adur and Worthing Councils, may use their powers under the Control of Pollution Act 1974 (COPA) to enforce against any nuisance (including waste disposal, water pollution, noise, atmospheric pollution and public health; and for purposes connected with the matters aforesaid) from the site. For any queries on this matter, please contact the Environmental Health Department of Adur and Worthing Councils on 01903 221064.