PLANNING COMMITTEE REPORT

TO:	Planning Committee North
BY:	Head of Development and Building Control
DATE:	01 April 2025
DEVELOPMENT:	Installation of 10No. lights on existing building (Retrospective)
SITE:	Bridge Farm, Coolham Road, Coolham, West Sussex, RH13 8GP
WARD:	Southwater South and Shipley
APPLICATION:	DC/24/1147
APPLICANT:	**Name:** Mr S Ellis **Address:** Bridge Farm, Coolham Road, Coolham, West Sussex, RH13 8GP

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks retrospective planning permission for 10 lights on an existing building within a haulage yard at Bridge Farm, Coolham. During the course of the application the applicant has confirmed the following details:

"The lights are 4m high on the building, with each light being 24.000 lumens.

Hours of operation:
- *The lights on the northern end to the car park are on a timer so set depending on daylight hours. Maximum hours would be 6am – 8am in the morning and 4pm – 6.30pm in the evening.*
- *The lights on the other 2 elevations are manually switched on/off by staff arriving and leaving which is the same as set out above."*

Contact Officer: Hannah Darley

DESCRIPTION OF THE SITE

1.2 The application site is positioned to the west of Coolham Road, outside of any designated built-up area boundary. The existing entrance lies at the northern end of the site. The site comprises an existing haulage yard which belongs to Prestige Packaging Solutions Ltd. and has been used as a distribution depot since 2019. There is access through the site into land to the west which has been used for storage of builder's material. The land to the west of main yard on which the scaffolding use takes place is mostly surrounded by trees and vegetation and the southern boundary is bound by the river Adur.

1.3 The building onto which the 10 lights have been installed is located broadly centrally within the site. The nearest dwelling is Bridge Farm located at the site entrance, immediately rear of the application building. A further dwelling, Rowan House, is located 50m northeast of the building (measured wall-to-wall).

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

2.2 **National Planning Policy Framework**

2.3 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction

2.4 **Shipley Parish Neighbourhood Plan (2019-2031)**

Policy Ship HD3: High Quality Design
Policy Ship CO2 – Employment

2.5 **Horsham District Local Plan (2023-40) (Regulation 19)**

Policy 1: Sustainable Development
Policy 13: The Natural Environment and Landscape Character
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/09/0561	Land raising to make area usable for agricultural and formation of lake (Prior Notification)	Prior Approval Refused on 27.04.2009.
DC/19/1271	Redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access	Application Permitted on 19.08.2019.
DC/22/1986	Erection of new building over HGV parking area	Application Permitted on 28.07.2023
DC/24/1125	Change of use of land to storage of scaffolding equipment (Retrospective)	Application Permitted on 13.11.2024
DC/24/0859	Variation of Conditions 7 and 8 of planning approval DC/19/1271 (Redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access) to allow day drivers to arrive on site from 6am and for 3 no. HGVs to return to site from 5am.	Application refused on 07.10.2024
DC/24/1661	Variation of conditions 5 and 6 of previously approved application reference DC/22/1986 (Erection of new building over HGV parking area) to allow for the day drivers to arrive on site from 6am and for 3 no. HGVs to return to site from 5am.	Pending Consideration
DC/24/1645	Variation of Conditions 7 and 8 of previously approved application DC/19/1271 (Redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access) Relating to access on site and operating hours.	Pending Consideration
DC/24/1147	Installation of 10No. lights on existing building (Retrospective)	Pending Consideration

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health**: Comment

'If the lights are in use throughout the hours of darkness this may be a significant source of sky glow in an otherwise dark rural area. The lights are sited at a high level on the façades and this will likely increase the risk of light trespass ,skyglow etc. If there is a need for lighting later at night and during the early hours this is better provided by low level bollard lighting.

I would normally recommend the following conditions be attached but I appreciate the application is in response to an enforcement action so it may be better to prevent the lights being used within the curfew times quoted in the ILP Guidance on the Avoidance of Obtrusive light (21:00 - 07:00 hours).

1. *Prior to commencement of development a lighting scheme, including a schedule of luminaires to be used, must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obtrusive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21.*

2. *Before first operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21. The validation report shall be submitted to and approved by the local planning authority and the approved details and attenuation measures shall be permanently retained and maintained in working order for the duration of the use and their operation.'*

OUTSIDE AGENCIES

3.4 **Shipley Parish Council**: Objection
Members voted to OBJECT to the application. Members noted the previous application prohibited the use of external lights and the applicant had ignored the imposed planning condition and installed lights in flagrant disregard to the planning conditions. In addition, Members noted the impact of the "dark skies" environment with the resultant light pollution caused by these unapproved lights. Members discounted the applicant's statement that the lights were switched off after 6:30pm. Considerable evidence had been gathered to support 24-hour operation on the site with lights illuminated all night.

PUBLIC CONSULTATIONS

3.5 9 letters of representation from 7 different addresses have been received, objecting on the following grounds:

- Light pollution
- Precedent for overdevelopment
- Owners are in breach of planning permission
- Countryside character
- An alternative site would be more appropriate

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENT

Background

6.1 The application site is located to the west of Coolham Road outside any built-up area boundary and is therefore located within the countryside in policy terms.

6.2 The host building was granted planning permission under application DC/19/1271, which sought permission for the '*Redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access'.*

6.3 Condition 10 of this planning permission stated that:

'No external lighting or floodlighting shall be installed other than with the permission of the local planning authority by way of formal application.

Reason: In the interests of amenities of the locality and in accordance with policy 33 of the Horsham District Planning Framework.'

6.4 10 lights have since been installed following the completion of the building in August 2021, with 3 being located on the north elevation, 3 on the south elevation, and 4 on the western elevation. The lights are located at eaves level and face outwards, angled downwards. The cover letter submitted with the application explains that the lights were installed to ensure safety for parked staff vehicles, and the movement of goods between vehicles and the building. It is stated that the lights are controlled by a timer to switch on at around 6.30am and switch off at around 6.30pm.

Impact on Character and Appearance and Residential Amenity

6.7 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture, and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

6.12 Paragraph 198 of the NPPF outlines that "*decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

6.9 Although in the countryside, the lights are viewed within the context of the application site itself with its haulage yard use. The lights do not have an incongruous appearance set on the building's three elevations. The main impact is from their operation at night time and whether this is harmful to the rural character of the area and to neighbouring amenity through excessive light spillage.

6.10 The specifications of the lights would be able to be conditioned, including the proposed height of the lights and downwards facing angle to prevent light spill, wattage and number of lights to protect residential amenity and no further lights to the building such that there is no direct light pollution to the nearest residential neighbour and a restriction of when the lights can be used. Furthermore, the hours of operation of the lights would need to be linked to two other pending application DC/24/1661 and DC/24/1645.

6.11 Given that the lights would have various restrictions by way of condition, they would not be considered to result in a harmful impact on the character of the countryside location, with the lights viewed in the context of the business on site. The proposal would therefore be in accordance with Policies 10, 32 and 33 of the HDPF.

6.12 The objections to the proposal are acknowledged, which include concern that the alterations will result in harm to the character of the area, harm to wildlife and general objections to the operations within the site. Given how the site is located away from the main road, would be conditioned in terms of their height, luminosity and hours of operation it is not considered that the proposal would result in an unacceptable impact on the amenities of neighbouring properties. With the above in mind, the development is not expected to result in unacceptable harm to the appearance of the rural area and neighbouring amenity, in accordance with Policies 32 and 33 of the HDPF and Paragraph 198 of the NPPF.

Biodiversity Net Gain

6.13 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

6.14 The application is for lighting on a building only, is retrospective, and is therefore exempt from the statutory Biodiversity Net Gain (BNG) requirements.

Ecology:

6.15 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

6.16 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

6.17 An increase in lighting within the site would have potential to impact on protected species given the location of the application site within the countryside. Nevertheless, it is acknowledged that the reason for the condition restricting lighting within the application site under application DC/19/1271 was for the purposes of protecting the amenities of nearby

residents rather than ecological protection. Furthermore, given the downwards angle of the lighting which would be conditioned to minimise upward waste light and additional conditions for the lighting, particularly restricting lighting within the hours of 6.30pm and 5am, it would not be considered that there would be considerable light spillage such that it would have a harmful impact within the wider countryside and would not therefore be considered to have potential to harm nearby protected species.

6.18 Subject to the inclusion of conditions relating to the control of the lighting, there are no objections to the proposal in light of policy 31 of the HDPF.

Conclusion and planning balance

6.19 The additional ten lights would not result in unacceptable harm to the local area. The additional lights are retrospective and are used by the current haulage business within the application site which are already operating. While it is acknowledged that the site is located outside the built-up area boundary, and within the countryside, the additional lights would be conditioned such that there is not unnecessary light spillage into the open countryside and would be used only when necessary such that they would reflect the hours of operation considered within two other pending applications within the application site, namely, DC/24/1661 and DC/24/1645.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

1 **A List of the Approved Plans**

2 **Regulatory Condition:** No more than 10 external lights hereby permitted shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: To ensure the protection of the amenities of nearby residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition:** Each of the ten lights installed on the indicated building within the Block plan 2.01 shall not exceed 100 watt (1600 lumens) and shall not be directed in excess of 70 degrees from the ground.

Reason: To reduce light spillage, in the interests of amenities of the locality, to protect the rural countryside character, unwanted biodiversity harm and in accordance with policy 26, 31, 32 and 33 of the Horsham district planning framework.

4 **Regulatory Condition**: The lights will not be used outside of the following hours before 05:00 and after 18:30 hours Mondays to Saturdays and at no point Sundays, bank holidays.

Reason: To reduce light spillage, in the interests of amenities of the locality, to protect the rural countryside character, unwanted biodiversity harm and in accordance with policy 26, 31, 32 and 33 of the Horsham district planning framework.