

REF NO: AL/23/17/DOC

LOCATION: Land at Aldingbourne Farm Shop, Nyton Road, Aldingbourne, PO20 3UL

PROPOSAL: Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)

INTRODUCTION:

There is no requirement within Arun District Council procedures to provide an officer report for applications to approve details reserved by planning condition. However, in this case, due to the public interest in the lighting and landscaping conditions, it is considered necessary to provide an analysis of the representations that have been made.

It should be noted that as no objections were made in respect of the drainage, the fencing or the scheme to improve the access, these decisions have already been made and issued (01/09/17). This report therefore deals only with the lighting and landscaping conditions.

REPRESENTATIONS RECEIVED:

ALDINGBOURNE PARISH COUNCIL – The Parish Council objects to the proposals as they are contrary to policy EH10 of the ANDP which refers to low intensity lighting to comply with the dark skies policy.

For reference, Policy EH10 states that:

“Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds.”

Seven letters of objection have been received from a total of four households. The following is a summary of the objections:

Landscaping:

- (1) The Landscaping Plan shows very little landscaping;
- (2) The landscaping plan does not include landscaping along the western boundary to screen the site from the Marsh Lane houses;

Lighting:

- (3) The condition has been ignored as the development was commenced before the lighting details were submitted/agreed;
- (4) The AL/47/14/PL officer report makes it clear that floodlighting should be avoided;
- (5) The floodlights are visible from, and invasive to the Marsh Lane residential properties;
- (6) 1m high lighting should be sufficient;
- (7) PIR triggered lighting can result in lights flashing all night long;
- (8) More floodlighting than is reasonable;
- (9) There are no other lights in this area, not even street lights;
- (10) This is a countryside location and has dark skies;
- (11) As vehicles can only be worked on Monday to Saturday, 9am to 4pm, there should be no need for lighting;
- (12) Plans are confusing in that lights are shown where the additional plots are supposed to be;
- (13) Emergency services can attend to properties in rural areas without the need for floodlighting;
- (14) Further lighting will be needed under the eaves of each home which will also be too high and visible from homes – each home should have a maximum of one light at the entrance to the plot;
- (15) Lights should be low wattage and should be turned off between 11pm and 7am;
- (16) Impact of lighting on wildlife; and

Other:

- (17) The entire development is not permitted by covenants on the land.

COMMENTS ON REPRESENTATIONS:

The representations will be considered within the conclusions section. However, it should be noted that:

- (1) Covenant law exists separately to planning law and is not therefore capable of being a material consideration in the planning process; and
- (2) It is considered that representation (2) relates to the site next door approved by AL/10/14/ for which a separate Discharge of Conditions application will be made in due course.

CONSULTATION RESPONSES:

ADC ENVIRONMENTAL HEALTH – “Environmental Health is happy for condition 10, regarding lighting, to be discharged”

ADC LANDSCAPE OFFICER – “I met the applicant and agent on site in November 2015 to discuss the planting requirements for this site. While the site is mostly screened from external views there are gaps which need to be filled, particularly from the adjacent footpath. The plan submitted appears to fulfil this need and gives outline details of the suggested planting, however I require a fully detailed planting plan to be able to provide

meaningful comment, particularly relating to the locations of the standard trees. I would also ask for standard trees to be incorporated along the hedge line adjacent to Plot D.”

COMMENTS ON CONSULTATION RESPONSES:

The request for a more detailed landscaping plan was first put to the applicant’s agent in April 2017 and, despite chasing, to date a more detailed plan has not been submitted.

CONCLUSIONS:

Comments are made in respect of the 2 conditions as follows:

06 Landscaping

A landscaping plan has been submitted which appears to fulfil the need to fill in gaps in the existing screening but does not specify the location of individual trees. Furthermore, although the plan suggests enhancements to the hedgerow between this site and the site to the northwest, it does not detail where the enhancements are to be made. This therefore gives the impression of there being less landscaping than what may actually be proposed. The Landscape Officer also requests that standard trees be incorporated along the hedge line adjacent to Plot D.

This condition cannot be discharged without the submission of a more detailed plan and given that the applicant has had ample time to submit such a plan, the application must be refused.

10 Lighting

The applicant has set out the following as justification for the lighting:

- (1) The requirement for flood lighting is down to Health & Safety in the yard areas. Many of the rides that are stored on the site are sizeable and weigh a considerable amount.
- (2) Generally speaking, show people move from events at night, meaning that when rides return, especially during the winter months, they are required to move the rides into their yard areas in the dark.
- (3) The Health and Safety Executive (HSE) gives clear guidance to the requirement for lighting in areas where vehicles are at work. The guidance covers manoeuvring areas and yards, stating that “Places where work is done around moving vehicles during the hours of darkness should be well lit (for example, with floodlights)”.
- (4) Low level bollard lighting would not provide the adequate levels of light to ensure the safety of the showmen whilst moving their rides during the hours of darkness.
- (5) The lights have been designed so light can pass over the rides and not cause shadows or blind spots. The column mounted lights have also been designed to reduce light spill away from the site.
- (6) The position and number of lights is equally important to ensuring there are no shadows or blind spots created by the rides.

(7) There is no correlation between the commercial activities of Aldingbourne Nursery and the activities of the traveling showmen site. The use of growing lamps is in no way similar to the requirement for lighting under health and safety.

Application AL/47/14/PL was approved with a condition requiring the approval of lighting details. This condition also stated that *“the scheme shall avoid the use of floodlights, avoid night time glare and use timers to restrict lighting during night times”*. Aldingbourne Parish Council (APC) did not comment on application AL/47/14/PL but they had requested that floodlighting be avoided in respect of the adjacent site (as permanently approved by AL/10/14) and so it was considered that the same should apply to the second site.

It is considered that the concerns about the lighting fall into two distinct areas – (1) that the lighting is harmful to the amenity of nearby residential properties; and (2) that the proposed lighting is not appropriate in this rural location;

In respect of (1), the closest residential properties are the mobile homes on the adjacent site which are also occupied by travelling show people and which also require lighting of a similar nature. None of these occupiers are objecting to the proposed lighting. There are also 4 dwellings (1-4 Aldingbourne Nurseries) on the opposite side of the Aldingbourne Nurseries site to the southeast.

Further afield, are the residents of Marsh Lane, Easthampnett to the northwest. The nearest of these dwellings, Oldbury Farmhouse is about 420m from the boundary of the application site. Therefore, although it may be possible to see these lights from the windows of these residential properties, it is considered unlikely that there will be any harm to the residential occupiers. It is also noted that the Councils Environmental Health officers raise no objection and it they that have the technical expertise to assess light pollution.

Regard is had to the presence of elevated lighting on the Aldingbourne Nurseries glasshouse premises and also pole mounted lights within the car park of the Plymouth Brethren Church premises both to the immediate southeast of the application site. These lights would be visible in various different views of the application site.

In respect of the concerns about lighting being appropriate in the rural area, it is not considered that there is any conflict with ANDP Policy EH10 as (a) the existing environment is not unlit; (b) the Councils Environmental Health officers raise no objections to the type of lighting proposed; and (c) there is not considered to be any harm to the living conditions of residential properties near to the site.

The lighting is also clearly necessary to enable the permitted use of the site to operate safely. In addition, it is not considered that the 3m high pole mounted lights are excessive in scale and it noted that the lighting will be angled downwards and are designed to avoid light spill away from the site.

It is therefore considered that the proposed lighting scheme is entirely reasonable for the needs of the site users, is not excessive in scale, will not harm the amenity of nearby

residents and does not, having regard to nearby premises, result in the introduction of lighting into what is otherwise a completely dark location.

RECOMMENDATION:

That condition 06 is refused and condition 10 approved with the following decision notice wording:

Condition 06

Advice received from the Councils Landscape Officer on 24/04/17 is that the submission does not provide a sufficiently detailed plan showing the location of trees and the location of infill enhancements to the existing hedging. Without this level of detail, it is not possible to agree the planting scheme. It is also requested that standard trees be incorporated along the hedge line adjacent to Plot D. The requirements of the condition are therefore not satisfied and the condition is not discharged.

Condition 10

The details submitted in respect of the external lighting detail a scheme consisting of the following:

- * 3m high metal pole mounted yard lighting – maximum 10,000 lumens (equivalent to 100 watt LED), downward facing at an angle of 30 degrees from the horizontal with a beam angle of 90 degrees and to be turned off at 10pm (thereafter operating on a Passive Infrared Sensor (PIR) basis with a 10 minute delay or until movement has ceased);
- * Gate mounted lantern lighting - max 750 lumens and to operate on a PIR basis between dusk & dawn; and
- * Lighting mounted under the eaves of each chalet - neutral coloured max 750 lumens bulb and to operate on a PIR basis solely between dusk and dawn;

The approved details consist of the following items:

- * Symonds & Sampson Letter ref TMH/DEP/14338 (01 March 2017) together with Appendix 5 Lighting Layout Plan;
- * Email from Philip Pollard dated 08 September 2017; and
- * Symonds & Sampson Letter ref TMH/DEP/14338 (17 November 2017) together with scaled Plans 1 & 2 showing elevations of pole mounted lighting.

Notwithstanding the rural location of the site, the lighting scheme is considered to be reasonably required for the use of the site and is not considered to be excessive in scale, number or brightness. The Councils Environmental Health Officers also consider the proposal to be acceptable. The condition is therefore fully discharged on the understanding that you will implement the lighting in accordance with the approved details as set out above and will also maintain the lighting equipment so as to ensure continued compliance with the approved details.