

REF NO: Y/15/17/DOC

LOCATION: Land to the North of John Turner Phormiums, Lake Lane, Barnham, PO22 0AL

PROPOSAL: Application for approval of details reserved by condition imposed under Y/64/16/PL relating to conditions 5-landscape scheme for HGV parking site, 6-landscape scheme along southern boundary, 7-Site Management Plan & 10-light appliances.

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 application, it is considered necessary to provide an analysis of the representations made.

REPRESENTATIONS RECEIVED:

YAPTON PARISH COUNCIL – No comments made.

WALBERTON PARISH COUNCIL – “I have been asked to inform you that the parish supports any comment by Yapton Parish Council on this matter”.

Six letters of objection have been received. Four of these are from the same person, but on different dates – and some were submitted in response to changes made by the applicant. The following is a summary of the objections:

- (1) Query over the specific management processes to be employed at the Consolidation Centre;
- (2) Need clarification on what fuel refrigerated lorries left running for 15 minutes will be using – diesel or electric;
- (3) Should be a restriction on any vehicles left running at the Consolidation Centre;
- (4) Basic site rules should appear on signage at the Consolidation Centre;
- (5) No vehicle washing or routine maintenance should take place at either the Consolidation or Operating Centres;
- (6) Clear road maps should be provided to drivers so you know which route to take to access the Operating Centre;
- (7) Query over whether the Management Plan will be allowed to be revised in the future;
- (8) Noise from the Consolidation Site (people shouting/diesel engines) is ongoing;
- (9) There is no reason why HGV's need to be left running at the Consolidation Centre;
- (10) How will the success of the additional planting at the Consolidation Centre be assessed;
- (11) Does the proposed landscaping take account of existing planting within the adjacent residential gardens;

- (12) The proposed planting starts west of the boundary with the affected residential property and therefore will not mitigate any noise;
- (13) No detail as to how many trees or their age at which time they are planted;
- (14) No provision in the management plan about HGV reversing alarms. These should be changed to white noise alarms;
- (15) The management plan should restrict the use of car horns;
- (16) The installation of lighting is unacceptable / light pollution cannot be allowed in this location; and
- (17) Site Management Plan is not sufficiently robust so as to prevent damage to verges or harm to pedestrians using Lake Lane;

CONSULTATION RESPONSES:

WSCC HIGHWAYS –

“West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been consulted on the proposed discharge of condition 7, relating to the site management plan.

The LHA is satisfied that the Site Management Plan complies with condition 7 in respect of vehicular routing to and from the site. No objection is raised.”

COUNCILS ECOLOGIST –

“Following review of the lighting plans submitted we are happy for condition 10 to be discharged.”

And,

“We are happy with the submitted landscaping and planting plans and that they are suitable for conditions 5 and 6 to be discharged.”

ADC GREENSPACE (LANDSCAPE OFFICER) –

“Further to submission of revised drawings and Arbtech report 02/03/17 which provides proposals of a suitable mix of native screen planting mix which would be both suitable for type and location. This information has now been provided in plan form to identify the actual plant numbers being proposed, their locations plotted in plan form and also detail of size at time of planting. The reference to planting method has also been detailed. I would therefore now recommend the discharge of conditions 05 & 06 of application Y/15/17/DOC imposed under Y/64/16/PL.”

ADC ENVIRONMENTAL HEALTH –

“Condition 6 – I would comment that enhancing the original planting along the southern boundary of the Consolidation Centre in order to provide additional mitigation is not likely to be effective. Although planting of trees and shrubs may reduce the perception of noise by

Creating a visual barrier, published results on the effectiveness of tree and shrub barriers indicate that in some cases, noise can be reduced by 6dB over a distance of 30m where planting is particularly dense. This is not the case in this situation as this depth of planting is not being proposed. Environmental Health has no comments on the discharge of this condition beyond stating that it is very unlikely that this will provide any additional noise mitigation.

Condition 7 – With regard to the management plan, the Public Inquiry held on 3rd September 2015 regarding SLH's application to vary its Goods Vehicle Operator's Licence had a condition stating that "the operating centre shall not be used for the maintenance or washing of authorised vehicles". The management plan states under Other Activity & the Operating Centre that "no routine vehicle maintenance will take place at the operating centre". This seems to indicate therefore that ad hoc vehicle maintenance may take place at the Operating Centre which will not be in accordance with the Operator's Licence.

Condition (10) – no comments, happy for this condition to be discharged."

OFFICER COMMENTS/CONCLUSIONS:

The first thing to note is that aside from condition 06 (landscaping), all of the conditions in question were imposed in respect of the proposed Operating Site situated north of John Turner Phormiums. It is not therefore possible to make changes to the existing Consolidation Centre site through the approval of conditions 5, 7 and 10. Comments are made in respect of the 4 conditions as follows:

05 Landscaping at the proposed Operating Centre

The only representation made which refers to landscaping on this site is (13) - no detail as to how many trees or their age at which time they are planted. This comment was received prior to the submission of a more detailed Landscaping Plan which has now been agreed by the Councils Landscape Officer. In addition, the Council's ecologist raises no objection to the proposed mix of planting species. It is therefore recommended that this condition be discharged.

06 Landscaping at the existing Consolidation Centre

Local residents have raised concern as to the proposed landscaping to the existing Consolidation Centre site. Their concerns are essentially that the proposed additional planting will not mitigate any noise from the site (objections (10) & (12). Objection (13) has been answered by the submission of the revised plan. The answer to objection (11) is no, the planting scheme does not take account of existing planting within residential gardens.

The Councils Environmental Health Officer considers that the proposed planting scheme is unlikely to provide any additional noise mitigation. However, it was clear at the planning application stage that planting in this location would be unlikely to make much difference to noise levels emanating from the site. This is because, the existing acoustic fence, the existing bund and the associated planting are located next to the noise 'receiver' and not

the noise source. The request for additional landscaping was made in the knowledge that it would be unlikely to make much difference but was still reasonable given the existing gaps in the existing planting.

The Council's Landscape Officer has appraised the revised plan and considers that the proposed scheme is acceptable. In addition, the Council's ecologist raises no objection to the proposed mix of planting species. It is therefore recommended that this condition be discharged.

07 Site Management Plan for the Operating Centre

The bulk of the local resident objections (numbers (1) to (10), (15) & (17)) concern the proposed management plan for the new Operating Site. Comments are offered in respect of these as follows:

- (1) Need clarification on what fuel refrigerated lorries left running for 15 minutes will be using – diesel or electric;

It is not necessary for the Management Plan to specify this. The condition was imposed in respect of management practices at the Operating Site and not the existing Consolidation Centre. Furthermore, the condition only requires that any trailers requiring refrigeration units to be run for longer than 15 minutes at the existing Consolidation Centre to be transferred to the operating site, it does not require any specifics as to how the existing Consolidation Centre operates. Notwithstanding, the applicant has made changes to the submitted plan which clarify management processes. These changes are set out below the comments on points (1) to (10), (15) & (17).

- (2) Should be a restriction on any vehicles left running at the Consolidation Centre;

It is not necessary for the Management Plan to specify this. The condition was imposed in respect of management practices at the Operating Site and not the existing Consolidation Centre. Furthermore, the condition does not place any restrictions on the use of the Consolidation Centre other than that trailers requiring refrigeration units to be run for longer than 15 minutes at the existing Consolidation Centre are to be transferred to the operating site.

- (3) Basic site rules should appear on signage at the Consolidation Centre;

The applicant has made changes to the submitted plan to specify that:

- (a) An up-to-date set of site rules will be prominently displayed on the site notice board at the operating centre and consolidation centre; and
- (b) Site rules and guidance will be added to the 'drivers handbook' and 'staff handbook'.

- '4) No vehicle washing or routine maintenance should take place at either the Consolidation or Operating Centres;

It is not possible to restrict vehicle washing or routine maintenance at the Consolidation Centre through the requirements of the condition. The revised site management plan includes the following restrictions in respect of the Operating Site:

- (a) No vehicle washing will take place at the operating centre;
- (b) No routine vehicle maintenance will take place at the operating centre; and
- (c) All routine maintenance, including washing, will take place at our own off-site workshop, or 3rd party facilities.

- (5) Clear road maps should be provided to drivers so you know which route to take to access the Operating Centre;

The applicant has commented that: "We would not put any driver into one of our vehicles without them having a robust knowledge of the areas surround the operating centre and the broader locality. The wording of these instructions is very straightforward, clear and concise. For any professional driver these directions are easily understood. We have deliberately kept the whole document concise on a single page to make it easier to both display and absorb by employees. The addition of maps may conflict with this approach."

It should also be noted that WSCC Highways did not object nor request any changes to the proposed Management Plan.

- (6) Query over whether the Management Plan will be allowed to be revised in the future;

The site management plan condition does not allow for the approved plan to be revised. If the applicant wanted to revise it at a later date then they would have to apply again to discharge the planning condition. The applicant has also stated that there is no intention to review the document.

- (7) Noise from the Consolidation Site (people shouting/diesel engines) is ongoing;

It is not possible to restrict noise from people at the Consolidation Centre through the requirements of the condition. Noise from HGV engines is discussed under point (1).

- (8) There is no reason why HGV's need to be left running at the Consolidation Centre;

Noise from HGV engines is discussed under point (1).

- (9) No provision in the management plan about HGV reversing alarms. These should be changed to white noise alarms;

The original condition set out the measures to be included within the site Management Plan and reversing alarms were not included. Therefore, it would not be

appropriate to now insist on this change. It could also potentially be unreasonable as this would require changes being made to existing vehicles including vehicles owned and operated by third parties who may not be subject to such controls elsewhere. Furthermore, the nearest residential property to the Operating Site is some 170m away and noise was not raised at the planning application stage as a concern. Again, this management plan cannot be used to control noise from the existing Consolidation Centre.

- (15) The management plan should restrict the use of car horns;

The condition was imposed in respect of management practices at the Operating Site and not the existing Consolidation Centre. The nearest residential property to the Operating Site is 170m away and no concerns were raised by Environmental Health Officers at the planning application stage in respect of noise from the Operating site.

- (17) Site Management Plan is not sufficiently robust so as to prevent damage to verges or harm to pedestrians using Lake Lane;

The condition requires a management plan in respect of the new site. Although it includes provisions in respect of vehicle routing, it sets out no requirements or restrictions in respect of how local roads are to be used. Furthermore, these issues were considered at the planning application stage and were found to be acceptable enough so as to allow the planning application.

It should be noted that the applicant has amended the submitted Management Plan in order to clarify management processes at both the Operating and Consolidation Centre sites. These changes are as follows:

- (a) Addition of requirement for a H&S notice board (including a set of site rules) to be also posted at the existing Consolidation Centre; and
- (b) Clarification of management processes regarding the use of electric hook-ups. Any vehicle requiring a fridge unit to be left running will be relocated from the consolidation centre to the new operating centre in Lake Lane to be plugged in on electric.

WSSC Highways have agreed that the management plan is acceptable in respect of highway safety (i.e. the routing of vehicles to and from the site). Environmental Health Officers have also made comment on the plan. They are concerned that the wording of the management plan suggests that ad-hoc vehicle maintenance may take place at the Operating Site and which would be in breach of the Goods Vehicle Operator's Licence. However, the Management Plan is considered to be clear that routine vehicle washing and maintenance will take place elsewhere. To do otherwise would breach the licence and be subject to licensing controls. Notwithstanding, it would not be possible to prevent unusual maintenance (such as the fixing of a broken down HGV).

It is therefore recommended that this condition be discharged.

4.0 Lighting at the Operating Centre

The only representation made which refers to lighting on the new site is (16), that lighting is unacceptable in this rural location. This is noted, however, the proposed lighting has already been granted in principle by the associated planning application. The condition was imposed in order to minimise light pollution generally but particularly in respect of bats in the area of the site.

The Council's ecologist has appraised the impact of the lighting scheme on local bat populations and raises no objection. In addition, Environmental Health officers raise no concerns from a general amenity point of view. It is therefore recommended that this condition be discharged.

RECOMMENDATION:

That the conditions be discharged with the following decision notice wording:

Condition 05

The submitted Landscape Scheme as detailed on Drawing Arbtech LP01 (June 2017) as supplemented by the Arbtech Report (02/03/17) has been assessed by our Landscape Officer and is considered to be acceptable.

The condition is therefore fully discharged insofar as the submission of details relates and on the understanding that the soft landscaping will be implemented in accordance with the approved details and retained thereafter.

Condition 06

The submitted Landscape Scheme as detailed on Drawing Arbtech LP02 (June 2017) as supplemented by the Arbtech Report (02/03/17) has been assessed by our Landscape Officer and is considered to be acceptable.

The condition is therefore fully discharged insofar as the submission of details relates and on the understanding that the soft landscaping will be implemented in accordance with the approved details and retained thereafter.

Condition 07

The submitted Site Management Plan has been assessed by County Highways, by Arun DC Environmental Health officers and is considered to be acceptable. The condition is therefore fully discharged insofar as the submission of details relates and on the understanding that the Site Management plan will be implemented in full and adhered to throughout the lifetime of the Operating Site and, insofar as it relates to, the Consolidation Centre.

Condition 10

The detail submitted in respect of the external lighting namely the Exterior Lighting Layout Plan ref DPN0868 Rev B and the accompanying ALIx LED Outdoor Luminaire product information sheets have been appraised by the Councils Ecologists and Environmental Health Officers and is considered to be acceptable and satisfies the requirements of the condition. The condition is therefore fully discharged on the understanding that you will implement the lighting in accordance with the approved details.