

Planning Committee Report  
7 September 2017

## REPORT SUMMARY

<b>REFERENCE NO:</b> 16/506349/FULL			
<b>APPLICATION PROPOSAL:</b> Variation of condition application in relation to installation of 6no. floodlighting columns ref. MA/09/1616 (allowed on appeal) with amendment to condition 3) The floodlighting shall not be used between 1st May and 31st August in any calendar year; and condition 4) The floodlighting shall not be used outside the hours of 15:00-22:30 on Tuesdays, Wednesdays and Thursdays, 15:00-21:30 on Saturdays and not at all on any other day of the week.			
<b>ADDRESS:</b> Bearsted Football Club Honey Lane Otham Kent			
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION for the development to proceed with following amended conditions.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations.			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> At the request of Councillor Gordon Newton			
<b>WARD</b> Downswood And Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT</b> Trustees Of Bearsted Football Club <b>AGENT</b> Watson Day Chartered Surveyors	
<b>DECISION DUE DATE</b> 28/09/16	<b>PUBLICITY EXPIRY DATE</b> 02/09/16	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b> There is a lengthy planning history here concerned with the development of the playing fields and associated development. The most relevant history for this application is as follows:			
<b>App No:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
16/508636/FULL	Installation and siting of covered standing spectator accommodation	Granted	pending
15/508999/FULL	Retention of concrete hardstanding surrounding main pitch, concrete hardstanding adjacent to changing rooms and provision of turnstile within palisade security fencing	Granted	27.04.2016
09/1616	Planning permission for installation of 6no. floodlighting columns	Refused but allowed on appeal	15.03.2011
09/1615	Planning application for installation of 2no. portable covered seating stands (57 seats each) and associated works including laying of paved area	Refused but allowed on appeal	15.03.2011

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located off the south side of Honey lane. This is land in the countryside beyond the defined limits of any recognised settlement. An access track (which shares the line of a public footpath) leads south from Honey Lane with the football pitches to the east. The track serves these pitches and the car park and changing facilities/clubhouse located amidst the protected woodland of Belts Wood to the south of the pitches.
- 1.02 A line of floodlighting pylons serves a training area to the north west of the changing rooms, with the main pitch to the north and north east of the building lit by six floodlighting columns. There are small spectator stands on the southern edge of the main pitch. There is a line of residential properties to the north of the overall playing fields area, fronting Honey Lane and White Horse Lane.
- 1.03 The existing use is long established, but with some restrictions on the intensity of its use. On Sundays the two pitches nearest to housing in Honey Lane may only be used between 10.00 and 14.00 hours. There is a clubhouse providing changing, hospitality and welfare facilities. Its use is limited by condition to the hours between 08.00 and 21.30. There is a training area which is floodlit. There is no restriction on the use of the training area but its floodlights may only be used on Tuesdays, Wednesdays and Thursdays between 16.30 and 21.30.
- 1.04 As to the main pitch, the floodlighting there is the subject of this current application and was allowed on appeal under ref. MA/09/1616 (Inspector's decision letter is included here as an Appendix). The Inspector imposed the following conditions:

"3) The floodlighting hereby approved shall not be used between 1st May and 30 September (inclusive) in any calendar year". and

"4) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 21.30 on Tuesdays, Wednesdays, Thursdays and Saturdays and not at all on and other day of the week".

**2.0 PROPOSAL**

- 2.01 This application proposes that the above conditions be amended to allow an extension to the times of use of the floodlighting around the main pitch to the following:

Condition 3 "The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year". and

Condition 4 "The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week".

- 2.02 The current condition 3 states that the use of the floodlighting is not permitted in the months of May, June, July, August and September and the current amendment requests that this restriction is amended to allow use of the floodlighting in September.
- 2.03 The current condition 4 restricts the use of the floodlighting so they can only be used between the hours of 3pm and 9.30pm on Tuesdays, Wednesdays, Thursdays and the condition requests greater use of the floodlighting to allow an extra hour of use on

Tuesdays, Wednesdays, Thursdays with use until 10.30pm to account for mid-week fixtures.

- 2.04 In support of the proposal the applicant states that, since the appeal decision, the club has risen to Step 5 in the FA Pyramid: such progression brings with it a requirement to play league fixtures midweek with a 19.45 kick-off. In addition to which there are likely to be midweek FA and other cup competition matches, and rescheduled league games. Matches commencing at 19.45 would not finish until at least 21.30 and there may be a need for extra time in addition to that. On that basis the club cannot fulfil its league/cup obligations with the current restrictions in place.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV49
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council Local Plan Publication (submission version) February 2016, SP17, DM1, DM3, DM7, DM22, DM34

- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections & consistency with the NPPF.

- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20<sup>th</sup> May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27<sup>th</sup> July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27<sup>th</sup> September 2017.

- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties, and a site notice.

- 4.02 One local resident states that a 22.30 end-time is too late and would cause disturbing light pollution to local residents.

- 4.03 Otham Parish Council states: *“I will be grateful if you would bear in mind the objections from Otham Parish Council when deciding the above application. The proposed extension to the hours and dates of floodlight use will cause disturbance to the residents who live in the immediate vicinity of the club ground. The argument presented by Bearsted Football Club that there is a change from a village/semi-rural setting to an urban setting is not legitimate.*

- 4.04 *The lighting at the football ground and extended playing time will still impact on the current residents regardless of other levels of lighting in the vicinity. Furthermore the extended playing time and lighting will impact on residents of the new houses as well. The residents of an urban area have as much right to low levels of light and noise pollution and disturbance as those living in a village setting”.*

- 4.05 Councillor Gordon Newton states: *“I would suggest that the time of the start of the game referred to in the application is moved from 19.45 to 18.30hrs. On that basis the use of the lights will fall within the time allocated for floodlighting and there would be no need for a variation. This would also assist in reducing late night noise for local residents. If you are minded to approve this application, I would like it called in for Determination by the Planning Committee”.*

## 5.0 **CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary.)*

- 5.01 **KCC Highways and Transportation:** No objection
- 5.02 **KCC Public Rights of Way Officer:** No objection
- 5.03 **KCC Archaeological Officer:** No objection.
- 5.04 **MBC Environmental Health:** The lighting scheme appears well designed, and to comply with relevant guidance from the Institution of Lighting Professionals. On balance the potential for nuisance from increasing use of the floodlighting by one hour per day, and by one month in the year, is minimal.

## 6.0 **APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Potential impact of the extended floodlighting use on the character of the area;
  - Potential impact of the extended floodlighting use on residential amenity;
  - Potential impact of the extended floodlighting use on ecology.

### **Background**

- 6.02 In defending the decisions to refuse permission for the earlier applications for floodlighting (MA/09/1616) and the two spectator stands (MA/09/1615) the council made the argument to the appeal Inspector that the facilities would be likely to lead to a general increase in the intensity of use of this site. This pressure would be greater if the club were successful and as a result required improved facilities that would change character from essentially from a playing field to a small ‘non-league’ football stadium and the associated further development.
- 6.03 The Inspector did not share the Council’s concerns and granted planning permission. Since the appeal decision, planning permission has been sought and granted for a further spectator stand (16/508636/FULL). The current application to vary floodlighting times is a consequence of the club success and a rise up the FA’s ‘pyramid’ league structure. The Inspector’s attitude to the previous proposals has, in many ways, lead to pressure for further development which, unless significant harm can be identified, may be difficult to resist.

### **Impact of the extended floodlighting use on the character of the area**

- 6.04 On the countryside character issue, there is no additional built development here and, in my judgement, the lighting of the pitch for occasional midweek matches for an additional month; and an additional hour on the occasions of those matches is unlikely to have any significant impact on the character of the countryside.

- 6.05 It must also be borne in mind that the wider area is experiencing significant housing growth and that has inevitably had a somewhat urbanising impact on the area to the west of the application site.

**Impact of the extended floodlighting use on residential amenity.**

- 6.06 With regard to the residential amenity issue, the floodlit pitch is approx. 100 to 150 metres away from the housing on Honey Lane. I do not consider that the extended times represent a significant threat, in terms of light intrusion, to their amenities above and beyond the lightpool that already exists.
- 6.07 The proposed change to the floodlighting times would facilitate an extension the general use of the main pitch facility later into the night. This is considered acceptable as the main pitch is well away from housing. Whilst I appreciate there would be vehicle movements down the access track, I am not convinced that the proposed changes would lead to a significant loss of amenity.
- 6.08 The proposal has been considered by the council's Environmental Health Officer who have commented who has noted that the floodlighting appears to comply with the relevant guidance from the Institution of Lighting Professionals. The Environmental Health Officer has raised no objection to the proposal.

**Potential impact of the extended floodlighting use on ecology.**

- 6.09 The ecology report submitted with the original application for the floodlighting raised the potential for a bat roost in the trees to the south of the lit area. That report recommended that the proposed lighting should not be switched on between 1<sup>st</sup> May and 30<sup>th</sup> September: as the key bat activity period.
- 6.10 This proposal would mean that the lighting would operate in September but only for very limited periods. Environmental concerns need to be balanced with the benefits of promoting sport and leisure and I am satisfied that the time extensions proposed here would not have a significant adverse impact on the ecology of the area.

## **7.0 CONCLUSION**

- 7.01 In conclusion, the change from a playing field to a small 'non-league' football stadium was permitted by the appeal decisions on the spectator stands and erection of floodlighting columns. The impact from the facility as it now operates was considered acceptable by the appeal Inspector.
- 7.02 In relation to the current application I am satisfied that the extended times of floodlighting the main pitch would not have a significant impact on countryside character or residential amenity, above and beyond that which currently occurs. Environmental impact should be balanced with the benefits of promoting sport and leisure and the variations applied for would enable the club to fulfil its league obligations. I recommend approval.

## **8.0 RECOMMENDATION**

GRANT PLANNING PERMISSION for the development to proceed with following amended conditions.

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/7126/02, DHA/7126/10, DHA/7126/11, DHA/7126/12 and the specifications set out by Highlights Floodlighting Ltd dated 17 October 2008. Reason: In the interests of proper planning.

- (2) The floodlighting hereby approved shall not be used between 1st May and 31st August (inclusive) in any calendar year; Reason: In order to protect the character of the countryside.
- (3) The floodlighting hereby approved shall not be used outside the hours of 15.00 to 22.30 on Tuesdays, Wednesdays, Thursdays; 15:00 to 21:30 on Saturdays; and not at all on any other day of the week; Reason: In order to protect the character of the countryside.

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.