

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 21/503412/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of 8no. full masts and 4no. lower masts floodlighting to serve the sports pitches.		
<b>ADDRESS:</b> Marden Sports Club Maidstone Road Marden Kent TN12 9AG		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The reasons for referral to committee from Marden Parish Council are detailed below within section 4.		
<b>WARD:</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL:</b> Marden	<b>APPLICANT:</b> Marden Sports Club <b>AGENT:</b> Kent Planning Consultancy Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 12/07/21	<b>DECISION DUE DATE:</b> 27/10/2023
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

13/0358 Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, tennis courts, cricket nets, floodlights, clubhouse and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval. Amendments to and resubmission of application MA/11/0361. Approved 06.06.2013.

22/501761/FULL Erection of 2no. floodlit padel tennis courts, including erection of canopy over one court. The padel tennis court is situated at the southern end of the wider sports ground and approximately 90m north of the dwellings in Ramsden Way. Within paragraph 7 of the appeal the Inspectorate accepts that the proposed courts would result in additional noise from visitors using the facilities.

Refused 02.09.2022 for the following reason: *"The submitted application fails to demonstrate that the development would not have a harmful amenity impact on neighbouring properties in terms of light intrusion and aural nuisance. As such the development would not be in accordance with policies SP17 and DM1 of the Maidstone Borough Local Plan (2017), policy NE4 of the Marden Neighbourhood Plan (2017) and guidance within the National Planning Policy Framework (2021)".*

Appeal against the refusal of permission under reference 22/501761/FULL Allowed 22.09.2023. In summary the Inspector found the following:

- The amended lighting design document (submitted during the appeal) indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the south. There

are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site.

- The predicted noise levels outlined in the noise impact assessment would be below the existing noise levels at the nearest dwellings. The proposal would not lead to these properties exceeding the internal daytime noise limits or the desired limits for outdoor daytime noise set out in the relevant British Standards for acoustic design. The noise levels would also be within Sport England's Design Guidelines for Artificial Grass Pitch Acoustics. Given the proposed opening times, the British Standards for night-time noise would not apply. Therefore, the proposal would not cause unacceptable noise impacts to the residents of the neighbouring dwellings.
- The Inspectorate considered that the surrounding vegetation (which neighbouring occupants have included photos of) is sufficient to mitigate any impact from lighting. The inspectorate also concluded that conditions restricting the hours of operation are sufficient to mitigate any harm to biodiversity (as well as neighbouring occupants).

**Site location plans: (left - allowed appeal site) (right - current application).**



## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 In policy terms the application site is in the countryside, but immediately north of the Marden Rural Service Centre boundary. The application site forms part of Marden Cricket, Hockey, and Tennis Club (MCHTC). The site includes a club house initially approved under outline planning application Ref: 13/0358.
- 1.02 The MCHTC grounds include a cricket pitch on the eastern part of the site, with two artificial multipurpose/hockey pitches on the western part of the site with four tennis courts immediately to the north of the hockey pitches. One of the two existing hockey pitches and two (of the four) tennis courts that are located closest to the cricket pitch benefit from existing floodlighting.

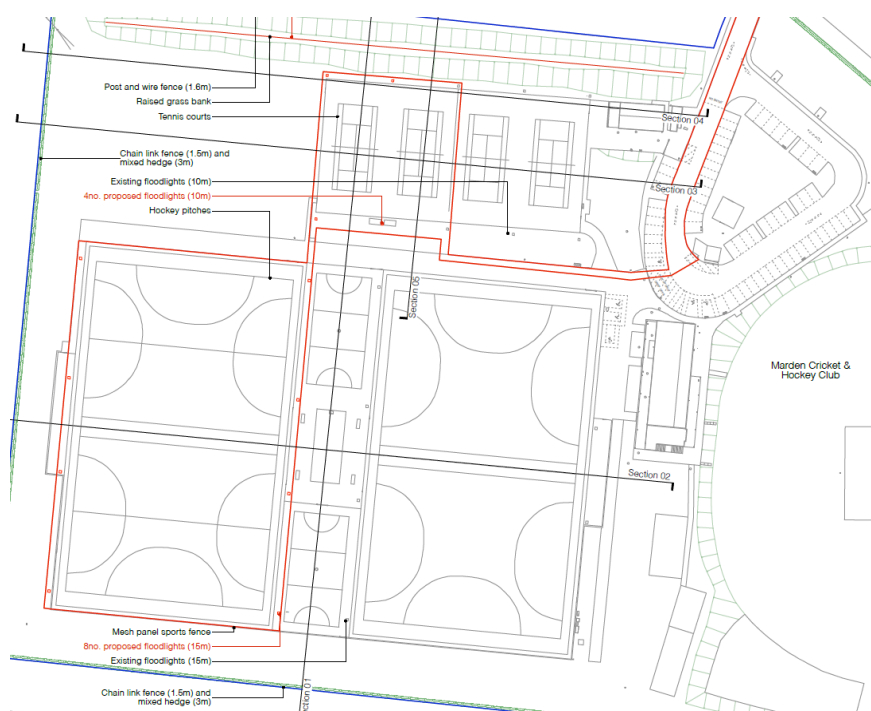
### **2. PROPOSAL**

- 2.01 The current application seeks to provide floodlighting to the single hockey pitch and two tennis courts on the site that do not currently have floodlighting. The proposal is for the installation of 8 no. 15-metre-high flood light masts at the western hockey pitch and 4no. 10 metre high flood light masts to the two westerly tennis courts of the four that currently exist. As well as this a 1m high acoustic fence would be installed along the northern boundary on top of an existing 1m high bund.
- 2.02 The 8 no. lighting columns would be stationed on 600m x 600m raised base sections with foundation bolts, with a cable duct element underneath. The 15 metre steel lighting columns reduce in width as they rise and are made up of 8 sections

assembled to comprise one column/mast, with 11no. lights arranged horizontally at the top.

- 2.03 The 8no. masts would be sited around the western hockey pitch, with one mast in each corner of the pitch and two further masts positioned along the main sides.
- 2.04 The 4no. lighting columns would be stationed on 500m x 500m profiled base sections with foundation bolts and a hinged anchor point, and a smaller cable duct element underneath. The 10-metre-high steel lighting columns, reduce in width as they rise and are made up of 4 sections assembled to comprise one column, with 4no. lights arranged horizontally at the top.
- 2.05 The 4no. masts would serve the north-western tennis courts, including two positioned to the south and two positioned to the north of the courts.
- 2.06 The floodlighting system proposed would seek to match the existing flood lighting already approved and in place on the wider site, which currently serves the other pitches. The below site plan below indicates the exact siting of the proposed lighting.

### **Proposed site plan**



- 2.07 The existing bund/mound is situated approximately 10m north of the tennis courts at the northern end of the application site. The bund is 1m high and stretches the length of the larger hockey pitches depicted above. It is proposed to erect a 1m high acoustic fence on top of the bund to provide aural mitigation from activities taking place on site.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031):

SP17 - Countryside

DM 1 – Principles of good design

DM2 – Sustainable design

DM3 – Natural environment

DM8 – External lighting

DM20 - Community facilities  
DM30 - Design principles in the countryside

Marden Neighbourhood Plan: BE2, NE3, NE4  
The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Supplementary Planning Documents:  
Maidstone Landscape Character Assessment 2012 (Updated 2013)

Application site is located within the Staplehurst Low Weald Landscape Character Area which is assessed as being in 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'.

Maidstone Local Plan Review (Regulation 22):

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

#### 4. LOCAL REPRESENTATIONS

Marden Parish Council 27/03/2023

Objection: (Officer Note Case officer response included below in italics.)

- Additional information supplied relating to lighting and noise does not demonstrate conformity with Marden Neighbourhood Plan Policy BE2 Residential Amenity, NE3 Landscape Integration, NE4 Biodiversity and Habitats. (*Officer Note: No objections have been received to the application from environmental or ecological consultees subject to a condition requiring the lights be turned off by a certain time or when sports pitches are not in use, this can very easily be conditioned and enforced. As detailed above the inspectorate was satisfied with this approach with regards to a similar development on site.*)
- The proposal seeks to increase the hours of lighting to 10:00pm (*Officer note: This is incorrect the existing site is already permitted to have floodlighting on until 10pm.*)

Cllr Claudine Russell - Ward Member for Marden and Yalding (Summarised)

- Raises concerns relating to biodiversity and landscape impact of the development.
- Highlights concerns raised by local residents relating to the aural impacts of the development as well as light intrusion into neighbouring properties. Additional detail is requested relating to the proposed fencing the application seeks.

Local residents:

11 representations received from residents objecting to the application for the following (summarised) reasons:

- The impact of the development on biodiversity in the area
- The aural impact of activities taking place on site.
- The impact from additional lighting on neighbouring properties

## 5. CONSULTATIONS

### KCC Ecology

#### 5.01 No Objection:

- Light spill is considered a primary driver of invertebrate decline and given the relatively rural nature of this site it is imperative that the site is not illuminated throughout the entire night.
- Advise that conditions are attached to any granted planning permission which requires the lighting to be switched off before a specific time (previously highlighted as 10pm).

### Environmental Health

#### 5.02 No Objection:

- The proposed noise mitigation methods set out in the applicant's noise impact assessment will ensure that neighbour's amenity is maintained.
- The information in the submitted Lighting Design Statement and Spill Impact Assessment, including louvres and baffles intend used to reduce the impact of spill lighting on neighbouring residents is acceptable.
- Comments dependent on a planning condition requiring lighting to be switched off by 2200hrs every day and when sports pitches are not in use.

### KCC Public Rights of Way officer

#### 5.03 No objections received this consultee replied with their standing advice.

### KCC Highways

#### 5.04 No objections received, this consultee replied with their standing advice, this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements.

## 6. APPRAISAL

The key issues are:

- Location in the countryside
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Biodiversity

### **Location in the countryside**

#### 6.01 The application site is in the countryside and the starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies.

#### 6.02 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1, DM8 and DM30. The impact of the development on local character and appearance is considered against policies DM1 and DM30 in the following section and the impact on amenity considered in relation to policy DM8.

### **Character and appearance**

#### 6.03 Policy DM8 which relates to external lighting states "Proposals for external lighting which meet the following criteria will be permitted:

- i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed.
  - ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and
  - iii. The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.
- 6.04 The supporting text to DM8 (para 6.51) states "The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities". The backdrop to the current application site is a large sporting facility with existing flood lighting. It is concluded that the additional flood lights will not cause landscape or sufficiently greater visual harm over the existing arrangement.
- 6.05 The lighting would be used to light the remaining sports pitches to allow the pitches to be fully utilised into the evening and as such it is assessed that the lighting would be the amount necessary to achieve this and complies with paragraph i. of DM8. Environmental Health consultees are satisfied with the details submitted.
- 6.06 The proposed lighting is designed to minimise glare and light spillage. The lighting columns are not sited adjacent to any highways and would not interfere with pedestrians or drivers. The development complies with paragraph ii of DM8. Environmental Health have accepted.
- 6.07 In terms of the impact on night skies, the applicant has submitted assessments which indicate that the lighting would comply with standards for rural areas. The lights will be switched off at 2200hrs and also switched off when the pitches are not in use. The lighting will be viewed against the backdrop of existing lighting on site. The additional lighting is acceptable in relation to visual harm and the proposal adheres to paragraph iii. of DM8.
- 6.08 In the daytime the lighting columns will appear as slender structures that will not be intrusive and in keeping with the nature of the site and existing floodlighting. It is not assessed that the acoustic fence causes any visual harm to the site, nor would the bund which plans indicate is an existing one.

### **Residential amenity**

- 6.09 Policy DM1 states that development proposals must "Respect the amenities of occupiers of neighbouring properties...by ensuring that development does not result in..., excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light ...".
- 6.10 In terms of neighbouring properties, the closest dwelling is Bumpers Oast which is located approximately 42m to the north of the tennis courts. The tennis courts would be lit by 4 additional flood lights. 6 other dwellings are located further to the north of Bumpers Oast approximately 100m north of the tennis courts.
- 6.11 Dwellings located along Maidstone Road are approximately 200m to the west of the hockey pitches. Properties in Ramsden Way are approximately 120m south of the hockey pitch with a railway line in between the dwellings and the hockey pitch.
- 6.12 The applicant has submitted a noise impact assessment which concluded that an acoustic fence should be provided along the northern part of the site. This fence would be to attenuate any noise to the nearest neighbouring properties. This is

indicated on drawings and a condition is recommended to request full details of any fencing and for the fence to be in place before the new floodlighting is used.

- 6.13 Drawings also indicate the existing bunding, where on average this lies some 1m high above the pitch levels, separating the sports pitches and the boundaries of the nearest properties. A 1m high acoustic fence would be erected on top of the bund, where in combination there would be 2m high noise attenuation.
- 6.14 The applicants supporting statement details that the proposed flood lighting would be operated in accordance with the following:
- Weekdays
- The operating times of the pitches are generally Monday to Thursday – the lights to be turned off by 21.30 for hockey.
  - There are some ad hoc training or games events, which may go on a little later but always finish and lights off by 22.00.
  - Tennis lights are on a timer, which shut off at 22.00 (even if people are still playing).
- Weekends
- The hockey lights are not used after 19.00 (as league requirements do not permit games to start later than 16.30).
- 6.15 The applicant has submitted a light spill assessment in support of the application and Environmental Health are satisfied that the impact from the lighting is acceptable in relation to protecting residential amenity.
- 6.16 The proposal seeks to provide the minimum light necessary with measures to minimise glare and light spillage. The submitted information has been considered by the Council's Environmental Health officer who notes that the submitted information has demonstrated that the lighting would result in a low vertical overspill and backwards light and would fully and uniformly direct the light onto the pitch surfaces. The Council's Environmental Health officer has raised no objection in relation to light generated by the current proposal, subject to a condition restricting the hours of operation.
- 6.17 After considering the submitted information, the proposal was found to be in accordance with policy DM8. With a condition to ensure that the lighting is installed and maintained in line with the approved details, the proposal was found acceptable in relation to the impact on wildlife.
- 6.18 A similar application on site also involving flood lighting has recently been allowed at appeal following the LPAs decision to refuse the application based on amenity harm caused by the flood lighting. The appeal decision letter is appended to this report. As stated by the Inspectorate "*The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and light spill.*"
- 6.19 The paddle tennis court would be sited at the southern end of the wider sports ground and approximately 90m north of the dwellings in Ramsden Way. In paragraph 7 of the appeal letter the Inspectorate accepts that the proposed courts would result in additional noise from visitors using the facilities.
- 6.20 Paragraph 8 of the appeal decision letter assesses the impacts from the additional floodlighting. The Inspector states "*The amended lighting design document indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the*

*south. There are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site”.*

- 6.21 The Inspectorate considered that the surrounding vegetation is sufficient to mitigate any impact from lighting. The inspectorate also concluded that conditions restricting the hours of operation are sufficient to mitigate any harm to biodiversity (as well as neighbouring occupants).
- 6.22 Sport England’s Planning for Sport Guidance (June 2019) advises that the lighting of outdoor sports facilities can provide extended hours, and this is considered critical to long-term viability of these facilities. The guidance highlights significant recent advances in lighting technology that minimise the impact on local amenity and neighbouring properties.
- 6.23 The application site and the wider site currently provide a sporting facility and the sporting facility has existed on the site for some time. The existing site and indeed the hockey and tennis courts immediately adjacent to the courts that are the subject of this application, have similar existing lighting and are already used in a manner and time as now proposed for the remaining courts.
- 6.24 The cumulative impact of existing and proposed has been considered by the environmental health and no concerns have been raised in relation to aural or light intrusion based on the proposed measures outlined above. This assessment was on the basis that the new lighting (in a similar way to existing lighting) would be switched off at 2200hrs and switched off when the courts were not in use. Activities could take place now later into the evening during the summer months, the lighting would not need to be used for a significant period of time each day.

### **Highways**

- 6.25 The development would cause any direct impact upon the highway network with the lighting relating to existing sports facilities.

### **Biodiversity**

- 6.26 Several concerns have been raised regarding the developments impact upon biodiversity. Policy DM3 states “Where appropriate development proposals will be expected to appraise the value of the boroughs natural environment through the provision of ...An ecological evaluation of the development site...”
- 6.27 The application site has no specific landscape designation (AONB, LoLV) nor is it subject to any biodiversity protection designations.
- 6.28 Much of the site consists of hockey and cricket pitches, the latter of which is a large, grassed area. The cricket pitch is heavily managed and unlikely to provide a suitable habitat for any species. In terms of light spill, KCC Ecology have not raised any issues subject to conditions to ensure the lights are switched off at 2200hrs.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.29 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 With suitable conditions, the cumulative impact of existing and proposed lighting and the additional activity from the extended use of the courts are not great enough



to justify the refusal of permission on harm to neighbouring amenity. No objections have been received from Environmental Health.

- 7.02 No objections have been received from KCC Ecology subject to the flood lighting being turned off by 2200hrs and when not in use. A planning condition is recommended with this timing restriction.

**8. RECOMMENDATION GRANT planning permission subject to the following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
  - Application for planning permission
  - 0000 Site Location Plan
  - 0010 Existing Site Plan
  - 0020 Existing Site Sections
  - 0201-GA Existing Site Sections
  - 0100 P3 Proposed Site Plan
  - 0200-GA-P1 Proposed Site Sections
  - 0201 P1 Proposed Site Sections
  - a1707-1678 Proposed Foundation Size for Normal Soil Conditions
  - Base Hinged Raise and Lower Mast
  - Christy Lighting Ltd Portfolio
  - Christy Lighting Masts Ltd Documents
  - Phase 1 and Phase 2 Full LED Lighting
  - 15m Lighting Mast & Foundation
  - Covering Letter - Additional Information
  - Lighting Design Phase 2
  - Lighting Design Statement
  - Lighting Specification
  - Noise Impact Assessment
  - Spill Impact Assessment
  - Planning Statement
  - Planning Support Letter
 Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The proposed floodlights shall not be illuminated except between the hours of 09:00 and 22:00 on any day. Reason: To prevent light pollution and in the interests of residential amenity.
- 4) The lighting hereby approved shall be installed in accordance with the submitted details and shall be subsequently maintained as such. Reason: To prevent light pollution and in the interests of residential amenity.
- 5) The development shall not commence until a scheme for the enhancement of biodiversity around the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as bird boxes, small mammal habitats, and insect habitats The development shall be implemented in accordance with the approved details prior to the first use of the floodlighting hereby permitted and all features

shall be maintained and retained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 6) The development hereby approved shall not commence until, details of all fencing, walling (including the acoustic fencing and bund) and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details prior to the first use of the floodlighting hereby approved. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 7) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 8) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season following first use of the approved floodlighting. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the approved floodlighting, are removed die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

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