

- 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.