

APPLICATION: MA/11/0478 Date: 12 April 2011 Received: 12 April 2011

APPLICANT: Mr C. Brown, Galamast

LOCATION: YMCA, MELROSE CLOSE, MAIDSTONE, ME15 6BD

PARISH: Maidstone

PROPOSAL: Application to discharge conditions relating to MA/03/1147/02 (approval of reserved matters of siting, means of access, design, external appearance and landscaping pursuant to conditions 1, 2 and 3 of outline permission MA/03/1147 for a replacement community centre, junior football pitch, 83 dwellings associated parking, access road and landscaping, resubmission of MA/03/1147/01) being submission of details received on 24th March 2011 and 8th March 2012 pursuant to conditions 11 - slab levels, 14 - floodlighting and 16 - perimeter fencing to the sports pitch

AGENDA DATE: 14th March 2013

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- Councillor Chittenden requested that it be reported for the reason set out in the previous committee report, attached as Appendix 1.

1 POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, CF14
- South East Plan 2009: SP3, CC1, CC6, BE1, S5
- Government Policy: National Planning Policy Framework 2012

2 BACKGROUND

2.1 This application was reported to Planning Committee on 10th January 2013. The Committee deferred making a decision in order that further negotiations take place between stakeholders in respect of the floodlighting elements of the application.

3 ADDITIONAL INFORMATION RECEIVED

- 3.1 The meeting was held on 23rd January 2013 at which the lighting scheme was discussed, and it emerged that the key concern of Councillors was a lack of clarity in respect of the lighting readings, and further information was subsequently submitted by the applicant which clarified the matter of the degradation/failure of the lighting and the impact of this on the performance of the lighting over time in relation to the measured values referred to in the previous report. The information set out the additional materials confirms that at the time of the latest readings being taken, the lighting brightness would have degraded by a maximum of 12% in relation to "as fitted". Taking this 12% degradation into account, the readings taken would all (with the exception discussed fully in the previous report) have satisfied the ILE guidance. In addition, the applicant has (subject to discharge of the conditions) undertaken, as a good will gesture, to plant a hedge of Western Red Cedar (*Thuja plicata*) along the southern and western boundaries of the sports pitch (in addition to the approved planting scheme) in order to provide additional screening to the occupiers of properties fronting onto Westwood Road, Anglesey Avenue and Skye Close.
- 3.2 A full reconsultation was undertaken in respect of this additional information, and the following detailed comments were received from the Maidstone Borough Council Environmental Health Officer:

"A recent meeting on 23rd January 2013 was held following the application being discussed at Committee on 10th January 2013. At the committee the application was deferred for further discussion. This meeting clarified what issues were to be discussed. Councillor Chittenden explained the reason why he had requested the application be deferred. It was for clarification of a reply to the proposal put forward on behalf of the North Loose Resident's Association by their lighting consultant Nick Smith. Cllr Chittenden was concerned that two different issues were being discussed – lamp degradation and mortality. At the meeting it was resolved to clarify the difference between the two terms. A subsequent email from Mechelec clarified the mortality of the lighting units by attaching a mortality curve. The end result is the same as discussed for lamp degradation i.e. that assuming a daily use throughout the year of 4 hours/day, this equates to some 2200 hours usage since installation. Transferring this value on to the mortality curve for these lamps equates to approximately 12% mortality. Comparing with the values measured, this value equates to approximately 1 lux lower than on installation, i.e. negligible. This latest information only reinforces my opinion that the lighting units are suitable and comply with ILE guidance and that the condition should be discharged."

- 3.3 One additional neighbour representation was received in response to the reconsultation; this raised objection to the application on the grounds of harm to residential amenity as a result of light from the floodlights, noise (in particular foul language) and disturbance due to persons retrieving balls from private gardens. The issue of car parking on the surrounding roads was also raised.
- 3.4 To my mind, the additional information received from the applicant addresses the issues raised by the consultant employed on behalf of the North Loose Residents Association and the concerns raised in this respect at the Planning Committee meeting, and supports the readings taken and the fact that the lighting installed satisfies the ILE guidance. I am not aware of any representation from the NLRA having been received in respect of the latest reconsultation, and the Council's Environmental Health Officer has confirmed that the information provided addresses the concerns raised in the meeting. Whilst I note the other concerns raised by in the objection letter, Members will be aware that the development has previously been fully assessed in respect of all planning considerations and that the current reconsultation relates only to the additional information relating to the floodlighting.
- 3.5 Subject to the imposition of conditions, the application is considered to be acceptable for the reasons set out in the previous report, and I therefore recommend the application for approval subject to conditions, as per the previous recommendation.

5 RECOMMENDATION

Maidstone Borough Council hereby **APPROVES** the details received pursuant to the Conditions set out in the proposal above, **SUBJECT TO** following conditions:

1. The floodlighting to the sports pitch hereby approved shall be maintained in accordance with the details shown on drawing number KL 3771 and the Kingfisher Lighting Specification received 24th March 2011 and drawing number D16498/PY/G received 8th March 2012;

Reason: In the interests of minimising light pollution, securing the character and appearance of the surrounding area, and preventing harm to the residential amenity of the occupiers of neighbouring residential properties pursuant to policies ENV49 of the Maidstone Wide Local Plan 2000, and CC1, CC6 and BE1 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

Informatives set out below

The Western Red Cedar (*Thuja plicata*) hedge to the southern and western boundaries of the sports pitch should be planted in close proximity to the perimeter fencing to the sports pitch in order to maximise the distance between the hedge, which is expected to attain a significant height (in order to achieve the purpose of screening of noise, light and passage of balls) and the adjacent residential properties.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.