

<b>REFERENCE NO - 18/504846/FULL</b>		
<b>APPLICATION PROPOSAL</b> Variation of condition 12 of planning permission MA/08/0407 (Change of use of part of the farmyard and land to equestrian use. Construction of sand school and horse walker and provision of mobile home for groom's accommodation) to allow flood lighting around the sand school.		
<b>ADDRESS - Saywell Farm Stables, Bedminton, Wormshill, ME9 0EH</b>		
<b>RECOMMENDATION - GRANT PERMISSION</b> subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is acceptable with regard to 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> Cllr Garten has called application to Planning Committee due to a concern <i>about the creeping increase of LED lighting in the open countryside. This application appears riddled with previous breaches and retrospective elements. The fact that an application is retrospective is a material planning consideration.</i>		
<b>WARD</b> n/a	<b>PARISH COUNCIL</b> Wormshill	<b>APPLICANT:</b> Mr & Mrs Mullen <b>AGENT:</b> The Rural Planning Practice
<b>TARGET DECISION DATE</b> 19.12.2018		<b>PUBLICITY EXPIRY DATE</b> 25.01.2019

**Relevant planning history**

- 08/0407 Change of use of part of the farmyard and land to equestrian use. Construction of sand school and horse walker and provision of mobile home for groom's accommodation. Resubmission of MA/07/1888. - APPROVE
- 09/1284 Planning application for construction of all-weather gallop for horses including fencing rails- APPROVE
- 15/501348/FULL Variation of Condition 12 of planning permission MA/08/0407 (Change of use of part of the farmyard and land to equestrian use; Construction of sand school and horse walker and provision of mobile home for groom's accommodation) and Condition 4 of planning permission MA/09/1284 (Construction of all-weather gallop for horses including fencing rails) To allow floodlighting around menage. - REFUSED

**MAIN REPORT**

**1.0 Site description**

- 1.01 The site relates to a farmyard located in Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area. The site comprises a collection of agricultural barns, a riding arena and open fields and is currently used for the training and keeping of horses.

- 1.02 There are several areas of ancient woodland in the vicinity of the site including Place Dane Shaw (177 metres to the north east); Barrows Wood (210 metres to the east); Saywells Bank (173 metres to the south) and Shereway Wood (287 metres). There are several public footpaths in the vicinity of the application site.
- 1.03 Access to the site is gained from Hollingbourne Hill to the south west of the site and the surrounding area forms vast open countryside.
- 1.04 To the north of the site lies a Grade II listed building, Saywell Farm Barn.
- 1.05 Permission was granted under reference MA/09/1284 for an all weather gallop for horses and under reference MA/08/0407 granted for the change of use of part of the farmyard and land to equestrian use. Both of these permissions placed a restriction on floodlighting by condition.
- 1.06 A retrospective application was submitted under 15/501348/FULL to regularise 3 flood lights to the arena, facing south and one light also attached to a barn, providing lighting to the carpark. This application was refused an insufficient information regarding the lighting was submitted with the application. The current application follows this refusal.

## **2. Proposal**

- 2.01 The proposal seeks to vary condition 12 of the application MA/08/0407 to allow for flood lighting around the sand school. Condition 12 of the original application stated;

*‘This permission does not purport to agree to any floodlighting and no floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;*

*Reason: In the interests of visual amenity of the locality in accordance with Policy ENV34 of the Maidstone-Wide Local Plan and Policies EN1 and EN5 of the Kent and Medway Structure Plan 2006”.*

- 2.02 As previously stated floodlights already exist on the north eastern side of the ménage and the proposal wishes to replace these and add a further 5 floodlights, resulting in 8 in total at 6m in height. This follows the advice from the Light Assessment submitted on the 14th December 2018.
- 2.03 The floodlights would consist of 109W LED floodlights from Thorn with a light source of 4000k, neutral white which is of a similar appearance to the existing floodlights used. The illumination levels would be 100 lux with a uniformity of 50% which follows the guidance in the Society of Light and Lighting LG4, Sports lighting.
- 2.04 The original proposal sought permission for a total of 6 individual floodlights. The design of the floodlight heads was subsequently changed to downwards facing lights which emit less light. Due to this change in luminance, an extra two floodlights have been added to the proposal to ensure the arena is adequately lit during dark evenings.

- 2.05 Further public consultation was carried out on the 8th January 2019 to allow for the parish and neighbouring residents to comment on the amendments made.

### **3. Policy and other considerations**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SP17, DM1, DM3, DM4, DM8, DM30.  
Kent Downs Management Plan 2014-2019

### **4. Local representations**

- 4.01 3 representations received from residents and 1 representation made on behalf of Wormshill Village that raise the following (summarised) issues:
- Excessive light pollution impacting surrounding area.
  - Impact to wildlife and residents from floodlights.
  - Extended hours of use – not 7am - 8pm as stated. Deadlines should be fixed and adhered to.
  - Other lighting on farm not being addressed in application.
  - Absence of foliage in winters months makes lighting more evident.
  - Increased traffic to area increases light pollution.
  - Harmful to rural setting.
  - Noise disturbance from arena – carries to Grade II listed building adjacent.
  - Car parking moved to north of site causing more light pollution.
  - Following re-consultation on 8th January 2019, 2 further objections were received from 2 existing objectors, largely stating the same concerns outlined above and pictures supplied also displaying lighting at night.

### **5. Consultations**

#### Councillor Garten:

- 5.01 Wishes to see application reported to Planning Committee if recommendation is for approval;  
*"I am concerned about the creeping increase of LED lighting in the open countryside. This application appears riddled with previous breaches and retrospective elements. The fact that an application is retrospective is a material planning consideration".*

#### Forestry Commission – 10th October 2018

- 5.02 Taking account of standing advice, no objections given distance away from ancient woodland.

#### Kent Downs AONB Unit – 19th December 2018

- 5.03 No objections after reviewing the Lighting Statement submitted 14<sup>th</sup> December 2018.

#### Environmental Protection – 4th October 2018

- 5.04 Details of the proposed lights are satisfactory subject to conditions on the months and the time of day that the floodlights are used.

#### KCC Ecology – 24th January 2018

- 5.05 No objections. Given the distance from the site to the ancient woodland and Local Wildlife Site, it is unlikely that the proposed lighting will result in

impacts to wildlife using these areas, particularly given the current conifers in the south-eastern corner of the site. We advise that ensuring that the lighting is not on all night will help to minimise ecological impacts.

## 6. Appraisal

### Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway safety and parking
- Other considerations

#### Principle of Development

6.02 In terms of lighting, policy DM8 of the local plan states that in determining proposals for external lighting the following criteria must be met:

- It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;
- 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
- The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.

6.03 In this way, the principle of the proposed lighting in this location could be acceptable subject to this having acceptable impacts in respect of visual amenity, highway safety and the wider landscape. The lighting would not result in highway impacts as a result of separation distances and the other matters are considered in the following sections of this report.

#### Visual Amenity and the Kent Downs AONB and Special Landscape Area

6.04 Policy SP17 of the Local Plan relates to the Maidstone countryside and states '*The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy...*'

6.05 The Kent Downs AONB Management Plan 2014-2019 states 'An Area of Outstanding Natural Beauty (AONB) is exactly what it says it is: a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them'. Paragraph 172 of the NPPF further states 'Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty'.

6.06 Policy SD7 of The Kent Downs AONB Management Plan 2014-2019 relates to important areas of relative tranquillity and states 'To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used'. The NPPF advocates the importance of planning policies and decisions to help protect areas of tranquillity.

- 6.07 In this instance, there are 3 floodlights already in use on the north eastern side of the riding arena. A number of complaints have been received by local residents regarding the impact of the existing floodlighting on the surrounding AONB and the natural wildlife.
- 6.08 The lighting consultant instructed by the applicant has stated in his report that the existing floodlights are set at a high angle and would likely result in some light emitting upwards and this would result in the face of the floodlights being seen from long distances. The report also states that there is a lack of uniformity to the existing illumination within the arena which is much lower than recommended by professional guidance.
- 6.09 The replacement and additional lighting has been designed to accord with the Institution of Lighting Professionals (ILP) guidance on obtrusive light, GN01 as suggested by the Kent Downs AONB Unit. This recommends that for an area within an AONB, an E1 Environmental Zone, there should be zero light emitted directly upwards.
- 6.10 A pair of floodlights would be situated on each column (8 in total at 6m tall on the north eastern and south western boundary) and they would be aimed in a V-shape and with a small 5° upwards tilt. With this design the lights will cut off at 85° and no light will be emitted upwards and the face of the floodlights would not be visible from Wormshill. Furthermore, the intensity of light would be below 2,500 candelas which also follows the guidance criteria.
- 6.11 Ancient woodland is an irreplaceable habitat and National Planning Policy Framework paragraph 118 states: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'
- 6.12 There are several areas of ancient woodland in the vicinity of the site including Place Dane Shaw (177 metres to the north east); Barrows Wood (210 metres to the east); Saywells Bank (173 metres to the south) and Shereway Wood (287 metres). There are several public footpaths in the vicinity of the application site.
- 6.13 Having reviewed the standing advice from the Forestry Commission the proposal would not be considered to result in the loss or deterioration of the Ancient Woodland within the area and therefore would be deemed acceptable.
- 6.14 With the suggested conditions in place, the proposal would preserve the landscape character visual amenity of the Kent Downs AONB or the North Downs Special Landscape Area and would be deemed acceptable.
- Residential Amenity
- 6.15 The existing riding arena is situated 99 metres away from the nearest residential property of Saywell Barn Farm. This separation distance will ensure that any light spill or glare is at an acceptable level. The extra use of

the existing arena facilitated by the lighting but restricted by planning condition would not result in any increase of noise and disturbance that would justify the refusal of permission when taking into account the distance from residential properties and the existing use.

- 6.16 The council's Environment Protection Officer is satisfied that the proposed floodlights would not result in any detrimental light spill to the wider area. The EHO raises no objection to the proposal subject to the suggested conditions.
- 6.17 It is not considered that the proposals would result in material harm from light pollution or associated disturbance to any neighbouring resident.

## **7. Conclusion**

- 7.01 Overall the replacement and new flood lights as outlined in the submitted Exterior Lighting Design and Visual Impact Assessment received 14th December 2018 would be an acceptable form of development in this location. The proposal would not result in any detrimental harm to the special character and appearance Kent Downs AONB or the North Downs Special Landscape Character or residential amenity.

## **8. Recommendation**

### **GRANT planning permission subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Plan (amended) received 4th January 2019  
Location Plan received 17th September 2018  
Planning Statement received 17th September 2018  
Exterior Lighting Design and Visual Impact Assessment received 14th December 2018.  
Reason: To clarify which plans have been approved.
2. The floodlighting hereby approved shall not be operated between the hours of 2000 hours and 0700 hours daily and the lighting shall only be in use between the 15th October until the 31<sup>st</sup> March of each year.  
Reason: In the interests of minimising light pollution, securing the character and appearance of the surrounding AONB and Special Landscape Area and preventing harm to the residential amenity of any nearby residential properties.
3. The development shall be carried out in strict accordance with the type and details of floodlighting as shown in the submitted Site Plan received 4th January 2019 and the Exterior Lighting Design and Visual Impact Assessment received 14th December 2018. This will include the addition of movement sensors as outlined in the report that shall be in place prior to first use and retained permanently thereafter.  
Reason: To prevent light pollution in the interests of the safeguarding visual amenity of the Kent Downs AONB and the landscape character of the surrounding countryside.

4. Before the development hereby permitted commences, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development. All planting, seeding and/or turfing and hard landscaping in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the floodlights hereby approved, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the new landscaped areas are properly maintained in the interests of the amenity of the surrounding.

#### INFORMATIVE

As the development involves construction, the applicant is advised to comply with the Mid Kent Environmental Code of Development Practice..

Case Officer: Leah McGuinness