

REPORT SUMMARY

REFERENCE NO: - 21/503412/FULL		
APPLICATION PROPOSAL: Erection of 8no. full masts and 4no. lower masts floodlighting to serve the sports pitches.		
ADDRESS: Marden Sports Club Maidstone Road Marden Kent TN12 9AG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Marden Parish Council are detailed in section 4 of Appendix A.		
WARD: Marden And Yalding	PARISH COUNCIL: Marden	APPLICANT: Marden Sports Club AGENT: Kent Planning Consultancy Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/07/21	DECISION DUE DATE: 31/05/2024
ADVERTISED AS A DEPARTURE: No		

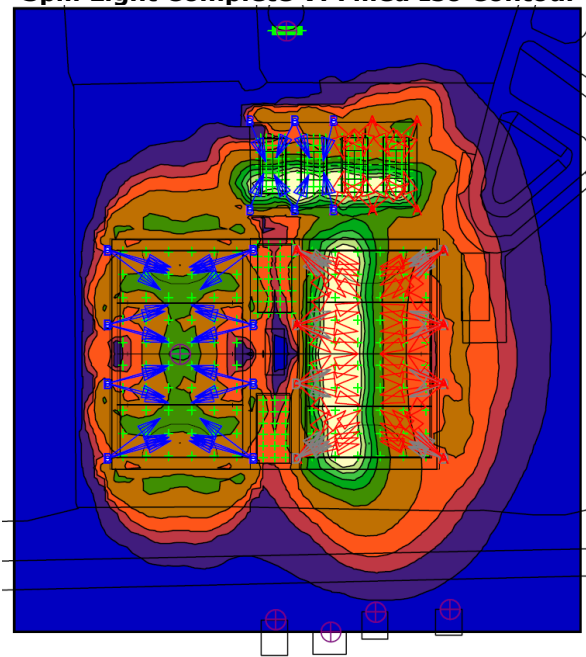
1.0 BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting in October 2023. The committee report to the meeting in October 2023 is provided as an appendix to this report.
- 1.02 Following the decision to defer a decision the Maidstone Local Plan Review was adopted on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:
 - LPRSP9 – Development in the Countryside
 - LPRSP14 (A) – Natural Environment
 - LPRSP15 – Design
 - LPRQD1 – Sustainable Design
 - LPRQD2 – External Lighting
 - LPRINF2 – Community Facilities
 - LPRQD4 – Design principles in the countryside.
- 1.03 Maidstone Local Plan Review policy LPRQD2 is highlighted which relates to external lighting. The policy states "Proposals for external lighting which meet the following criteria will be permitted:
 - a) It is demonstrated by illuminance contour diagrams that the minimum number, intensity and height and timing of lighting necessary to achieve its locationally appropriate purpose is proposed;
 - b) 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;
 - c) The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes and would be of appropriate colour temperature for its location and ecological impact;
 - d) The impact on wildlife and biodiversity is minimised through appropriate mitigations;
 - e) Any development affecting protected species follows relevant specific guidance on lighting.

2. APPRAISAL

- 2.01 The committee resolved to defer a decision on the application to seek further information regarding:
- (a) Cumulative impact of existing lighting, lighting for the proposed padel courts and the lighting associated with this application.
 - (b) Seek night-time photographs to see what the existing lighting looks like.
 - (c) Seek details of a landscape scheme.
 - (d) Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing.
 - (e) Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain.
 - (f) Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.
- 2.02 Addressing these points one by one:
- a) Cumulative impact of existing lighting, lighting for the proposed padel courts and the lighting associated with this application.
- 2.03 In terms of the cumulative impact, the Planning Inspector noted "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"
- 2.04 The lighting information submitted with 22/501761/FULL (associated with the padel courts) indicates that no impact would occur, as in no light would spill past the railway line.

Spill Light Complete V: Filled Iso Contour



- 2.05 The 'cumulative impact' of both proposals would show the intensity of the light increasing around the courts but it would not increase the intensity beyond the railway line where it could impact the dwellings (at the bottom of the above image). The quantitative data of the light spill submitted with 22/501761/FULL shows the spill would be '0' beyond the railway line.

- b) Seek night-time photographs to see what the existing lighting looks like.
- 2.06 The applicant has submitted nighttime photos of the application site, which will be discussed during the presentation. In terms of the harm and the cumulative impact it needs to be considered that light that can be seen, can be an annoyance, which is why conditions are imposed requiring they be turned off after a certain time. There is a difference between what can be an annoyance and an external light source which is able to illuminate a room from a distance. The photos show that the lighting is not 'illuminating' the surrounding properties as it is focused on the playing pitches.
- c) Seek details of a landscape scheme.
- 2.07 Conditions will be imposed requiring the applicant to submit landscaping conditions. It is not assessed that landscaping is essential to mitigate any harm from the proposal, as the planning inspectorate has noted the existing landscaping around the site is sufficient to mitigate harm from the floodlighting.
- d) Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing.
- 2.08 In terms of the boundary treatments, whilst this can be covered by a condition, the applicant has submitted details of the acoustic fencing and the bund, which is an existing grass bund, it is a slight elevation, but it is present.

Photo of 'Bund' with illustrative fence line (dashed red line).



- 2.09 The height of the fence itself does vary due to the 'topography' of the bund as the section drawings submitted indicate. The height of the fence will be 1.1m around the hockey courts (where the bund is taller) and 1.85m where the bund is at its lowest point. Plans indicate the 'construction' of the fence, this is acceptable in visual terms and can be conditioned.
- e) Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain.
- 2.10 Several concerns have been raised regarding the developments impact upon biodiversity. Policy SP14A details how the Council is committed to addressing the loss of biodiversity and how development proposals will be expected to appraise the value of the borough's natural environment.
- 2.11 The application site has no specific landscape designation (AONB, LoLV) nor is it subject to any biodiversity protection designations. Following the previous deferral the applicant has

submitted a Preliminary Ecological Assessment. 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 which the report acknowledges.

- f) Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.
- 2.12 Concerns were raised at the previous committee of the lightings impact on bats. The PEA states the following: "The installation of the additional floodlights would not result in any direct or indirect impacts on any bat roosts as there are no trees or structures within the area that would be subject to additional light spill which would provide potential bat roosts".
- 2.13 However, light spill can have a deleterious impact of the foraging and commuting behaviour of bats as most species will avoid lit areas as it increases their risk of predation and/or lighting reduces the number insect on which they feed.
- 2.14 The lighting study indicates that the habitats that might be affected by light spill from the proposed new lighting columns would be: the close-mown grass to the west and north of the tennis courts; the planted hedgerow along the western boundary; and the trees, scrub and planted hedgerow to the south of the site."
- 2.15 However, the PEA notes that these locations are of negligible value for foraging and commuting bats, and as such the impact of any lighting is likely to be very small.
- 2.16 In terms of light spill, KCC Ecology have not raised any issues subject to conditions to ensure the lights are switched off at 22:00. The submitted PEA includes recommendations for ecological enhancements at the site, should permission be forthcoming these recommendations can be conditioned.

PUBLIC SECTOR EQUALITY DUTY

- 2.17 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.

3. CONCLUSION

- 3.01 Following the submission of additional documents, the officer recommendation remains unchanged. It is assessed that the development complies with the Local Plan Review Policies relating to external lighting (LPRQD2 – External Lighting), as well as other relevant policies.

- 4. 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
Acoustic Fence Details
Preliminary Ecological Appraisal

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 around the application site 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 shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Assessment (produced by The Mayhew Consultancy Ltd dated January 2024). All enhancements shall be retained and maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 7) The development hereby approved shall not commence until, details of all fencing, walling 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 permitted and maintained thereafter. Specifically, the proposed acoustic fence depicted on drawing 0100 P3 (Proposed Site Plan, received 27 February 2023).
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 8) The development hereby approved shall not commence above slab level 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
- 9) Prior to the first use of the floodlighting hereby permitted all planting, seeding and turfing specified in the approved landscape details shall have been completed. 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

occupation of a property, commencement of use or adoption of land, 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.