

Parish: STUTTON

Location: Crowe Hall, Lower Street Stutton

Proposal: Installation of floodlighting to ménage

Applicant: Mr & Mrs Clark

Case Officer: Elizabeth Truscott

Date for Determination: 1 July 2009

This application is reported to the Committee at the request of the Ward Member. A panel of Members inspected the site on 10 June 2009.

THE SITE

1. Crowe Hall is a Grade II* listed house within a large park. The house is located close to the River Stour, within an area defined as Countryside on the edge of the village of Stutton. The site is within the Suffolk Coast and Heaths Area of Outstanding Beauty. The ménage measures 60 metres by 30 metres and is located approximately 220 metres north east of Crowe Hall, to the rear of the boundaries with two properties on Church Road/ Hyams Lane, Barnfield and Drakesfield. North East of the ménage is 1 – 4 Crowe Cottages.

THE PROPOSAL

2. The application is for the installation of floodlighting to a ménage. The ménage was approved under planning application no. B/05/01266/FUL and included a condition stating that no floodlighting or other means of external lighting shall be installed at the site except in accordance with details which shall have previously been submitted to and agreed in writing by the Local Planning Authority. Columns which are 5.2 metres high have already been erected for floodlighting; however the proposed floodlights are not in situ. It is proposed to install eight floodlights on the 6 existing columns along the two sides of the ménage. The floodlights would be 70W high-pressure sodium lamps, with a lux of around 20.
3. A planning statement has been included as part of the application. This states that the lighting would be used between dusk and 8 pm. It is proposed to powder coat the columns dark green and to screen the ménage with hedges and trees. The ménage would remain for private use only.
4. At the time of preparing this report a further period of consultation was ongoing. Any additional comments received will be reported to Development Committee.

RELEVANT HISTORY

5. There are a number of applications which relate to the wider use of the site and Crowe Hall, the directly relevant history is as follows:-
 - B/05/01266 – Construction of a ménage with 1350mm high post and rail fence, as amended by letter and plan received on 30/08/2005. – Granted, delegated decision.

NATIONAL GUIDANCE

6. **PPS17** (Planning for Open Space, Sports and Recreation)

PLANNING POLICIES

7. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan - 2008

- **ENV2** – Landscaping Conservation

Babergh Local Plan (Alteration No.2) 2006 – saved policies

- **EN22** – Light Pollution – Outdoor Lighting
- **CR01** – Landscaping Quality
- **CR02** – AONB Landscape
- **CN01** – Design Standards
- **CN06** – Listed Buildings

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

8. PC – Recommend approval with the following conditions:-
- 1) Maximum usage of floodlighting should be 3 days a week, 1 hour per day
 - 2) Lighting columns should be taken down during the period of British Summer Time
 - 3) The columns should be painted dark green (currently galvanized zinc gray) and the floodlights maximum 250 watts each
 - 4) The application should be reviewed after 3 years
9. LHA – Does not wish to restrict the grant of permission.
10. Natural England – no objection, consider that the proposal will not have a significant effect of the interest features of the Stour Estuary SSSI
11. Suffolk Wildlife Trust – Note that the applicant states that the lighting will be directed in to the ménage in such a manner as to prevent light pollution and the ménage itself is well shielded from the surrounding landscape. As long as this is the case and this situation is maintained we do not consider that this proposal will have any impact upon protected species or designated habitat or priority Suffolk Biodiversity Action Plan habitats or species.
12. Suffolk County Council: Archaeology: No objection
13. Environment Health – The lighting scheme is well designed and no further information is required. Do not anticipate any loss of residential amenity to other properties in the area. Recommend a planning condition limiting the operation of the lighting to the ménage of 7am to 8 pm.
14. English Heritage: No comments

15. Suffolk Preservation Society – The issue is possible light pollution. Lights should be shaded to avoid light spillage and the hours of use strictly limited – possibly with a time switch, bearing in mind this is a highly sensitive site above the River Stour.
16. Landscape Officer – The location of the ménage is acceptable in the AONB but the introduction of floodlighting is always a cause for closer scrutiny. Note that the lighting columns are already in place. No strong objection subject to height and light spread restrictions with particular regard to the existing aspect.

REPRESENTATIONS

17. Eighteen letters of objection and a petition signed by 53 residents of Stutton, objecting to the proposal for the following reasons:-
 - Floodlights will cause light pollution which is inappropriate within the AONB
 - Introduce an unacceptable intrusion and visual impact on the landscape
 - The site is at Stutton's highest point and lighting would be visible to many Stutton residents and residents on the other side of the Stour
 - Set a precedent for similar lighting within the AONB
 - The intensification of use of the ménage may result in further noise, to the detriment of the neighbour's amenity.
 - Detrimental effect on wildlife

PLANNING CONSIDERATIONS

Principle of development

18. The site is within the Countryside, where CR01 of the Babergh Local Plan states (inter alia) that development will be restricted to agriculture or essential outdoor recreation. As such the principle of the erection of floodlights to allow the ménage to be used for equestrian use is acceptable.

Light pollution

19. Policy EN22 of the Babergh Local Plan states that applications for planning permission involving outdoor lighting will only be granted where:-
 - the proposed lighting is the minimum necessary for security, leisure and safe operation of the site
 - light spillage and glare are minimised, particularly where the development is located in the open countryside or on the edge of a settlement, and
 - there is no adverse impact upon residential amenity, highway safety, landscape characteristics, biodiversity, cultural heritage, or on buildings or areas of architectural or historic quality.
20. The proposed lighting has been designed to be the minimum necessary for safe usage of the ménage. It would consist of 8 no. 70 watts lights, a total of 560 watts (for comparison, street lamps measure between 250 and 300 watts). The lights are specifically designed for sensitive sites and have no upward light distribution. There would be minimal light spillage, of less than two metres, outside of the ménage. The design of the lights would mean that the light spillage would not extend to the rear gardens of the neighbouring properties, which are approximately 28 metres from the ménage, with a significant landscape belt along the boundary. As such the proposal would not be detrimental to the residential amenity of the neighbouring properties. As the floodlighting will only light the ménage, the proposal will not have a detrimental impact on local biodiversity. The ménage is located 220 metres from Crowe Hall and will have no impact on the setting of the listed building such as to conflict with the provisions of Local Plan Policy CN06.

Impact on the AONB

21. Along the western boundary of the site is a native hedge, but there is relatively little other landscaping. As such the existing poles for the floodlighting are visible along the footpath of Hyams Lane and Crepping Hall Drive. The floodlit ménage would be visible from these public viewpoints, and due to the level nature of the surrounding land, it is likely that the ménage would also be visible from longer views. Further landscaping in this location, to screen the ménage, would be unwelcome. It is considered that this would be out of character with the open nature of the area.
22. The design of the lighting would mean that only the ménage area would be visible when floodlit, this is a relatively small area of 60 metres by 30 metres. It is proposed to condition the hours that the floodlights can be used to between 7 am and 8 pm. While the floodlights will have an impact on the area where the ménage is located, it will not have a wider impact on the AONB. The ménage is located close to the built up area of Stutton, and when viewed from longer distances will be seen in context with other lights related to the village. As such the proposal is not considered to have a detrimental impact on the AONB.
23. There is already an example of floodlighting within the AONB, close to Stutton, at a sport pitch within the ownership of the Royal Hospital School.

Other Matters

24. The Parish Council has recommended that the application should be granted permission, but with very limited conditions, including that the floodlights shall only be used three days a week, for one hour. It is considered that these conditions would not comply with the guidance and tests set out in DoE Circular 11/95 The Use of Conditions in Planning Permissions which states that conditions should be precise, necessary, reasonable and enforceable. It is considered that the use of the floodlights for more than three days a week, for one hour is acceptable, and such a condition would be very difficult to enforce.

REASONS FOR APPROVAL

25. The proposed development is considered to be in accordance with the provisions of the Development Plan. In particular Policy of ENV2 of the East of England Plan 2008, in addition to Policies EN22, CR01, CR02, CN01 and CN06 of the Babergh Local Plan (2006) by reason of this scheme constituting a development that is acceptable in terms use, design, scale and relationship to adjoining development. The proposal would not have an adverse impact upon residential amenity or a detrimental impact on the Area of Outstanding Natural Beauty.

RECOMMENDATION

- (1) Subject to there being no additional material planning objections received within the notification period: the Chief Planning Control Officer be authorised to grant planning permission, subject to the following condition:
 - Hours of use for the floodlights shall be restricted to between 7 am and 8 pm.