

REFERENCE: P/19/591/FUL

APPLICANT: Leyshon Flint & Sons Bridgend Road Penyfai, CF31 4LL

LOCATION: Leyshon Flint & Sons Bridgend Road Penyfai CF31 4LL

PROPOSAL: Display area spotlights

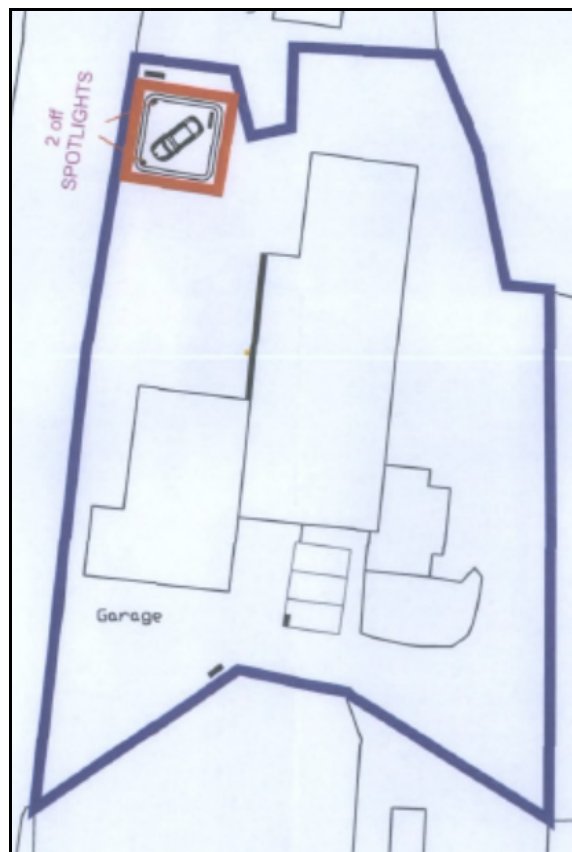
RECEIVED: 8 August 2019

SITE INSPECTED: 29 August 2019

DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of two spotlights at Leyshon Flint & Sons, Bridgend Road, Penyfai.

The spotlights are proposed to be positioned in the north western corner of the application site and will be mounted on 3m high lighting columns. Each spotlight will face east and will illuminate a raised display area, as demonstrated below:

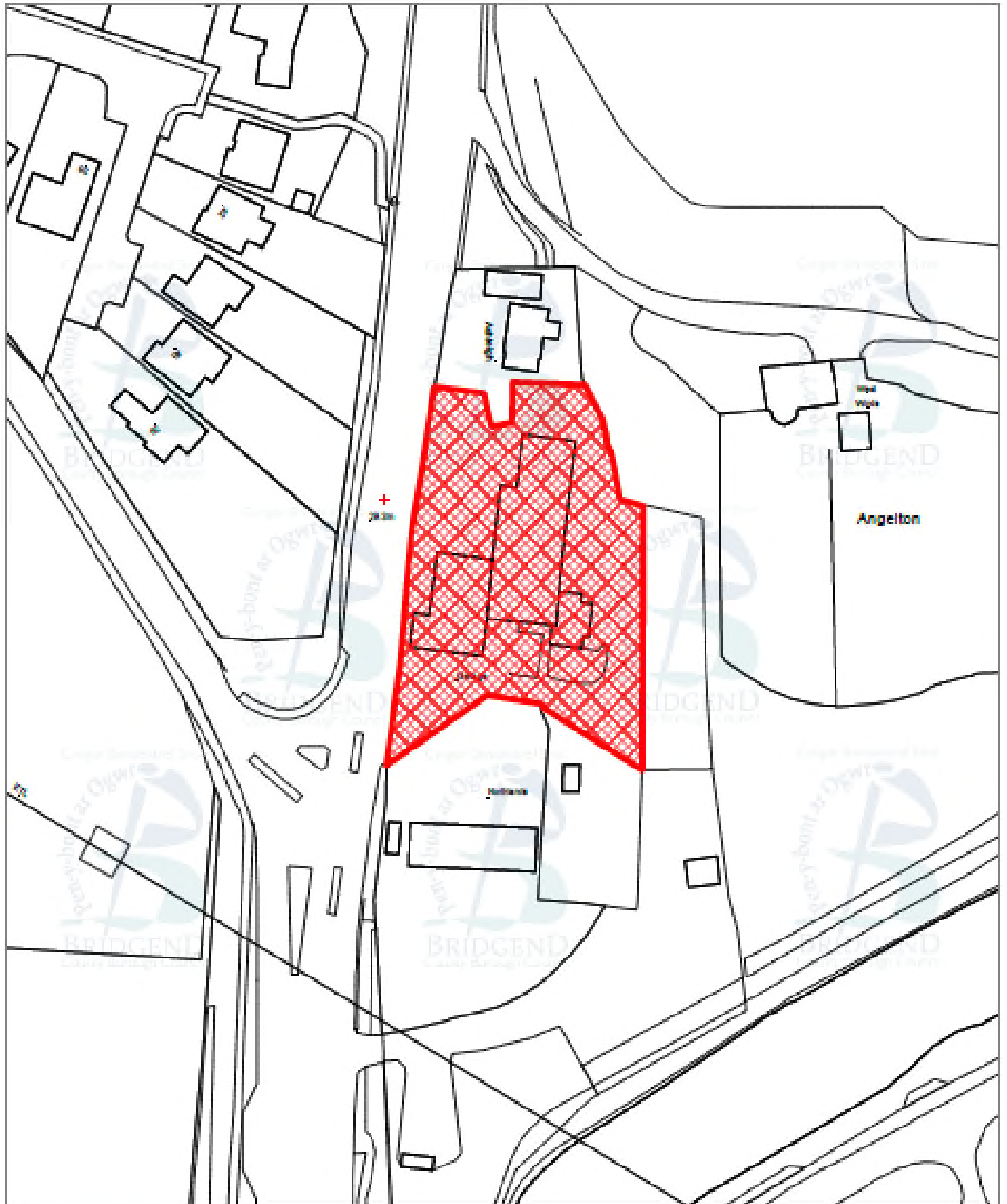


Proposed Spotlights

This application has been submitted to run concurrently with an application for advertisement consent, received on 8 August 2019, which seeks consent for the erection of 'new advertisement signage' under reference A/19/20/ADV.

SITE DESCRIPTION

The application site lies within the countryside, as defined by Policy PLA1 of the adopted Local Development Plan (2013) and lies within the Green Wedge known as 'Penyfai and Aberkenfig', designated under Policy ENV2(8) of the Local Development Plan (2013).



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P/19/591/FUL

1:1000

Time of Plot:

14:00

Date of Plot:

15/10/2019

Plot generated by:

Planning Department

Department :

Planning Department

The site is positioned on the eastern side of Bridgend Road (A4063) and is accessed via the existing vehicular access points on the western boundary of the application site. It comprises a petrol station and a Renault car dealership to the immediate north east of the junction between Bridgend Road and Tondy Road.

The eastern boundary of the application site lies adjacent to a Site of Importance for Nature Conservation (SINC) known as 'Angelton Common', designated as a habitat for semi-improved neutral grassland, dense/continuous scrub and an orchard. The site is identified under Policy ENV4(2) of the Local Development Plan (2013).

Ogwr Borough Council's Tree Preservation Order No 18 (1992) covers land on the western side of the A4063 carriageway, identified in blue below:



Tree Preservation Order

RELEVANT HISTORY

Application Reference	Description	Decision	Date
A/96/16/ADV	Fascia sign and pole to showroom	Refused	17/05/1996
P/01/1069/FUL	Elevated car park	Conditional Consent	19/03/2002
A/03/44/ADV	Pole signs and wall mounted signs	Split Decision (Allowed for pole sign and wall mounted signs, refused for double sided signs)	12/03/2004
A/07/7/ADV	External statically illuminated signage	Conditional Consent	23/04/2007
P/13/284/FUL	New extension to provide additional workshop and office space	Conditional Consent	20/09/2013
P/15/565/FUL	Regularise parking to rear of building (change of use) (retrospective application)	Conditional Consent	11/03/2016

P/16/494/DOC	Approval of details for condition 3 of P/15/565/FUL	Not Agreed	18/08/2016
P/16/681/NMA	Non material amendment to P/15/565/FUL for provision of 31 car parking spaces	Conditional Consent	30/09/2016
A/19/20/ADV	Proposed new advertisement signage	Pending	

PUBLICITY & REPRESENTATIONS RECEIVED

This application has been advertised through direct neighbour notification. Two letters of objection have been received through this process.

The first letter of objection was received on 18 September 2019 from the occupier(s) of 41 Parkfields, Penyfai. The letter states *the proposed display area spotlights have the potential to become a nuisance* as one spotlight is directed towards the main road and to properties which lie to the west of the application site. The letter states that the orientation of the spotlight has the potential to be hazardous to drivers on Tondu Road.

The letter also refers to the spotlight being directed towards the trees which *will affect local ecological connectivity* and negatively impact protected species within the vicinity of the application site.

The second letter of objection was received from the occupier(s) of 42 Parkfields, Penyfai, on 18 September 2019. Concern is raised that the lighting would negatively impact the residents of Parkfields, particularly in winter months when tree coverage is reduced. The letter states the following: *The introduction of 3 x 3 metre high floodlighting spotlights directly opposite established housing in Parkfields is unacceptable as it will inevitably cause lighting disturbance and nuisance.*

The letter also refers to the impact of the development on the market value of the property. Whilst this comment is noted, loss of property value is not a material planning consideration and cannot be considered in the determination of this planning application.

In addition to the above, an objection is raised by Newcastle Higher Community Council. The consultation response letter reads: *The concept of spotlights and a raised plinth at this location would not sit well in the landscape. There would be a distraction to passing motorists.*

The Community Council raises concern about pedestrian safety and state that the lights may cause distraction for road users entering and exiting the application site. Concern is also raised with regard to the impact of the development on protected species.

The objection raised in respect of the car being mounted onto a plinth is not considered further as this element does not form part of this planning application. The matters raised in the letters of objection received which are considered to be material planning objections are addressed in the appraisal section of the report.

CONSULTATION RESPONSES

CONSULTEE

Transportation, Policy and Development

COMMENTS

No objection subject to the inclusion of the recommended planning conditions.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy SP2 Design and Sustainable Place Making
Policy ENV2 Development in Green Wedges

In the determination of a planning application, regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales Edition 10
Planning Policy Wales TAN 12 Design

APPRAISAL

This application is referred to the Development Control Committee to consider the objections raised by the occupier(s) of neighbouring properties and by Newcastle Higher Community Council.

PRINCIPLE OF DEVELOPMENT

The application site is located within the countryside, as defined by Policy PLA1 of the Local Development Plan (2013); it comprises land lying outside of the designated settlement boundaries. It is also located within a Green Wedge known as 'Penyfai and Aberkenfig', designated under Policy ENV2(8) of the Local Development Plan (2013). Policy ENV2 states the following:

Development which causes, or contributes to, the coalescence of settlements or reduces the openness of land between settlements will not be permitted.

Whilst it is acknowledged that the proposed spotlights are within the identified Green Wedge, it is considered that their installation would not cause coalescence of the settlements between Penyfai and Aberkenfig and the business is long established in this location. As such, it is considered that the proposed development will not have a detrimental impact on the Green Wedge and is considered to be acceptable in principle, in accord with Policy ENV2(8) of the Local Development Plan (2013).

DESIGN

Policy SP2 of the Local Development Plan (2013) states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. Design should be of the highest quality possible, and should be appropriate in scale, size and prominence”.

The introduction of two spotlights to be erected on 3 metre high lighting columns are considered to be a modest form of development that is appropriate in terms of size, scale and prominence, in accordance with Policy SP2 of the Local Development Plan (2013).

Given the commercial context of the application site, the proposal will not affect the character or appearance of the car dealership and adjacent petrol station. The lighting columns with spotlights will not impact the visual amenity of the area and therefore their introduction is considered to be acceptable from a design perspective.

NEIGHBOUR AMENITY

In both letters of objection received from the occupier(s) of properties within Parkfields, reference is made to light disturbance and the impact of the proposed spotlights on the

amenities of the occupier(s) of that residential estate. Whilst the objections are noted, the spotlights to be installed will face eastwards and therefore any light spill will be minimal especially as the nearest property in that residential estate is located 42 metres to the north-west of the application site. The residential estate is also separated from the commercial car dealership by Bridgend Road and an established hedgerow with mature trees.

Whilst the occupiers of Ashleigh, a residential property immediately to the north east of the site, have not objected to this application, it is considered that, due to the orientation and proximity of the spotlights, this property is more likely to be affected by the proposal however, there is a pronounced levels difference and a dense and established group of conifer trees are sited between the two properties, thereby limiting the potential impact of the LED spotlights.

Therefore, in terms of amenity, the installation of two lighting columns with spotlights is not considered to impact the existing levels of amenity afforded to properties to the west of the application site.

ECOLOGY

It is noted that the occupier(s) of 41 Parkfields and Newcastle Higher Community Council reference the impact of the development on protected species such as bats. The letter received from the occupier(s) of 41 Parkfields specifically requests Bridgend County Borough Council to consider its duty to assess the impact of a development on ecology and protected species.

It is acknowledged that the eastern boundary of the application site lies adjacent to a Site of Importance for Nature Conservation (SINC) known as 'Angelton Common', and that Ogwr Borough Council's Tree Preservation Order No 18 (1992) covers land to the west of the application site, on the western side of the A4063 carriageway however, the application site itself is not designated as part of the SINC and there are no protected trees on the site.

Although the commercial site is already extensively illuminated during the evenings, in order to address the concerns raised in the letters of objection received, an informative note will be added to the recommendation to remind the developer of their legal requirement to consider wildlife on their development.

HIGHWAYS

The Highways Officer considers that the installation of two spotlights which face away from the adjacent highway are acceptable from a highway safety perspective, in compliance with Policy PLA11 of the Local Development Plan (2013).

Whilst the matters raised in all three objections received refer to highway safety and the impact of the development on the adjacent highway (Bridgend Road), the proposal has been assessed by the Transportation Development Control Officer who considers the proposal to be acceptable in highway safety terms.

Therefore, whilst the concerns are noted, the proposal is not considered to be detrimental to highway safety and there is no justification to refuse it on those grounds.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

CONCLUSION

The proposal is considered to be acceptable in principle, in accordance with Policies ENV2(8) and PLA1 of the Local Development Plan (2013). In terms of size, scale and prominence, the proposed lighting columns and spotlights are considered to be acceptable as they will not have a detrimental visual impact on the character or appearance of the application site or wider area, in compliance with Policy SP2 of the Local Development Plan (2013).

Subject to the inclusion of the recommended planning conditions, the proposal is considered to be acceptable from a highway safety perspective and is therefore recommended for approval.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the "Site Location Plan" received on 8 August 2019 and drawings entitled "RenPFL0602 Block Plan 2" and "Head Line Display" received on 17 September 2019.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. No part of the lighting unit(s) hereby approved shall be less than 2.1 metres above any adjacent footway or within 0.45 metres of a vertical line above the edge of any adjacent carriageway.

Reason: In the interests of highway safety.

3. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The proposal is considered to be acceptable in principle, in accord with Policies ENV2(8) and PLA1 of the Local Development Plan (2013). In terms of size, scale and prominence, the proposed lighting columns and spotlights are considered to be acceptable as they will not have a detrimental visual impact on the character or appearance of the application site or wider area, in compliance with Policy SP2 of the Local Development Plan (2013). Subject to the inclusion of the recommended planning conditions, the proposal is considered to be acceptable from a highway safety perspective, and is therefore recommended for approval.

The applicant is reminded of their legal requirement to consider wildlife on their development site. Further information on wildlife and development can be found in Supplementary Planning Guidance 19: A Green Infrastructure Approach (SPG19); <https://www.bridgend.gov.uk/media/1840/final-green-infrastructure-spg-for-web.pdf>.

British bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time or not), intentionally or recklessly obstruct access to a place used for shelter and protection, or deliberately capture, injure, kill, or disturb a bat/bats.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None