

REFERENCE: P/22/731/BCB

APPLICANT: BCBC - Communities Directorate
Civic Offices, Angel Street, Bridgend CF31 4WB

LOCATION: Pencoed Primary School, Penprysg Road, Pencoed CF35 6RH

PROPOSAL: Proposed multi-use games area (MUGA) flood lighting

RECEIVED: 27 October 2022

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of flood lighting columns associated with an existing multi-use games area (MUGA) at Pencoed Primary School.

The proposal relates to the erection of 6 flood lighting columns comprising LED floodlights on 10m high metal columns. The columns will be situated on the northern side of the MUGA which is situated to the south of the school compound at Pencoed Primary School.



The proposed floodlights would allow extended use of the facility and improve general safety. The applicant has indicated that, with the addition of the floodlights, it is anticipated that during the week the MUGA could be used up to 22:00hrs. There would also be the potential for usage during weekends. It is proposed that the MUGA will be utilised between the following times:

- Weekdays 09:00-22:00
- Saturdays 09:00-19:00
- Sundays & Bank Holidays 10:00-16:00

with the floodlights to be in use following sundown in the evenings with timings to vary throughout the year.

The planning application is supported by a design statement, details of the head unit design and details of the likely levels of light spillage that would emit from such floodlights. In order to minimise the impact of the floodlights on the area of woodland to the east of the site, the floodlight column which is situated nearest to the site's eastern boundary will be fitted with visors to reduce light spill.

SITE DESCRIPTION

The application site lies within the Main Settlement of Pencoed, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises the site of a MUGA associated with the primary school which occupies the surrounding site.

The existing MUGA is situated in the south-eastern corner of the school compound, to the south of the main school buildings and to the east of the car park. The southern boundary of the school complex sits immediately south of the MUGA and consists of a row of trees adjacent to the railway line, beyond which a row of residential properties on Penybont Road is located. A small area of woodland sits to the south-east and east of the MUGA with further residential development beyond the school's boundaries to the north and north-east.

RELEVANT HISTORY

| Application ref. | Description | Decision | Date |
|-------------------------|--|----------------------------|-------------|
| P/16/603/BCB | New primary school including associated demolition and site access works | Reg 4 Deemed Consent | 30/09/2016 |
| P/17/54/DOC | Discharge of conditions 11, 12, 13 and 14 of P/16/603/BCB | Pending | n/a |
| P/17/55/RLX | Discharge of conditions 2, 8 and 9 of P/16/603/BCB | Pending | n/a |

PUBLICITY

This application has been advertised through direct neighbour notification and the consultation period expired on 21 December 2022.

CONSULTATION RESPONSES

Cllr A Williams – Providing the report from SRS comes back without any concerns, I'm content.

Shared Regulatory Services: Housing and Pollution – No objection.

Transportation Officer (Highways) – No objection subject to the inclusion of a condition.

Destination and Countryside Management (Ecology) – No objection subject to control of hours of operation during period of increased bat activity. Lights to be turned off at 9pm between May and September.

Network Rail – Network Rail has no *objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.*

REPRESENTATIONS RECEIVED

23 Cae Talcen – *Where I live, 23 Cae Talcen, we will see the floodlights from Pencoed College and the school. Is the intention to create floodlit areas both within a close proximity of a number of houses.*

Also, how can they be included when the path lights turn off at 18:30 every night to ensure no light pollution for the houses.

Next point, in Cae Talcen you get the noise from the Pencoed College and now it will include the noise from the primary school.

I'm not completely against the process but it needs an organised approach as it seem like the houses on Penybont Road (who haven't been informed) and Penprisk estate with have a double whammy of light and noise. It also does not keep in the keeping of the path lighting.

19 Penybont Road – *I object to the proposal for Pencoed proposed multi-use games area (MUGA) flood lighting due to loss of privacy, overshadowing, disturbance from noise, activities that are so close in proximity to residential housing which will be detrimental to family home life and have an impact on work related sleep patterns.*

RESPONSE TO REPRESENTATIONS RECEIVED

Shared Regulatory Services (SRS), who advise the Local Planning Authority on matters relating to Environmental Health/Public Protection, have reviewed the detailed lighting plans that have been submitted alongside the application and concluded that the proposed floodlights should not cause a statutory nuisance to nearby residential properties.

The installation of floodlights will allow for the extended use of the MUGA which may result in additional noise disturbance to neighbouring occupiers. The timings of the use of the floodlights will be controlled so as to limit the hours the MUGA can be used. The noise associated with the use of the site is unlikely to create a level of disturbance that would warrant the refusal of the application.

The proposed floodlights will not have any greater impact on the privacy of neighbouring residents. The MUGA is already in situ and in use and is a sufficient distance from the neighbouring properties to ensure that no overlooking of private property takes place through the use of the facility. The proposed floodlighting columns will be set a sufficient distance from the nearest neighbouring properties to ensure that there are no issues of overshadowing.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

| | |
|---|---|
| Policy PLA1 | Settlement Hierarchy and Urban Management |
| Policy SP2 | Design and Sustainable Place Making |
| Policy SP4 | Conservation and Enhancement of the Natural Environment |
| Policy SP13 | Social and Community Facilities |
| COM11 | Provision of Outdoor Recreation Facilities |
| Supplementary Planning Guidance 19 | Biodiversity and Development |

National Policies

In the determination of a Planning application regard should also be given to the

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:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11

Planning Policy Wales TAN 12

Planning Policy Wales TAN 12

Planning Policy Wales TAN 16

Nature Conservation

Design

Sport, Recreation and Open Space

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 compromising 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.

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

In order to ensure transparency and openness in dealing with applications Council proposals are to be determined by the Development Control Committee if a material planning objection is received. This application is referred to the Committee to consider the objections raised by neighbouring properties.

An appraisal of the proposals in the context of the relevant material considerations is provided below. The main issues for consideration in the determination of this application are the visual impact of the proposal and its impact on residential amenity and ecology.

IMPACT ON VISUAL AMENITY

The acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates “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”.

PPW11 states at paragraph 3.9 “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”.

The proposed floodlights are to be situated in close proximity to the school building which is of a contemporary character. Whilst the Primary School is set within its own grounds, the wider area is characterised as residential with a mixture of house types including terraced, semi-detached and detached dwellings that have a mix of appearances. The school and the MUGA are set back from the public highway with views of the site limited from publicly accessible spaces.

The proposed floodlights, in isolation, are not considered to be attractive features. However, regard must be given in this case to the purpose of the development. The floodlights will benefit the school as well as the local community by enabling the existing sports facility to be utilised throughout the year.

The proposed floodlighting columns would be erected within a relatively well screened school site and situated immediately adjacent to the existing MUGA facility. Furthermore, the proposed floodlights would be set within the school grounds and would not be overly visible or dominant from the public domain, notwithstanding the height of the structures.

Overall, the development is not considered to be so visually incongruous or detrimental to the overall character and appearance of the area to warrant a refusal of the scheme in this regard. Its visual impact is considered to be acceptable on balance in line with the provisions of Policy SP2 of the LDP.

IMPACT ON NEIGHBOURING AND RESIDENTIAL AMENITY

Planning Policy Wales (Edition 11, February 2021) states at paragraph 2.7 that “placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”.

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals.

In terms of the impact of the scheme on the amenity of residential properties within the locality, it is acknowledged that a number of residential dwellings are situated within relatively close proximity to the application site both to the north-east and to the south of the application site.

The proposed floodlighting columns will be situated along the northern boundary of the MUGA and will face south. The columns measure 10m in height and the floodlights will be aimed down. At this height and angle, the floodlights will create a narrower floodlight beam that results in less light spill. A visor is to be included on the easternmost floodlight to limit its impact on the woodland habitat to the east of the site which will also reduce any light overspill onto the residential dwellings situated to the north and the east of this wooded area.



The floodlights will face toward the properties to the south of the application site situated on Penybont Road. A railway line with vegetation on either side separates the school compound from the rear boundaries of the houses on Penybont Road.

Guidance Note 1 for The Reduction of Obtrusive Light (Institution of Lighting Professionals) suggests that in suburban areas such as this, the maximum level of illuminance permitted to nearby dwellings/premises is 10 lux. This reduces to 2 lux post-curfew although no use of the floodlights will be permitted whatsoever past the 10pm curfew which will be conditioned. The submitted lighting plans suggest that the level of light spill at the boundary of the residential properties surrounding the site will be less than 1 lux.

Following careful consideration of the application by the Public Protection Officer, the submission of details regarding the lux levels of the proposed flood lighting and details of the proposed hours of operation, no objections to the scheme are raised with regards to light nuisance. Shared Regulatory Services are comfortable that the light power and location of the floodlights have been designed so as to ensure that they should not cause a statutory nuisance to neighbouring residents.

The installation of floodlights will allow for the extended use of the MUGA which may result in additional noise disturbance to neighbouring occupiers. The timings of the use of the floodlights will be controlled so as to limit the hours at which the MUGA can be used. The noise associated with the use of the site is unlikely to create a level of disturbance that would warrant the refusal of the application.

In addition, the floodlighting structures raise no adverse overbearing or overshadowing concerns and as such, are unlikely to harmfully impact levels of residential amenity currently enjoyed within the locality. Given this, the development is considered to be acceptable in accordance with criterion (12) of Policy SP2 and guidance contained within PPW11.

ECOLOGY

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

An Ecological Appraisal has been submitted alongside the application which considers the impact of the development on nearby habitats. The woodland edge habitat to the east of the existing MUGA represents the area of highest ecological importance and is likely to support foraging and commuting bats. In order to mitigate for the impact of the proposal on nearby habitats and protected species, the lighting column situated to the east of the site is to be fitted with a hood/visor to minimise light spill onto the woodland habitat and reduce the risk of disturbance to bats.

At the request of the Council's Ecologist, it has also been agreed that the hours of operation for the floodlights should be limited during period of bat activity. As such, the floodlights will not be utilised after 9pm from May – September inclusive.

Subject to the inclusion of a condition relating to the above, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

CONCLUSION

Having regard to the above, the key considerations in the acceptability of the proposed development are the impact of the development on visual and residential amenity and ecology.

The proposal is considered to be compliant with Policies PLA1 of the Local Development Plan (2013), comprising an appropriate form of development in this location. It is deemed to be acceptable on balance in terms of its visual impact in line with the provisions of Policy SP2 of the LDP in view of the benefit that the provision of floodlights would bring to the school and the local community.

The concerns raised by neighbouring residents have been noted and taken into consideration. The Council's Public Protection advisors are satisfied that the proposed development will not cause a statutory nuisance to the amenity of neighbouring occupiers and, as such, the impact of the scheme on residential amenity is considered to be acceptable. The ecological impact of the scheme has also been considered and, subject to appropriately worded conditions, is deemed appropriate. The application is therefore considered to be acceptable and is recommended for approval.

RECOMMENDATION

(R27) That for the purposes of Regulation 3 of the Town and Country Planning Regulations 1992 the Council carry out the development subject to the following conditions:-

1. The development shall be carried out in accordance with the following approved plan/document:
 - Proposed Floodlighting System (dwg ref. E02).

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

development.

2. The floodlighting hereby permitted shall only be illuminated between the following times:
 - Weekdays 09:00-22:00
 - Saturdays 09:00-19:00
 - Sundays & Bank Holidays 10:00-16:00

Reason: In the interests of residential amenities.

3. Notwithstanding Condition 2, the floodlights as approved must not be illuminated between 21:00 and 09:00 between May 1st and September 30th (inclusive) in any year.

Reason: In the interest of protecting local biodiversity.

4. Notwithstanding Condition 1, Floodlight Column LC06 shall be fitted with visors in line with the recommendations as set out on Page 8 of the Soltys Brewster Ecological Appraisal (February 2023).

Reason: In the interest of protecting local biodiversity.

5. No source of illumination shall be directly visible from any part of an adjacent highway.

Reason: In the interests of highway safety.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None