

REFERENCE: P/23/380/BCB

APPLICANT: Bridgend County Borough Council Civic Offices, Angel Street, Bridgend, CF31 4WB

LOCATION: Ysgol Bryn Castell (Bryncethin Campus) Heol Llan, Abergarw CF32 9NZ

PROPOSAL: Erection of floodlights to the external Multi Use Games Area

RECEIVED: 13 June 2023

DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of flood lights to the existing external multi use games area (**MUGA**) that is situated within the grounds of Ysgol Bryn Castell (Bryncethin Campus)

Permission is sought for the erection of 6 number LED floodlights on 8 metre high metal columns.

The proposed floodlights would allow extended use of the facility and improve general safety. The Applicant has indicated that the area to be floodlit is only one part of the MUGA and is intended to support netball training. The area to be lit is the size of two training courts and it is anticipated that a total of 28 persons could use the courts if fully utilised.

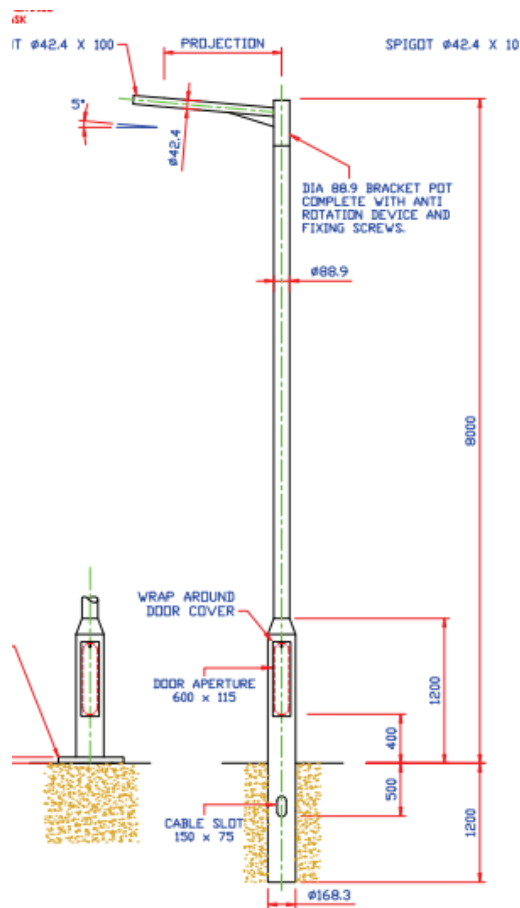
Access and car parking for hard court users would be via the main school entrance.

The planning application is supported by a MUGA Floodlighting report which includes Calculation Results, Luminaire Details and Installation Data, sport pitch diagrams, and lighting column details along with a Bat and Nesting Bird Impact Assessment.

Figure 1 – Proposed siting of floodlights around MUGA facility



Figure 2 – Proposed lighting column



SITE DESCRIPTION

The Application site is situated within the Main Settlement of Bryncethin, as defined by Policy SF1 of the adopted Local Development Plan (2018-2033).

The existing MUGA is situated towards the south of the main school buildings and is enclosed by high perimeter fencing. There is a 50m x 80m artificial pitch located at the southern end of the MUGA, approved under consent P/04/90/BCB. This is enclosed by a 3.3m high steel mesh fence and six floodlights mounted on 12m high poles. The artificial pitch is adjoined by a car parking area consisting of 14 standard spaces plus 2 disabled bays. This is accessed via an existing gateway off Abergarw Road.

Figure 3 – Site Location Plan

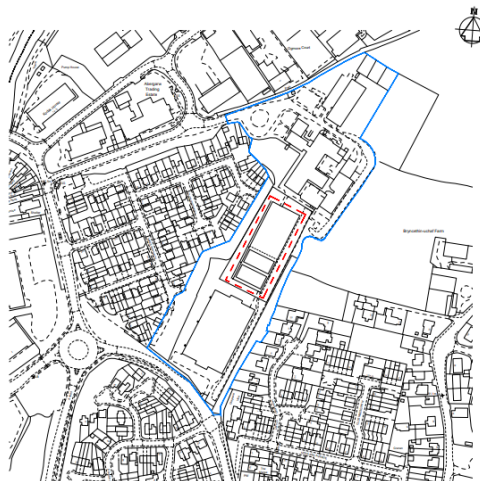


Figure 4 – Aerial View of Site



Figure 5 – View of MUGA toward the artificial pitch



To the west of the Application property and at a level lower than the school and its grounds is a development of 53 residential dwellings approved by planning permission in 2017. This estate was developed on the former Ogmore Comprehensive School Playing Fields. The rear boundary of the nearest residential property would be approximately 25m from the proposed floodlights behind a dense belt of woodland planting. Land to the east of the Application site rises up and contains a tree line of broadleaved semi natural trees with trees varying in size and age.

Figure 6 – View from MUGA towards Residential Properties



RELEVANT HISTORY

P/04/90/BCB – New External Play Area Including Artificial Pitch, Fencing, Floodlighting & Car Parking – Approved 13/04/2004

PUBLICITY

Neighbours were initially notified of the receipt of the Application on 07 February 2024 and the period allowed for response to consultations/publicity expired on 28 February 2024.

Following the receipt of representations, further information was requested on the proposed use of the MUGA and the planned lighting scheme. The Application was then reconsulted on with responses expiring on 09 April 2024.

CONSULTATION RESPONSES

Destination & Countryside Management – No objection subject to the development of the lighting scheme recommended by Acer Ecology.

St Brides Minor Community Council – Sought clarification on whether the proposal was for replacement floodlights, the location of the identified woodlands, and why the bat survey was undertaken in September.

Public Protection, Shared Regulatory Services - No objection subject to the imposition of conditions.

Highways Officer – No comments received.

REPRESENTATIONS RECEIVED

Councillor Tim Thomas – Whilst supportive of improved sporting opportunities and healthy lifestyles, expressed reservations with the proposal. He sought clarification on the extent of use of the MUGA, any proposed measures to mitigate noise, and concerns over the accuracy of the ecology assessment.

Two objections were received from nearby residents. The concerns raised included:

- Existing floodlights create light pollution for neighbours.
- Overlooking and impact on privacy.
- Proposal should not adversely impact on the amenity of adjoining residents.
- Cumulative effect of light pollution in association with other development proposals in the area.
- Recommend that the floodlights be time limited in use and turned off between 10pm and 8am.
- Occasional closure of the artificial pitch carpark by the school and resultant highway safety issues.
- Additional car parking will be required for major events.

COMMENTS ON REPRESENTATIONS RECEIVED

In response to the matters raised by Councillor Thomas, the following further information was provided:

1. *The Application is for six, 8m high street-lighting type columns and lights to illuminate the southern most end of the hardsurfaced play area. A further Application would be required should the school or Council wish to illuminate other parts of the play area.*

2. *We have consulted with colleagues in Shared Regulatory Services over the proposal. If they find the proposal acceptable, it is anticipated that they would recommend suitable hours of operation for the lights.*
3. *A bat and bird nesting assessment was submitted with the Application. It noted that there were no signs of bats found during the inspection, but the nearby trees represent potential roosting locations and that the site was in a high-quality area for foraging and commuting bats. The assessment recommends amendments to the proposed lighting layout to mitigate the impact of light spill onto the trees on the eastern border of the site. There was no evidence of bird nesting in the survey area.*

In relation to the other concerns raised by residents, it should be noted that:

- The Application relates to the evening use of the MUGA and not the existing effects of the artificial pitch and car park.
- The proposal involves new rather than replacement lighting.

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that... *“Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning Applications.”*

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.” (Paragraph 2.2 of PPW refers) Para 2.3 states “The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”

At Para 2.7, it states *“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.”*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *“ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”*

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) 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.

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.

Local Policies

The Development Plan for the area comprises of the Bridgend Local Development Plan 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP8: Health and Well-being
- Policy SP9: Social and Community Infrastructure
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource Protection and Public Health

Supplementary Planning Guidance

- SPG17 - Parking Standards
- SPG19 - Biodiversity

APPRAISAL

The Application is referred to the Development Control Committee as it is an Application made by the Group Manager - Sports and Physical Activity and for the Members to consider the objections raised.

The main issues to consider in this Application relate to the principal of development, visual impact of proposal, the amenities of neighbouring residents, biodiversity, and highway/pedestrian safety.

Principle Of Development

The site is located within the main settlement of Bryncethin as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in March 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

Policy SP3 Good Design and Sustainable Place Making of the LDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

Ysgol Bryn Castell is a long-established educational institution containing significant outdoor recreational facilities. These are well used by school pupils and other members of the community contributing to their health and well-being in accordance with Policy SP8 of the LDP. On balance, it is considered that in principle, subject to satisfying the requirements of LDP Policy SP3 and DNP9, the proposed development is acceptable and accords with the Bridgend Local Development Plan (2024).

Visual Impact

Policy SP3 of the adopted Bridgend Local Development Plan (BLDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

The proposal involves the erection of six 8m high lighting columns spaced around the two netball courts at the southern end of the MUGA. The columns would be of a slimline appearance similar to standard street lighting. In this location it is considered that the proposed lights would have an acceptable visual effect being located a considerable distance from any adjoining residential properties. The presence of existing woodland planting along both the eastern and western boundaries of the site provides screening and would soften the visual impact of the structures when viewed from any surrounding land.

The proposal is considered to be acceptable in terms of its location, scale and design in accord with criterion (2) of Policy SP3 of the Local Development Plan (2024). As such it is considered that the proposed development would not have any unacceptable impact in relating to visual amenity

Residential Amenity

Planning Policy Wales (Edition 12, February 2024) 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 (k) of Policy SP3 of the Local Development Plan (2024) seeks to ensure that ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and, in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Policy DNP9 of the LDP notes that development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to:

- 2) Noise pollution
- 3) Light pollution

The proposed floodlights would be located approximately 25m from the curtilage of the nearest residential property. They have been designed to illuminate the two netball courts at the southern end of the MUGA to an acceptable playing standard. The lights would be louvred to limit the extent of light spill onto surrounding areas.

The Council's Public Protection Officer (**PP**) has not raised any concerns with the effect of light spill from the proposal on their own or in combination with the other floodlights or other undetermined development proposals in Bryncethin (P/23/218/FUL). However, the PP officer has recommended the imposition of a condition to restrict the hours of operation to mitigate any adverse noise effects generated by users of the illuminated courts. This will ensure that the courts remain available for use over a similar time to the planning restriction on the adjoining artificial pitch which is time limited to 21:00 hours. The agent has reviewed the recommended condition and advised that the lighting is not required on Saturday evenings due to lack of demand and that the proposed limitations on Sunday and Bank Holidays would render the evening use of the MUGA impractical. The hours condition has been drafted to acknowledge this feedback.

Accordingly, it is considered that the proposal complies with criterion (12) of Policy SP3 and DNP9 of the Bridgend Local Development Plan (2024) which relates specifically to residential and local amenity.

Highway Safety

Policy PLA11 of the adopted Bridgend Local Development Plan (2024) stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards.

The proposal does not include any new car or cycle parking provision. Parking would be made available for netball court users in the main school carpark. Pedestrian access to the MUGA will be provided through the public entrance to the school. It is expected that the floodlighting will generally be used outside school hours when adequate parking should be available within the car park.

It is not anticipated that there will be any additional demand placed on the artificial pitch carpark or adjoining streets as pedestrian access to the illuminated courts will be via the main entrance to the school.

As such, the proposed development is considered to be in accordance with Policy SP3 and PLA11 of the Bridgend Local Development Plan (2024) and is acceptable from a highway and pedestrian safety perspective.

Biodiversity

In assessing a planning Application, the Local Planning 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, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *"It is important that biodiversity and resilience considerations are taken into account at an early stage in both development*

plan preparation and when proposing or considering development proposals.” it further goes onto state that” All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Policy SP3 of the adopted Local Development Plan (2024) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 states *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.”*

Policy DNP7 states *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”*. Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

In this case the proposal would not result in the loss of any green infrastructure. The Bat and Nesting Bird Impact Assessment recommended the implementation of an amended lighting layout to reduce the impact on bats and nesting birds. These changes have been made to the submitted proposal.

The ecology report further recommended the installation of two bat boxes to be placed on a suitable large tree within the adjacent woodland area, to enhance the site for roosting bats. A condition can be imposed to ensure this is implemented. A note can also be attached advising the Applicant of ways that they could enhance biodiversity at this location. As such the proposal is acceptable in terms of Biodiversity.

On balance the proposed development is considered to be compliant with Policy SP3 DNP6, 7 and 8 of the Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2024)

Having regard to the above, and the objections received, on balance, it is considered that

the proposal is an acceptable addition to the established MUGA and would support the health and wellbeing of members of the community. While evening use of the illuminated court area may have some impact on the amenity of adjoining residents, this would be acceptable and considered to be no greater than the effects of other evening recreational use of the adjacent artificial pitch.

Accordingly, the proposed development accords with Policies SP1, SP3, SP4, SP5, SP8, SP9, SP17, SF1 PLA11 DNP6, DNP7 and DNP8, DNP9 of the Bridgend Local Development Plan (2024).

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:
 - LIAS DESIGN NOTES & LUMINAIRE SCHEDULE - REVISION 2 - DATE 21/12/23
 - MUGA FLOODLIGHTING REPORT - DATE 30/11/2023
 - 8M SJCS TUBULAR COLUMN ROOTED & FLANGE PLATED C/W VARIOUS BRACKET ARRANGEMENTS
 - BAT AND NESTING BIRD IMPACT ASSESSMENT - ACER ECOLOGY - DECEMBER 2023 – Section 5 'Required Actions'.

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 hours:
 - 09.00 and 21.00 hours - Monday to Friday
 - The floodlights shall not be illuminated on Saturday, Sunday, or any Bank Holiday

Reason: In the interests of residential amenities and to accord with Policy SP3 and DNP9 of the Bridgend Local Development Plan (2018-2033).

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. Prior to the first beneficial use of the illuminated courts, two artificial nesting sites for roosting bats shall be erected to the following specification - Vivara Pro WoodStone bat boxes or another suitable alternative, within a suitable large tree within the broadleaved woodland along the eastern border of the site. The bat boxes will be installed at a minimum of 3m above ground level. The boxes will be clear of obstructions such as branches, and so some may need to be trimmed off or otherwise the bat boxes will be carefully positioned. The bat boxes will be positioned away from horizontal branches directly below or above which could easily be accessed by cats. The bat boxes should utilise straps rather than nails to avoid damaging trees.

Reasons. In the interest of enhancing biodiversity and to accord with Policy SP3 and

DPN6 of the Bridgend Local Development Plan (2018-2033).

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

With respect to biodiversity, the Applicant is referred to Section B1: Biodiversity Design Guidance Sheet: Bats and Development when undertaking building demolition or works that will impact on a roof space which due to its nature creates a potential risk to bats. In particular you are referred to section 8.0 Bat Warning (pp 47) which provides good practice guidelines to be followed by all Applicants whose development involves any risk to bats.

The Applicant is advised to incorporate bird and/or bat boxes into the development which would provide summer roosting opportunities for birds/bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG. Incorporation biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate Local Authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None