

DELEGATED REPORT

Application No:	P/23/0259
Site Address:	Heolgerrig Primary School Heolgerrig Merthyr Tydfil CF48 1SB
Development:	Erection of floodlights for existing play area
Case Officer:	Rebecca Owens
Site Visit:	8th November 2023
Application Expiry Date:	27th December 2023
Consultation reply date expired:	29th November 2023

APPLICATION SITE

The application relates to a multi use games area (MUGA) within the grounds of a primary school which is located in the settlement of Heolgerrig. The MUGA is located to the front of the site and is bounded by the main highway through Heolgerrig to the north west, a footpath to the south west, a dwelling to the south east and the school carpark to the north east.

PROPOSED DEVELOPMENT

Full planning permission is sought for eight floodlights to serve the MUGA. These would be 250W LED 2700K Zactis 645A Floodlights with FL50 optic. They would be installed on 5m high galvanised steel poles which would be located either side of the playing area (four along the south western side of the MUGA and four along the north eastern side of the MIGA).

PLANNING HISTORY

There are a number of recent planning applications relating to this site. However, none of these are relevant to the determination of this application.

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways	No objection
Ecologist	No objection subject to restrictions of relating to times of use

Environmental Health Manager

No objection subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and three site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Paragraph 3.3 discusses good design and states it *'...is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area...'*

Paragraph 3.4 goes on to discuss the objectives of good design which are characterised into 5 key aspects, these being *'... Access – ensuring access for all; Character – sustaining or enhancing local character, promoting legible development, a successful relationship between public and private space, quality, choice and variety, innovative design; Community Safety – Ensuring attractive, safe public spaces, security through natural surveillance; Environmental Sustainability – Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; Movement – Promoting sustainable means of travel...'*

Paragraph 4.5.1 states *'Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales'*.

Paragraphs 6.4.2, 6.4.5, 6.4.21 and 6.4.22 relate to biodiversity and protected species and state that *'...The Environment (Wales) Act 2016 introduced an enhanced biodiversity and*

resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species....Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems...Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for...The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process...'

Paragraph 6.7.1 refers to air, noise and light pollution '*... air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible...*'

Paragraphs 6.8.1, 6.8.3, 6.8.4 specifically discuss lighting and states '*... There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity; retain dark skies where appropriate; prevent glare and respect the amenity of neighbouring land uses; and reduce the carbon emissions associated with lighting ...Lighting to provide security can be particularly important in rural areas or for specific purposes such as defence or to create calming environments. Where this is the case, planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans. Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution...*'

Paragraph 6.8.4 states that '*Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution*'.

TAN 16: Sport, Recreation and Open Space (2009)

Paragraph 4.7 specifically refers to floodlighting noting '*The provision of floodlighting at sport and outdoor recreational facilities can allow for more efficient use of such facilities through extended opening hours. However, when determining planning applications, local*

planning authorities should ensure that the amenity of people living nearby is fully considered, and there is no unacceptable adverse impact on the character of the locality, including its visual amenity, or on features of nature conservation importance. Any permission granted may need to be subject to conditions, for example, limiting the hours during which the lights may be operated and/or the frequency of their use, or requiring the installation of downlighting, lit floorscapes, shielding or of particular types of light. Modern lighting systems can greatly reduce glare and stray light. They can be more energy efficient, particularly where they use power from renewable sources, and should be installed wherever possible'.

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW4 Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Pole mounted floodlights such as those proposed are commonly associated with sports pitches and MUGAs such as this. As such, their introduction around the perimeter of the games area would not be out of character with the use. In addition the lighting columns are relatively modest in their height and the lighting units themselves are modern LED lights which are fairly compact and slimline in profile. As such, it is not considered that the proposal would have a detrimental impact on the character or visual amenities of the area and as such would comply with Policies SW1 and CW1 of the LDP.

The impact of the proposed floodlighting on residential amenity is an important material planning consideration. In this respect it is noted that a light spillage diagram has been submitted with the application and having considered this the Environmental Health Division are satisfied that the lighting scheme would not result in a statutory nuisance to local residents. In addition, it is noted that no representations were received from local residents following the publicity exercise. Nevertheless it is suggested that a condition is also attached to any planning permission which restricts the hours during which the floodlighting can be used to avoid any adverse impact during less social hours. With the inclusion of this, the proposal would accord with Policies SW11 and ENW4 of the LDP.

The Local Planning Authority's Ecologist has also considered the lighting diagram and Bat survey submitted within the application and has not raised any objection to the application subject to the period of use being restricted. This can be controlled with a suitably worded condition which would help to mitigate any potential impact of the lighting on protected species.

The proposed modern LED lighting (and its restricted use) would not result in an adverse impact on the natural environment when considering sky glow/pollution. Furthermore, any such impact must be balanced against allowing activities such as sport to take place (paragraph 6.8.1 of PPW). The Council's Environmental Health Manager has therefore not raised any objections to the proposed development, which would accord with LDP Policy EnW4.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Proposed Floodlight, Drawing Number: 002, Received on 1 November 2023.

Proposed Lighting Column, Drawing Number: 003, Received on 1 November 2023.

Proposed Plan, Drawing Number: 005, Received on 1 November 2023.

Light Spillage Diagram produced by Kingfisher Lighting, Amended Plan Received on 10 November 2023.

Bat Survey, October 2023, Issue 1VA, produced by BE Ecological Ltd and received on 1 November 2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The floodlights hereby approved shall not be illuminated before 8:00am or after 8:00pm on any day.

Reason - In the interest of the visual and residential amenities of the surrounding area and to protect the natural environment, in accordance with Policies SW11, EnW1, EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 01.12.2023