

DELEGATED REPORT

Application No:	P/21/0332
Site Address:	Godre'r Coed Playing Fields Godre'r Coed Road Cefn Coed Merthyr Tydfil CF48 2RD
Development:	Erect 4, 15 metre flood lights to sports field on lower site
Case Officer:	Huw Roberts
Application Expiry Date:	17th May 2022
Consultation reply date expired:	19th October 2021

APPLICATION SITE

The proposed flood lighting would be provided within Goedre'r Coed Playing Fields. The total area of the playing fields measures approximately 3.02 hectares and predominantly consists of a rugby pitch, other grassed playing areas, a multi-use games area (MUGA), a vehicular parking area and an internal access road. The facility is enclosed by fencing, trees and other mature vegetation and located to the rear of properties located along Pontycapel Road (to the north), Heol-Y-Cae (to the east) and Cyfarthfa Gardens (to the south). Vehicular/pedestrian access is provided via Cyfarthfa Gardens with pedestrian also achievable via Godre'r Coed Road.

The car park (and access road) and MUGA were recently constructed as part of the new Ysgol y Graig school. These are used in conjunction with the recently constructed school, located off Pontycapel Road.

The site lies within the settlement boundary and is designated as an Open Space in the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to install 4, 15-metre high floodlighting columns evenly spaced along the western side of the rugby pitch. Attached to each column would be a LED floodlight. The colour temperature of the proposed luminaires would be 3000K. All 4 floodlights would have a rear shield with the floodlights located closest to Cyfarthfa Gardens and Pontycapel Road also incorporating a front shield.

In addition to the above, the plans submitted with the application also indicate that the floodlights on 4 existing 12-metre high columns would be replaced with LED floodlights (3000K luminaires). Two of these columns are located to the north of the rugby pitch either side of the changing facilities. The other 2 columns are located along the east boundary

(close to the properties in Heol-Y-Cae). These floodlights would also be fitted with a rear shield. However, the replacement of the existing floodlights would not require planning permission.

It should also be noted that previously the playing facility was lit by floodlights some of which were recently removed mainly to facilitate works being carried out to provide a MUGA area and a parking area.

PLANNING HISTORY

The following application relate to the most recent and relevant planning history for this site:

P/21/0166 - Provision of underground water storage tank and Learning Resource Base garden. Erection of 3m high fence to multi use games area, sections of anti-climb fencing and sun shade sail – Approved: 4th June 2021

P/18/0311 - Construction of a new Primary school on the former School Site and provision of internal access road, car park and games area on part of the Godre'r Coed playing field site – Approved: 13th December 2018

CONSULTATION

Planning Policy	No objection.
Planning Division's Ecologist	No objection.
Environmental Health Manager	No objection.
Natural Resources Wales (NRW)	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby occupiers and 4 site notices were displayed within the vicinity of the site. No letters of representation have been received as a result of this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

'The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are: Cardiff, Newport and the Valleys, Swansea Bay and Llanelli, Wrexham and Deeside...'

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

‘The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure...’

Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to: identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being. Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.’

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

‘Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure...The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys...’

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*'.

- Technical Advice Notes (TAN's)

TAN 5: Nature Conservation and Planning (2009)

Paragraph 4 refers to nature conservation in development control and states the following:

Paragraph 4.1.1 states that '*...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- *adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- *ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- *securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- *carrying out effective planning enforcement;*
- *identifying ways to build nature conservation into the design of new development...'*

Paragraph 4.3.4 states that '*...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...'*

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

Paragraph 4.4 points out '*Local planning authorities should assess the compatibility of noise generating recreational and sporting activities with other uses. The siting, location and intensity of use of such activities should be given special regard in order to minimise their impact on the amenity of local residents and on the surrounding area. Local planning authorities need to balance the positive contributions of leisure pursuits to the area and user enjoyment, against local environmental quality and possible nuisance to other people.*'

Paragraph 4.7 highlights '*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 Merthyr Tydfil Local Development Plan

LDP Policy SW11 – Sustainable Design and Placemaking

LDP Policy EnW1 – Nature Conservation and Ecosystem Resilience

LDP Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG's)

SPG Note 4 - Sustainable Design (July 2013)

SPG Note 5 – Nature and Development (May 2015)

Paragraph 4 refers to the requirement of adequate information and states:

4.3 For planning applications to be properly considered by the Council, applicants are required to submit sufficiently detailed information to enable the developments' impact on biodiversity interests to be assessed.

4.4 The level and detail of information required will depend on the nature and scale of the proposal and characteristics of the natural resource.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable with regard to its impact upon the character and appearance of the area, the amenities of nearby residents, ecology and the surrounding natural environment.

Character and Appearance

The new columns/floodlights would be installed in a similar location to those which were recently removed. Whilst the floodlights would be attached to 15 metre high columns (and as such would be 3 metres higher than those existing or those recently removed) their overall design and appearance would be similar. As such, the additional increase in their height would not have an adverse impact on the character or appearance of the area. It is noted that the columns/floodlighting would be sited along the western boundary of the rugby field and from certain locations their visual impact would be somewhat masked by mature trees and vegetation (i.e. when viewed from Goedre'r Coed Road). The proposed development is therefore considered appropriate in this context and in accordance with LDP Policy SW11.

Residential Amenity

The proposed erection of the 4 floodlights has also been considered in respect of their impact upon neighbouring residents.

The application has been supported by light spillage diagrams for both the proposed floodlights and those which were previously utilised. A comparison of the spillage diagrams indicates that whilst providing vastly improved lighting for the rugby pitch and the other grassed playing areas (i.e enhanced lux levels), the impact of spillage from the floodlights attached to proposed new lighting columns on neighbouring properties would not be significantly different to that experienced from the previous floodlighting. Indeed, it would be enhanced for those properties in Cyfarthfa Gardens which back onto the site. Therefore, based on the evidence submitted there would be no significant detrimental impact to neighbour residents. In terms of noise and disturbance, there would be no change in terms of the use of the facility and it is noted that there is no restriction (planning) in terms of hours of use. It should also be noted that the Environmental Health Manager and nearby residents, have not raised any objections to this application. The proposed development would therefore comply with LDP Policies SW11 and EnW4.

Ecology

The proposed development lies within 500m of designated sites, such as Site of Special Scientific Interest, Local Nature Reserve and Site of Importance for Nature Conservation. It also lies within 500 metres of recorded priority and protected species, including bats, birds and invertebrates. As such, the Council's Ecologist initially requested that a Preliminary Ecological Appraisal and a Preliminary Roost Assessment for bats and nesting birds, be undertaken and submitted in support of the application. No such reports have been submitted for consideration.

As highlighted above, there was/is floodlighting at the site. Although, it is appreciated this lighting was/is not as effective (in terms of intensity and overall spillage) as that proposed, it could still have/had an impact on any protected species using the site. The previous lighting system was not fit for purpose and provided inadequate intensity and coverage for the intended sporting use of the site. Therefore, the clear benefit of the proposed floodlighting needs to be balanced against any additional impact on protected species. The proposed floodlights are more directional, and spillage has been minimised both by the angle the floodlights would be set and by the use of shields. The applicant is also proposing a 3000KW warm light which is more sympathetic to bats. Furthermore, at present there is no restriction on when the existing/previous lights could be used. The applicant has suggested that the new floodlights would be used: 5.30pm until 9.15pm Monday to Thursday and not at all on Friday, Saturday and Sunday. Therefore, a condition restricting floodlight use to these days/times would be an enhancement in terms of any impact on protected species.

Given the above, the proposed development (with the recommended conditions below) would have less impact upon protected species when compared to the previous unrestricted floodlighting arrangement at the site. It is for this reason the Council's Ecologist has not objected to the application and has not requested any ecological survey work. It is also noted that Natural Resources Wales has not objected to this proposal. The proposed development would therefore be considered acceptable in this instance and would therefore comply with LDP Policies EnW1 and EnW2.

Natural Environment

Given the existing unrestricted lighting (in terms of hours/days of use and the type of floodlights) which could be utilised at the site, 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.

CONCLUSION

As Planning Policy Wales and the policies in the LDP point out, any impact of a floodlighting proposal (in this case for an enhanced sporting facility) on biodiversity/protected species and the natural environment must be balanced against allowing activities such as sport to take place. The proposal would replace an existing floodlighting system at the site to enhance the existing sporting facilities. However, the control of the type of lighting, and days/times it could be used, would reduce the impacts on neighbouring residents, biodiversity and the natural environment.

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.

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: .

Site boundaries: YYG-ASL-00-XX-DR-L-9019/C2

Column Detail HL250D15

Challenger 1 LED brochure detail

Front shield detail - 2892-M-2-GA

Rear shield detail - received via an email from the agent sent on 04/02/22

Horizontal Illuminance Levels UKS18058_11

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

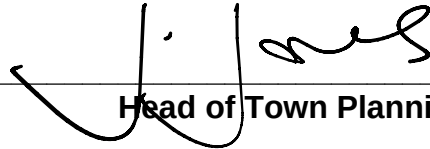
3. The floodlights shall only be illuminated from the hours of 5.30pm until 9.15pm Monday to Thursday and not at all on Friday, Saturday and Sunday.

Reason - To ensure that the floodlights are not a source of nuisance to the occupants of nearby properties and to limit the impact on bats in accordance with Policies EnW1, EnW2 and EnW4 of the Merthyr Tydfil Local Replacement Local Development Plan (2016-2031).

4. The only light fittings to be used shall be LED 'warm white' at 2700K - 3000K.

Reason - To limit the impact on bats in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil Local Replacement Local Development Plan (2016-2031).

RECOMMENDATION ENDORSED


Head of Town Planning

DATE:

19/4/22