

PLANNING & DEVELOPMENT COMMITTEE

20 DECEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0825/10
(SF)
APPLICANT: RTC Corporate Estates
DEVELOPMENT: Floodlighting for a proposed artificial turf pitch.
LOCATION: YSGOL GYFUN RHYDYWAUN, MANGOED,
PENYWAUN, HIRWAUN, ABERDARE, CF44 9ES
DATE REGISTERED: 20/07/2018
ELECTORAL DIVISION: Penywaun

RECOMMENDATION: Approve

REASONS:

The proposal would enhance an upgraded sport facility for use by the school and sports teams in the wider community. The site is located at the edge of the school campus where the floodlights would have a limited impact on the character and appearance of the surrounding area, the amenities of surrounding residential properties or ecology. Furthermore, no objections have been received from local residents or the Council's Ecologist, Public Health and Transportation Sections.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Service Director Planning;

APPLICATION DETAILS

Full planning permission is sought for the erection of 6 no. floodlights to serve an artificial turf pitch within the grounds of Ysgol Gyfun, Rhydywaun, Penywaun, an 11 to 18 Welsh medium comprehensive school that is maintained by RCT. The purpose of the pitch is to provide an all weather facility for the school and the wide community and will add to the existing sports facilities currently used at the school and enable tournaments to be hosted.

The proposal would involve an existing grassed field to the south of the main school complex, where an artificial turf pitch is proposed to be installed. The floodlighting columns would be erected around the pitch with three along each side.

Each floodlighting column would measure 15 metres in height and would be fitted with an LED floodlight which would maintain a lighting level of 200 lux. The lighting has been designed to minimise light pollution on the surrounding area and will only be operational whilst the pitch is in use and be switched off by 22.15pm. The pitch would be utilised by the school between 09:00 and 17:00 Monday to Friday, however, the floodlights would enable community use between the hours of 17:00 and 22:00 Monday to Friday and between 9:00 and 22:00 on Saturdays and Sundays. Outside of term time, the community use is proposed as 09:00 to 22:00 Monday to Sunday. The primary use of the pitch is for playing football, with non-contact rugby training as the secondary use. The Council will be responsible for the management and scheduling of the community use.

The proposal to construct an artificial turf pitch (88m x 61m) can be carried out under permitted development rights and will therefore not be considered as part of this application. The same rights also apply to the other associated works listed in the details accompanying the application including ball stop and perimeter fencing, maintenance and DDA access roads, a pedestrian access path from the school and associated drainage infrastructure.

In addition to the necessary planning application forms and plans, the application is accompanied by the following:

- Planning Design and Access Statement;
- Preliminary Ecological Appraisal;
- Bat Activity Surveys;
- Operation Management Plan;
- Floodlighting Specification.

This application constitutes one of 2 applications for floodlighting associated with artificial turf pitches being proposed by Rhondda Cynon Taf Country Borough Council, the other application being at Bryn Celynnog Comprehensive School (18/0930), which is considered elsewhere on this agenda.

SITE APPRAISAL

The application site which covers an area of approximately 0.18 hectares forms the boundary of the existing multi-use grassed sports pitch located to the south of the main school complex at Ysgol Gyfun Rhydywaun. The site consists of a gently sloping area of land and lies above the main school on a raised grassed embankment to the west of the school's coach park and tennis courts and immediately to the south of a large asphalt area used as the school yard. The main entrance to the school grounds is located further to the east, with the access road leading from Lawrence Avenue to both the coach park to the east and staff and visitor car park to the north. The perimeter of the area is currently open, although a dense tree and hedge screen is located adjacent to the north-west and south-west

boundaries and high wire fencing defines the remaining boundaries, serving the tennis courts and existing sports field.

The nearest residential properties to the site are located approximately 25 metres to the south in Cymric Close, Gamlyn Terrace and Fernleigh Place. The site is predominantly screened from the nearest residential properties by dense tree screening, although properties further away may have some distant views of the field.

PLANNING HISTORY

04/1438	Construct 3.5 metre high ballcatch fencing to protect existing playing fields.	Granted 12/11/04
00/4173	Variation of Condition 2 on Planning Consent C/99/4366 to revise the location of bus parking and dropping off area (amended plans received 19th October, 2000)	Granted 05/12/00
98/4416	Change of use of garage to living room (Caretaker's House)	Determined as PD 02/09/98

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and the erection of site notices in Cymric Close and Gamlyn Terrace, however no responses have been received.

CONSULTATION

Transportation – has raised no objection.

Public Health and Protection – has advised that the direction and position of the flood lights should prevent light overspill and any potential nuisance from being caused and that the tree line at the back of the proposed site may also help to reduce any potential light pollution caused by the flood light. Has also raised general comments in relation to demolition, hours of operation during the construction phase of the development, noise, dust and waste

Countryside – the initial comments from the Council's Ecologist noted the relatively limited bat foraging use of the perimeter of the pitch site, involving common, soprano pipistrelle and one noctule bat recorded in the survey. The report also identified however the importance of minimised lighting disturbance of bats in the vicinity, with the floodlighting directionally controlled to minimise light spill and it was therefore advised that light spill mitigation was needed to ensure protection of adjacent bat foraging habitat. Confirmation was therefore sought that the lighting details submitted were sufficiently bat sensitive to satisfy the report recommendation that disturbance to bats had been minimised and further queries were also raised regarding the clearance of woodland referred to in the bat report as being lost.

Following the receipt of further information from the applicant's ecologist regarding the use of directional lighting to minimise the back spill of light to the surroundings and the lighting column shields which are proposed to be included, it was subsequently agreed that the scheme was acceptable. Further clarification regarding tree loss was also provided, which confirmed that the areas to be cleared were minimal, secondary woodland and that no roosting features were identified within these areas. It was therefore concluded that the impact of these works would be small and that subject to the amalgamation of all of the recommended mitigation through an appropriate condition, the ecological impact of the works would be sufficiently controlled to be acceptable. The Council's Ecologist has also confirmed that the application will not have any impacts on the features for which the Blaen Cynon SAC is designated.

NRW – has advised that the recommendations contained within the Preliminary Ecological Appraisal and Bat Activity Surveys regarding vegetation clearance and potential impacts from lighting on bats are discussed with the Authority's ecologist.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary and is not allocated for any specific purpose, although forms part of an established school campus and the site is identified as lying within the 1km consultation zone for the Blaen Cynon Special Area of Conservation (SAC).

Policy CS1 – advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations which reinforce the roles of Key Settlements. This will also be achieved by ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings and also, protecting cultural identity by protecting historic built heritage and the natural environment.

Policy AW2 - supports development proposals on non-allocated sites in sustainable locations which would not unacceptably conflict with surrounding uses, have good accessibility to a range of sustainable transport options, have good access to key services and facilities and support the role and function of key services.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

Policy AW10 - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, light pollution, contamination, water pollution and flooding.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development:

Chapter 3 - Strategic and Spatial Choices (good design making better places, promoting healthier places, sustainable management of natural resources);
Chapter 4 - Active and Social Places (community facilities and recreational spaces);
Chapter 5 - Productive and Enterprising Places (reducing energy demand and use of energy efficiency);
Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network and lighting).

Paragraph 6.8.1 identifies that:

‘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.’

Paragraph 6.8.4 also advises 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.’

Other relevant policy guidance consulted:

PPW Technical Advice Notes 5: Nature Conservation and Planning,
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the erection of 6 floodlights which are to be installed as part of a scheme to install an artificial turf pitch at Ysgol Gyfun Rhydywaun. The proposal would enable extended use of the facility by the school and the wider community and as such, the principle of the proposal is considered to be acceptable subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The application site consists of an existing grassed field which forms one of a number of external areas used to provide sports facilities within the school campus. Whilst it is acknowledged that the floodlighting columns would form prominent features within the site itself, they are modest in terms of their scale and design and seen in the context of the existing high fencing, it is not therefore considered that they would have an adverse impact on the visual amenity of the site. Furthermore, given the secluded nature of the site to the south of the school campus, it is not considered that the floodlights would form intrusive features in the locality.

Consequently, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the site and the surrounding area and as such, is compliant with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The site is an established facility that has been used by the school for many years and as such, it is considered that residents of the local area would have become accustomed to the activities generated by the existing use. However, it has been identified through the submission that the proposal would enable the facility to be utilised after the typical school day ends (as late as 10pm) and also at the weekend. Given that there are a number of residential properties located in the vicinity of the site, it is acknowledged that there could be some potential impacts of the proposal on the amenities of nearby residents.

The nearest neighbouring properties are located approximately 25 metres away from the facility, with views towards the site being predominantly screened by the dense tree screen to the south and east of the site. It is therefore considered unlikely that the lighting columns will be directly visible from nearby properties and they will be a sufficient distance away to prevent any harmful visual impact. Furthermore, the lighting would have directional shields which would concentrate the light onto the pitch and thereby reduce light spill into the surrounding residential areas. As such, it is considered that the potential impacts on the amenities of neighbouring properties would be acceptably reduced.

It is noted that no letters of objection have been received from local residents in response to the public consultation exercise and no adverse comments from the Council's Public Health and Protection Division in this regard. It is however considered necessary to include a condition with any permission granted to restrict the use of the floodlights to times when the sports pitch is in use and only between the hours specified in the application details (i.e. no later than 10.15pm).

Ecology

The application site does not contain any ecological designations and whilst being located within the consultation zone for the Blaen Cynon SAC, the Council's Ecologist has confirmed that the application will not have any impacts on the features for which the SAC is designated. The applicant has however submitted a Preliminary Ecological Appraisal and Bat Activity Survey in order to identify and address any ecological issues arising out of the development. In respect of these issues, the main impact that has been identified resulting from the scheme is the effect that the proposed development could have on bats and other animal species which may be occupying the site and the surrounding natural habitat.

The Preliminary Ecology Appraisal accompanying the application identifies that the site has potential to support protected species such as bats, breeding birds, reptiles and hedgehogs. Further recommendations are made for further bat activity surveys, as well as vegetation and woodland pre-construction checks for breeding birds, badgers, reptiles and hedgehogs and the need for the floodlighting to be directed away from surrounding woodland. As a result of the subsequent bat surveys carried out, a low number of noctule, common pipistrelle and soprano pipistrelle bats were recorded foraging and commuting on the site and the report puts a number of suggestions forward in order to reduce the potential impact on bats and other animal species identified. These include that the floodlighting should be directed to limit light disturbance with restricted operational times and that night-time working during the construction period should be avoided, with any temporary artificial lighting agreed in advance. In response to a request for further details of details of trees and scrub being lost to the scheme, the applicant's ecologist has confirmed that the proposed clearance of secondary woodland is minimal and no roosting features were identified within the clearance areas.

In response to the information submitted, the Council's Ecologist has confirmed that provided that all of the recommendations contained in both the Preliminary Ecological Appraisal and Bat Activity Survey Report are secured through a Wildlife

Protection Plan condition, the ecological impacts of the scheme will be acceptable. The comments received from NRW support this approach and subject to the imposition of suitable conditions, it is therefore considered that the ecological impacts of the floodlighting can be acceptably mitigated and the requirements of Policy AW8 of the LDP will be satisfied.

Access and highway safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the impact of the proposal on highway safety. The response received indicates that there are no highway or pedestrian safety concerns with regard to the proposed floodlighting within the school grounds and as such, the proposal is considered to be acceptable in this regard and compliant with Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposal is considered to enhance an upgraded sporting facility to be used by the school and the wider community, without having an adverse impact on the amenities of surrounding residents or the ecology in the area. As such, the application is considered to comply with Policies AW5, AW6, AW8 and AW10 of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Site Location & Planning Application Boundary - ATP-CAP-0100-A-DR-C-0100 Rev PO2 - 6 July 2018.
- General Arrangement - ATP-CAP-0100-A-DR-C-0101 Rev PO2 - 28 June 2018.
- Floodlighting - ATP-CAP-1300-A-DR-E-1301 Rev PO1 - 13 July 2018.
- Drainage Layout - ATP-CAP-0500-A-DR-C-0501 Rev PO2 - 28 June 2018.

and documents received by the Local Planning Authority on 20th July 2018, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The floodlighting hereby approved, shall only be illuminated when the sports pitch is in use and only between the hours of 15.00 and 22.15, Monday – Sunday, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent light pollution and protect the character and appearance of the surrounding area and avoid potential disturbance to nocturnal animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Wildlife Protection Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriate scale plan showing Protection Zones where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show timing / phasing of construction activities to avoid times of the day / periods of the year when sensitive wildlife and species could be harmed,
- d) Details of specific species and habitat mitigation measures for key species including bats,

- e) Details of wildlife sensitive lighting proposals,
- f) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation
 - iii) Installation of physical protection measures and management during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Specific species and Habitat Mitigation measures
 - vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 5. No artificial lighting shall be used during the construction period, unless the specific timings and details have been otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid potential disturbance to nocturnal animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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