

PREFACE ITEM

APPLICATION NO. 16/0883/FULL

APPLICANT(S) NAME: Shared Access, Vodaphone And CTIL

PROPOSAL: Replace existing 6 no. 15m tall floodlights with new 6 no. 15m tall floodlights in re-arranged layout, including one floodlight affixed at 15m to 20m tall climbable monopole to support 3 no. telecommunications antennae for shared use by Vodafone and Telefonica, which together with the installation of 2 no. dishes and 4 no. ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation

LOCATION: Nelson Rugby Football Club And Llwyn-yr-eos Playing Field Heol Llyswen Nelson Treharris

A Planning Committee site visit was held on 9th January 2017. The application was subsequently deferred at Planning Committee held on the 11th January 2017 to allow further discussion between officers and the applicant in relation to the floodlights.

Further to the original report and recommendation, the applicant has submitted revised floodlight details. In terms of the floodlighting the revisions include proposed shielding to floodlights in order to reduce the level of light spill to the area surrounding the pitch and the residential properties. A revised floodlight assessment drawing including an Obtrusive light report that reflects the amended flood light details shows that light levels to surrounding properties now meet the requirements of the Environmental Health Officer. The illumination (LUX levels) to neighbouring residential properties have been substantially reduced and windows in those properties are now not subject to lux levels above 5 lux.

In addition the applicant has agreed to the imposition of a planning condition requiring the floodlights to be turned off at 21:30 hours.

The Environmental Health Officer has confirmed that subject to the revised floodlight shielding and the restrictions of hours of operation of the floodlights that they remove their objection to the application.

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It is considered that the amendments made have demonstrated that the development will have an acceptable impact on the amenity of neighbouring properties and with a planning condition to ensure that the floodlights are turned off after 21:30 hours that the previous reason for refusal has been overcome.

RECOMMENDATION is that planning permission is Granted subject to the following 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 the provisions of 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 Location Maps , drawing reference No. 100 (Revision A), received 11.10.16;
 - Proposed Site plan, drawing reference 201 (Revision A), received 11.10.16;
 - External Floodlighting, drawing reference UKS14058_2, received 09.01.17;
 - Cowl detail, drawing reference 2838/M, received 09.01.17;
 - Overspill Cowl detail, drawing reference 2839/M/1, received 09.01.17;
 - Rear cowl detail, drawing reference 2389/M/2, received 09.01.17;
 - Side and Rear Cowls drawing reference 2839/M/3, received 09.01.17;
 - Side Cowl detail, drawing reference 2839/4/M, received 09.01.17;
 - CC Cabinet, drawing reference CC LAYOUT 15TO24, received 11.10.16;
 - Column Foundations, drawing reference C201/22/1/3UK, revision D, received 11.10.16;
 - Proposed Telecoms site plan, drawing reference 203 (revision A) received 11.10.16;
 - Proposed overall site elevation (B), drawing reference 301 (revision A), received 11.10.16;
 - Proposed overall site elevation (D) drawing reference 303 (revision A), received 26.10.16 ;
 - Proposed Telecoms site elevation (F) drawing reference 305 (revision A), received 26.10.16.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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3. The floodlighting hereby approved shall be installed and operated in accordance with the specifications and obtrusive light compliance report illuminance levels as detailed on the Abacus drawing reference UKS14058_2, received 09.01.17.
REASON: To prevent unacceptable light pollution in the interests of neighbour amenity.

 4. The floodlights hereby approved shall be switched off and shall not be used during the following times: 21.30 hours to 08.00 hours Monday to Sundays.
REASON: In the interests of residential amenity.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0883/FULL 26.10.2016	Shared Access, Vodaphone And CTIL C/o Pegasus Planning Group Ltd Mr R Morison First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL	Replace existing 6 no. 15m tall floodlights with new 6 no. 15m tall floodlights in re-arranged layout, including one floodlight affixed at 15m to 20m tall climbable monopole to support 3 no. telecommunications antennae for shared use by Vodafone and Telefonica, which together with the installation of 2 no. dishes and 4 no. ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation Nelson Rugby Football Club And Llwyn-yr-eos Playing Field Heol Llyswen Nelson Treharris

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Site description: Rugby ground located to the south-west of Shingrig Road, Nelson. The clubhouse is located at the north-east side of the pitch, residential properties on Lon-Y-Celyn are located on the north-west end of the pitch and on the south-east end of the pitch by residential properties on Lan Y Parc and Heol Llyswen. A playing field is adjacent to the south-west side of the pitch.

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Development: The application seeks full planning permission to replace existing floodlights at Nelson Rugby Football Club with six new flood light columns including one column which is dual purpose to accommodate both floodlighting and telecommunications equipment. Also proposed are ancillary ground level equipment cabinets to serve the floodlighting and telecommunications equipment to be located in the vicinity of the north-west corner of the pitch. The lighting columns and monopole will be evenly spaced around the two longer sides of the pitch with three on the north-east side of the pitch and three on the south-west side of the pitch.

Dimensions: Five of the floodlight columns are 15 metres tall and the sixth at the north-west corner is a 20 metres high monopole to facilitate the provision of telecommunications equipment in addition to floodlights.

Materials: Galvanised metal finish to lighting columns and monopole. Green painted finish to equipment cabinets.

Ancillary development, e.g. parking: Telecommunications and electrical equipment cabinets and Retaining walls.

PLANNING HISTORY 2005 TO PRESENT

08/0399/FULL - Carry out alterations and extension to existing club house building to provide new first floor level lounge with balcony facility and new stair compartment access - Granted 29.05.2008.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough - Local Development Plan up to 2021.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY

Paragraph 13.15 gives advice on Development management and noise and lighting and sets out the criteria to be considered.

National Planning Guidance contained in Technical Advice Note 12 - Design.

Technical Advice Note 19 - Telecommunications.

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ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - Objects to the development on the basis of the adverse impact on amenity of the new floodlights on the nearby residential properties.

Senior Engineer (Land Drainage) - No comment from a drainage/ flood risk perspective.

Joint Radio Company Limited - No objections.

Principal Valuer - No objections.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 730 nearby properties and premises.

Response: Two representations have been received.

Summary of observations:

- The existing lights appear to be directed at their property and create significant light pollution.
- Would support the current application if conditions are added to restrict hours of operation and ensure lighting is directed away from their property downward onto pitch.
- Object to the development as the mobile tower is adjacent to their property.
- Raises Health concerns in relation to the telecommunications equipment.
- New floodlights will allow evening training sessions adversely impacting the area due to parking constraints.
- Current parking problems in the area.

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- Existing antisocial behaviour from the Rugby Club.
- Telecommunications equipment can confuse local bee population returning to hives putting the bee project in the allotment at risk.
- Devaluation of property for the monetary gain of the Rugby Club.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Not applicable as no new floorspace created by the development.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main issues are the visual impact of the development, impact of floodlighting on nearby sensitive receptors, and health considerations.

The proposed development will replace the existing floodlight columns with new structures. At present the ground has two 15 metre columns in a more centralised position close to the clubhouse on the north east side of the pitch and four 15m high columns on the south-west side of the pitch. The existing two columns on the north-east side have two sets of floodlights at differing heights and the four columns on the south-west side have floodlights affixed to the top of the columns. Five of the replacement floodlight columns will be the same height as the existing columns and represent a very similar form of development. The new dual purpose monopole which is 20 metres overall in height, provides floodlights at 15 metres high with the additional 5 metres comprising of telecommunications antennas and dishes.

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It is considered that when comparing the overall proposed development including the new positions of the floodlight columns and higher and wider monopole, that the overall visual impact will be broadly similar to the existing appearance of the rugby ground. It is considered that the development has an acceptable visual impact on the character of the area according with adopted Local Development Plan Policy SP6 (Placemaking).

In relation to the proposed floodlighting the application includes a floodlight assessment drawing. This drawing includes obtrusive light compliance report data which assess the impact of the proposed new flood lighting on the residential properties in both Lon Y Parc and Lon Y Celyn. In each calculation presented on the drawing the result is shown as a 'Fail' of the test with exceedances in illumination (Lux levels) of between three and seven times the allowed test threshold of 10 Lux. Clarification was sought from the agent who provided an additional report from the Flood Light installation company. That follow up report highlighted the general age of the existing floodlights, the substandard nature of the current illumination for the rugby pitch and noted that some of the existing flood lights were not operational. The report is not considered to contain a comprehensive assessment of the impact of the existing floodlighting levels on the surrounding properties, containing some light levels taken surrounding the pitch and a theoretical doubling of the levels to account for non operational floodlights. The report also indicates that further shielding could be provided to reduce the level of lighting but does not provide any detailed analysis of any resultant improvement to neighbouring properties. It is therefore considered that the submitted details do not provide justification for the exceedance Lux levels in the proposed new lighting scheme. The Environmental Health Officer has reviewed the submitted information and objects to the proposals due to the adverse impact upon the amenity of surrounding properties.

In respect of the telecommunications equipment proposed the applicant has included within the application a justification for site selection and a declaration of conformity for radio frequency guidelines of the International Commission on Non-Ionizing Radiation for Public Exposure. It is considered this accords with the recommendations of Technical Advice Note 19 (Telecommunications) in relation to Telecommunications equipment and public health.

It is considered that the development will have an acceptable visual appearance and the telecommunications equipment would represent an acceptable form of development. However it is considered that the applicant has failed to adequately demonstrate that the impact of the floodlighting in terms of light spill on the adjacent residential properties on Lon Y Celyn which are in close proximity to the north-west end of the pitch and also properties located to the south east on Lan Y Parc would be acceptable in the impact on amenity levels of occupiers of those properties. The application is recommended for refusal for this reason.

Comments from Consultees: Have been addressed in the body of the report.

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Comments from public:

- The existing lights appear to be directed at their property and create significant light pollution.
The application is recommended for refusal due to the impact on surrounding residential properties from light pollution.
- Would support the current application if conditions are added to restrict hours of operation and ensure lighting is directed away from our property downward onto pitch.
The application is recommended for refusal due to the impact on surrounding residential properties from light pollution.
- Object to the development as the mobile tower is adjacent to their property.
The visual impact of the proposed monopole has been assessed and is considered acceptable.
- Raises Health concerns in relation to the telecommunications equipment.
The applicant has submitted information showing the equipment would conform to international guidelines.
- New floodlights will allow evening training sessions adversely impacting the area due to parking constraints.
Were the proposal deemed acceptable in other regards consideration could be given to hours of operation.
- Current parking problems in the area.
The Transport Engineering Manager has raised no objections.
- Existing antisocial behaviour from the Rugby Club.
This is not deemed relevant to the current application.
- Telecommunications equipment can confuse local bee population returning to hives putting the bee project in the allotment at risk.
The Council's Ecologist has reviewed the application and raised no issues with the proximity of the allotment.
- Devaluation of property for the monetary gain of the Rugby Club.
This is not a material planning consideration.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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The reason(s) for the Council's decision is/are

- 01) The applicant has failed to demonstrate that the proposed floodlighting will have an acceptable impact on the amenity of neighbouring properties contrary to Adopted Local Development Plan Policy CW2 (Amenity) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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DEFERRED FOR FURTHER INFORMATION

