

**DC/2015/00833**

**PROVISION OF ADDITIONAL 6M HIGH LIGHT COLUMNS AROUND THE SITE**

**CHEPSTOW COMPREHENSIVE SCHOOL, WELSH STREET, CHEPSTOW NP16 5LR**

**RECOMMENDATION: APPROVE**

Case Officer: David Wong  
Date Registered: 30/07/2015

**1.0 APPLICATION DETAILS**

The Chepstow Leisure Centre is co-located on the same site as the Chepstow Comprehensive School. According to the submitted Design and Access Statement, the Council have legal obligations under the Disability Discrimination provisions of the Equality Act 2010, to improve access for all site users. Therefore, this application seeks planning permission for an improved lighting scheme to serve the car parking area of the facility.

As part of the lighting scheme, the application includes a re-route / improvement of the pedestrian paths through the site, provision of additional disabled parking bays and traffic calming measures. It is useful to note that the only element that requires planning permission is the lighting columns (as they exceed 4m in height) because the remainder of the works are permitted development under Class A, Schedule 2, Part 12 and Part 13 of the Town and Country Planning (General Permitted Development) Order 1995.

**2.0 RELEVANT PLANNING HISTORY**

No recent relevant planning history

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

**S13**

**S17**

Development Management Policies

**EP1**

**DES1**

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Chepstow Town Council – recommend refusal as the Town Council is unable to assess the likely physical and visual impact of the new lighting scheme on the immediate and adjacent areas owing to the lack of information to indicate the proposed location and number of new lighting columns.

SEWBREC Search Results – There are some ecological records within close proximity of the site.

Natural Resources Wales – No ecological information has been submitted with the application. We advise you consult your authority's ecologist with regard to deciding whether bat presence/ likely absence should be established through surveys prior to determination of the planning application. Notwithstanding the above, we note that the site is located in close proximity to the Wye Valley Woodlands SSSI and SAC. The proposed lights appear to be down lights and therefore unlikely to interfere with bats' use of the woodlands.

MCC Biodiversity and Ecology Officer – The original lighting plans showed greater levels of illumination onto vegetation along the eastern boundary. Following our comments the choice of luminaires has been changed along the eastern edge of the boundary, reducing light spill off site. A Habitats Regulations Assessment has been undertaken to assess the potential impacts of the scheme on bats. There will be no significant effect on the Interest Features of any site. The scheme does not need to be the subject of an Appropriate Assessment.

MCC Highways Officer – No adverse comment to this application.

MCC Environmental Health Officer – No comments received.

MCC Public Right of Ways Officer – There are no formal public paths at this site so the scheme is not of consequence as far as the Highway Act is concerned. There is however a permissive path which carries the promoted and well used Wye valley walk that runs behind the leisure centre. If this is to be made unavailable we would like to know so we can advertise the closure, make sure path users are safe and provide an alternative alignment if possible.

### **4.2 Neighbour Notification**

At the time of writing this report (09:14, 25/09/2015), there are two online objections received.

- 1) Objection from Suffolk House (formerly Springfield) – Initially we were mildly opposed to the installation of new luminaires adjacent to Chepstow Leisure Centre, but thought security of our back garden would be improved.

Our back fence line until yesterday was screened by a virtually impenetrable hedge of mature plum trees and other shrubs, which provided privacy and a high level of security to our property. This hedge was growing from rough ground just beyond our border.

However, yesterday (19/09/2015) half of the trees were cut down by workmen presumably preparing for the installation of new luminaires the subject of the planning application. The line of sight to the Leisure Centre from our garden is now unimpeded other than by our own wooden fence. Physical security of our back garden is now compromised.

The plans for the scheme lead me to believe that the second part of this vandalism may happen soon, and the second half of the trees will be cut down. These are mature trees from the original orchard that provided security for our property.

We note that this planning application specifies that no trees would be cleared in order to complete the works!

We also note that this application has not yet been determined and was not approved by Chepstow Town Council.

Although the damage has already been done, a meeting with Mr Wong is urgently needed so that we can discuss how Monmouthshire County Council can make good the damage caused to our security. In the event that MCC cannot provide a solution then monetary compensation sufficient for the purchase of new mature trees to screen our property will be needed and will be claimed against MCC. We are extremely concerned about this application, which covers the installation of new 6m lamp standards around the Chepstow Leisure Centre area. We understand it is part of a far larger scheme which includes the provision of new disabled parking spaces just outside the rear fence of our property.

Apparently the scheme involves the installation of new disabled parking bays, although as MCC did not need to apply for planning permission for these bays, no local residents were consulted or informed. Hardly what one could call best practice.

As no planning permission was needed to carry out this work, which involves the clearing of mature trees and shrubs at the rear of our property, the building of a new dwarf wall and a 2 metre high wooden fence, we have had no opportunity to comment.

The result of this work will mean loss of privacy to us and compromise the security at the rear of our house. The aspect from our back garden and rear windows will look directly onto the ugly building of the Leisure Centre. The luminaires proposed for lighting the disabled parking spaces will tower over our rear fence and visually intrude over the garden so that the view from the house will be that of a football stadium!

I am afraid that provision of parking spaces is a fait accompli as some of the screening trees and shrubs have already been removed.

With regard to the lighting, a more acceptable solution for us would be to re-design the lighting scheme. If the luminaires (bulkhead type) were mounted on the Leisure Centre side at a height which did not come up over the top of our fence then our objections will have been met.

It is our intention to claim compensation from MCC for loss of privacy. An apology for the way in which this whole scheme has been handled in terms of consultation and information is expected.

- 2) Objection from Moreton – We strongly object to this application. We believe this application has been fraudulently submitted. The application is for 6 lighting columns to be installed at Chepstow School yet all plans refer to Chepstow Leisure Centre. On the application plans, the plans clearly show 3 new parking bays at the rear of Suffolk House (Springfield) and Moreton. The 'lighting application' states there will be no felling or removal of trees, yet to our dismay we discover that 30 year old plum trees and other mature shrubs have been ripped out and excavation works commenced.

There now appears to be a 1m difference between the ground level of our property and the council land. This could impact on the safety and stability of our fence.

Please advise us of the following:

Please provide us with the original planning application details for the development of the car parking bays.

Please provide us with the relevant party wall documentation that shows you intended to work within 3m of the boundary of our property and provide engineering drawings detailing how the level difference between the two boundaries will be stabilised.

We suggest that the works are ceased immediately, until these issues have been resolved to ALL parties' satisfaction including our neighbours.

- 3) The neighbour at Southam had expressed concern over potential light spillage from some of the lights. However, the scheme has been revised and they believed that their concerns have been addressed satisfactorily.

## **5.0 EVALUATION**

### **5.1 The principle of the proposed development**

The Chepstow Comprehensive School and Leisure Centre support many local functions i.e. the election count centre for the area, concerts, the Monmouthshire Sports Awards and so on. Therefore, there is clearly a need to provide adequate and safe access for all of the users of the facility. Criterion a) of Policy DES1 of the Monmouthshire Local Development Plan (LDP) states that development proposals will be required ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community

safety and encourages walking and cycling. It is noted that the existing lighting and pedestrian access arrangement is in need of improvement and the thrust of this proposal is in accordance with criterion a) of Policy DES1. Therefore, there is no objection to the principle of this application.

## 5.2 Design Amendments/ Neighbour Amenity

- 5.2.1 The lighting scheme has been amended twice as a response to the neighbour objections and the latest revised scheme indicates that the two lights (labelled as LL-FP) along the back of Moreton and Suffolk House (aka Springfield) and the one (labelled as KK) by that immediate crossing, have been altered. The overall height of these three lights will be 2.5m above ground level. The agent advised that they are designed to avoid disturbance to the neighbours by setting them below the existing fence line. As part of the lighting scheme, the application includes a re-routing / improvement of the pedestrian paths through the site, additional disabled parking bays and traffic calming measures. As referred to above, it is useful to note that the only element that requires planning permission is the lighting columns (as they exceed 4m in height) as the rest of the works are permitted development under Class A, Schedule 2, Part 12 and Part 13 of the Town and Country Planning (General Permitted Development) Order 1995.
- 5.2.2 The neighbour at the dwelling, Southam, had commented that, previously, there was an issue with regard to light spill (from the horizontal lighting) into their sitting room which was satisfactorily resolved. Therefore, they are particularly worried about the horizontal lights which will be bolted on to the side of the leisure centre or on the proposed light columns. Further discussions have been held with the agent and the application has been amended so that the lights which will be bolted on to the side of the leisure centre will have the vertical head design that faces downward instead of the horizontal light spread. The latest revised scheme indicates that the three new lights nearest this neighbour (labelled as LL-FP & KK) have been amended but the light source from these lights are not restricted to the horizontal spread, as shown on the first amended version. However, the height of these three lights will be lower, at 2.5m above the ground, not 6m as initially proposed. In addition, the existing rear garden fence (estimated to be 2.6m above road level) and the trees along the back of Southam provide a reasonable screen from the lights. Therefore, the potential light spillage towards the neighbouring properties would be controlled and is considered to be a better arrangement than the previous versions.
- 5.2.3 There is an objection from Suffolk House (formerly Springfield). They objected to the fact that their back fence line, until the day before they wrote in, was screened by a thick hedge of mature plum trees and other shrubs, which provided privacy and a high level of security to their property. They considered that as a section of the trees have been cut down, the physical security of their back garden is now compromised (and the Leisure Centre is visible from their back garden).
- 5.2.4 During a recent site visit, it was noted that some of the trees on site had already been felled (i.e. the area behind the garden of Suffolk House and Moreton) and the work related to the provision of the additional disabled parking spaces is underway. Having checked this with the Council's Tree Officer, it was advised that the existing trees are not protected by a Tree Preservation Order and the site is not within the Chepstow

Conservation Area. Therefore, permission is not required to fell those trees. In relation to the disabled parking spaces, the Chepstow Leisure Centre are exercising their rights under the General Permitted Development Order. Therefore, there has been no breach of planning control in this instance.

- 5.2.5 The neighbour at Suffolk House had stressed that the luminaires proposed for lighting the disabled parking spaces will be above their rear fence and visually intrusive in relation to their property. However, they consider a more acceptable solution would be to re-design the lighting scheme. If the luminaires (bulkhead type) were mounted on the Leisure Centre site at a height which did not come up over the top of the fence then their objections would be withdrawn. The agent was informed of the neighbour's suggestion to revise the scheme and the current scheme has been submitted in response to this neighbour's concerns. As referred to above, the latest revised scheme indicates that the three new lights nearest this neighbour (labelled as LL-FP & KK) have been amended i.e. the height of those lights will be a maximum of 2.5m above the ground, not 6m as previously proposed.
- 5.2.6 The agent has amended the scheme in order to avoid disturbance to the neighbours by setting them below the existing fence line. As a result, the existing fence line will provide screening to these three new lights. It is acknowledged that the main purpose of these new lighting columns is to fulfil the Council's legal obligations under the Disability Discrimination provisions of the Equality Act 2010. These three new lights would be around 24-26m away from the neighbours. It is considered that there is a substantial distance between these lights and the neighbouring dwellings and the overall height of these lights have been reduced to 2.5m above ground. Furthermore, these lights are to serve an existing facility, together with the Council's legal obligation to comply with the Disability Discrimination provisions of the Equality Act 2010. Therefore, this application is considered acceptable.
- 5.2.7 The neighbour at Suffolk House also objected to the loss of privacy. However, it is considered that there is no loss of privacy as there would be no overlooking caused by the removal of the vegetation to provide the disabled parking spaces. In addition, there is a sufficient separation distance (some 46m) between this property and the Leisure Centre building. Having spoken to this neighbour, it is understood that the loss of privacy relates to the rear garden and windows looking directly onto the building of the Leisure Centre, instead of the (felled) section of trees. It is appreciated that the Leisure Centre is now visible from the garden of this neighbour but the loss of a view is not a planning material consideration. In addition, permission is not required for the removal of the existing trees within the car parking facility.
- 5.2.8 A discussion was also held with the agent and the School/Leisure Centre with regard to the need to set a time condition to control the lights. However, due to the fact that the School/Leisure Centre holds a range of different local functions such as election counts, concerts, and so on, it would be therefore unreasonable and impractical to impose such a condition. However, they advised that light sensors could be used and the lights would only come on at dusk and would (usually) turn off at around 10:45/11pm, re-lighting at around 5:30am and turning off at dawn. It is considered that the School and Leisure Centre have offered a reasonable approach to control these lights.

5.2.9 There is an objection from the householder at Moreton. They objected to that fact that the plans clearly show three new parking bays at the rear of Suffolk House (Springfield) and Moreton but the application states there will be no felling or removal of trees, and the existing mature plumb trees and other mature shrubs have recently been removed and excavation works commenced. Also, they believed that the excavation works would affect the safety and stability of their fence. As referred to above, the Council's Tree Officer advised that the existing trees are not protected by a Tree Preservation Order and the site is not within the Chepstow Conservation Area. Therefore, permission is not required to fell those trees. In relation to the disabled parking spaces, the Chepstow Leisure Centre are exercising their rights under the General Permitted Development Order. Therefore, there has been no breach of planning control in this instance. Any impact of works on the integrity of the neighbour's fence would be a civil matter for the developer and neighbour to resolve.

### 5.3 The tree removal

Having checked with the Council's Tree Officer, he advised that the existing trees are not protected by a Tree Preservation Order and the site is not within the Chepstow Conservation Area. Therefore, permission is not required to fell those trees. Therefore, there is no breach of planning control in this instance.

### 5.4 Ecology

The Council's Ecologist has requested changes to some of the light columns along the woodland to the immediate east, which is part of the Wye Valley Woodlands Special Area of Conservation (SAC). The lights along the woodland have now been altered to reduce light spillage towards the SAC. Furthermore, a Habitats Regulations Assessment has been undertaken to assess the potential impacts of the scheme on bats. It is considered that there will be no significant effect on the 'Interest Features' of any site. Given the above, it is considered that the proposal has responded appropriately and addressed the concerns raised by the neighbours and the Council's Ecologist.

### 5.5 Highways consideration

The Council's Highways Department have been consulted and they have offered no adverse comment to this application.

### 5.6 Response to the Representations of the Town Council

The Town Council recommended to refuse this application as they have commented that are unable to assess the likely physical and visual impact of the new lighting scheme on the immediate and adjacent areas owing to the lack of information to indicate the proposed location and number of new lighting columns.

The submitted drawing specified the actual design (there are five different types of light proposed) and the locations of the lights. In addition, the heights that the proposed lights would be fixed to the building are noted in the text panel on the submitted drawing. Although, it indicated that there are a total of 33 lights being proposed, 15 of them are direct replacement / improvement of the existing lights.

In terms of the physical and visual impact of the new lighting scheme, due to the fact that site is backed by existing properties, mature hedgerows and the adjoining woodland, the impact of these lights is well contained within the site. In addition, the Council's Ecologist has visited the site and confirmed that the choice of luminaires has been changed along the eastern edge of the boundary, reducing light spillage off site. Furthermore, the resulting scheme is not an alien feature at the site as there are lighting columns that already exist at the car park. Given the above, it is considered that this application should be supported.

#### 5.7 Other matters

It is the intention of the neighbour at Suffolk House to claim monetary compensation from MCC for loss of privacy as an apology for the way in which this whole scheme has been handled in terms of consultation (i.e. the removal of the trees and the work related to the provision of the disabled parking spaces at the back of their garden fence). This is not in itself a material consideration.

The neighbours consider that due to a section of the trees having been cut down, the physical security of their back garden is now compromised. However, there is no evidence to suggest that the security of this property will be adversely affected by the loss of the existing trees along the rear garden fence. Indeed, from an urban design perspective, an improved lighting scheme would generally improve house security as the area will be better lit to deter intruders.

Having spoken to the neighbour at Suffolk House, they understood that planning permission is not required for the removal of the trees and the disabled parking spaces within the Council's land. However, being a neighbour, they would have liked to have been informed at the outset, when the School/Leisure Centre had decided that these disabled parking spaces would be provided at the rear of their garden area. It is generally good practice for the developer to inform the neighbours prior to the commencement of any development on site - however, it is not a legal obligation.

The neighbour from Moreton had requested details of the existing car parking bays and the relevant party wall documentation as well as the identity of the person in charge and who monitors the work. As a planning application, the School/Leisure Centre have provided sufficient information and drawings to inform the planning decision. Thus, the neighbour has been advised to contact the School/Leisure Centre to discuss these non-material issues. Finally, a dispute over the landownership of the land is a civil matter between land owners and is not a planning material consideration.

## **6 RECOMMENDATION: APPROVE**

### Conditions/Reasons

5 years to commence development.

Development shall be carried out in accordance with the approved plans.