

**DC/2015/00771**

**MINOR AMENDMENT TO PREVIOUS APPLICATION DC/2014/00412 - CHANGE LIGHTING BOLLARDS TO 4M HIGH STREET LIGHTS FOR APPROVED PUBLIC CAR PARK**

**FIELD OPPOSITE MONMOUTH FIRE STATION, ROCKFIELD ROAD, MONMOUTH**

**RECOMMENDATION: APPROVE**

Case Officer: Jo Draper

Date Registered: 31.08.2016

**1.0 APPLICATION DETAILS**

This application seeks to change the lighting detail that was previously agreed with the planning approval DC/2016/00412. The specification of the lighting columns are 4m high lighting columns, both single arm and double arm. The previous approval was for bollards (40 in total) that were to be situated around the perimeter of the site. The cost implications for this have resulted in this option being unviable. This has been replaced with six single arm lighting columns and one double arm lighting column around the perimeter of the site and two double arm lighting columns situated in the middle of the site. The car park is currently nearing completion.

**2.0 RELEVANT PLANNING HISTORY**

DC/2014/00465 Reinforced sprayed concrete skate park & earth/gravel BMX pump track, incorporated into the existing recreation ground. Approved 05.09.14

DC/2014/00412 Construction of a car park with 91 standard bays and 4 disabled bays on an existing field site. Approved 12.08.2015

DC/2015/01459 Non material amendment to DC/2014/00412 for re-alignment of car park extents. Approved 11.01.2016

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S5 Community and Recreation Facilities

S17 Place Making and Design

S12 Efficient Resource Use and Flood Risk

S16 Transport

Development Management Policies

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

HE1: Development in Conservation Areas:

DES2 Areas of Amenity Importance

SD3 Flood Risk

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Monmouth Town Council: Approve

Natural Resources Wales: No comment (refer to MCC Ecologist)

MCC Ecology: Whilst the 4m bollards are not ideal as they will increase light spill to surrounding habitat, I do not object to the minor amendment. A light spill plan and assessment by an appropriately experienced ecologist has been provided.

The ecologist is correct in that the trees adjacent to the road are already illuminated. Bats and birds using trees to the south and the community nature park will not be detrimentally affected by the minor amendment.

### **4.2 Neighbour Notification**

No comments received to date

### **4.3 Other Representations**

Chamber of Commerce: Support proposal:

- The new car park is 95% complete and work can be finished by highway engineers and contractors in just a few days, if the application approved, in time to satisfy the increased demand from shoppers in the run up to Christmas.
- It is essential that the car park is properly lit for the health and safety of users. .
- The majority of users of this car park are expected to be shop workers on the minimum wage who struggle to find money for pay and display car parks. The majority of those shop workers are female and the new lighting will give them confidence to park there.
- . The new lighting columns have been sited to give minimum disruption to the local wildlife, including bats.

### **4.4 Local Member Representations**

No comments received to date

## **5.0 EVALUATION**

5.1 There are just three potential issues that arise in the consideration of this application, ecology, neighbour impact and landscape impact. As the ecologist has no objection to the proposed scheme, this issue has been considered. A key factor that has been considered by the design of the lighting is to ensure that that the lighting proposed is designed to mitigate against any significant further light-spill for ecological purposes. This will also ensure there is no wider light-spill that would have an adverse impact upon neighbouring properties opposite the site. Hence there is no significant adverse impact

upon the neighbouring amenity. The only issue to consider regarding this proposal is that of visual amenity. This is addressed separately below:

## 5.2 Visual Amenity

The specification of the lighting posts has been designed below the standard 6m height to take account of the sensitivity of the area. While this is not as low as the bollards previously approved, the number of columns proposed, totalling nine, is not significant given a car park of this scale. Furthermore, the lighting will not form an obvious feature from surrounding viewpoints as the tree belts that form the southern and eastern boundaries soften the viewpoint particularly from the main road. Within the site the posts will be visible, although they are few in number, and will be viewed in context with the surrounding uses of the skate-park and car park and will be visually acceptable in this context. There is no significant impact upon the visual amenity of the surrounding area.

## 6.0 **RECOMMENDATION: Approve**

### Conditions/Reasons

1. Time Condition (five years in which to commence)  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. Plan Condition  
To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. Prior to the car park hereby approved coming into beneficial use the height restriction barrier shall be in place and retained in perpetuity unless otherwise approved in writing by the Local Planning Authority  
Reason: In the interests of highway safety.
4. Protective fencing shall be installed around all retained trees in accordance with the Arboricultural Method Statement (AMS) dated 8<sup>th</sup> December 2015.  
Reason: To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.
5. All excavations and other associated works required within the root protection areas of any retained tree will be carried out in accordance with the AMS and the Root Protection Method Statement dated 20<sup>th</sup> July 2015.  
*Reason: To safeguard the landscape amenities of the area.*
6. The scheme shall be implemented in strict accordance with Section 6.0 conclusions and mitigation of the submitted Bat Survey Report by Abbey Sanders Ecology dated June 2015. Any deviation shall be agreed in writing with the LPA before any deviation takes place.  
Reason : To comply with the provisions of the Wildlife and Countryside Act 1981 regarding the requirement to protect bats and barn owls and their roosts
7. Clearance of vegetation shall not be undertaken during the bird nesting season (March to August inclusive). However, clearance may take place during these months if preceded by a pre-construction check undertaken by an appropriately experienced ecologist and the results and any necessary avoidance measures needed submitted to and approved by the LPA in writing.  
Reason: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern

8. Prior to the beneficial use of the site there shall be the provision of 4 new woodcrete bat boxes and 4 new woodcrete bird boxes to be situated on suitable trees under the guidance of an ecologist.  
Reason: To comply with the provisions of the Wildlife and Countryside Act 1981 regarding the requirement to protect bats and barn owls and their roosts
9. The minimum height of the hedge to be 1.5 m minimum. The maintenance – should include a cut ( 75mm) during year 1 & 3 and thereafter maintained as required but not below 1.5m  
Reason: To protect local residential amenity.
10. Landscape implementation condition  
Reason: To safeguard the landscape amenities of the area
11. Retention of existing landscaping  
Reason: To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.
12. Surfacing materials to be retained in perpetuity  
Reason: In the interests of highway safety.
13. Lighting condition shall be retained in perpetuity, any changes to be agreed with the Local planning Authority  
Reason: In the interests of visual amenity and highway safety

#### Notes to Applicant

1. The applicant's attention should be drawn to Public Footpath No 134 in the community of Monmouth which runs over the proposed new vehicular access to the site. If works are to affect the availability of the legally recorded path a temporary closure of the path will be required and a permissive alternative made available. Any damage to the surface of the path also need to be made good at the expense of the applicant
2. Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).
3. Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs.  
To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.