

Application Number: DM/2022/00492

Proposal: Proposed construction of Police Station (use class B1) and associated works

Address: Land Between Llanfoist Highways Depot And Llanfoist Farm, Merthyr Road, Llanfoist

Applicant: Mr Stuart Cummins

Plans: Landscaping Plan APS-STL-XX-ZZ-DR-L-09001-PL-PL02 - , Landscaping Plan APS-STL-XX-ZZ-DR-L-09140-PL-PL02 - (Sheet 1 of 2), Landscaping Plan APS-STL-XX-ZZ-DR-L-09140-PL01 - (Sheet 1 of 2), Landscaping Plan APS-STL-XX-ZZ-DR-L-09141-PL-PL02 - (Sheet 2 of 2), Landscaping Plan APS-STL-XX-ZZ-DR-L-09160-PL-PL02 - , Fencing Plan APS-STL-XX-ZZ-DR-L-09180-PL-PL02 - , Fencing Plan APS-STL-XX-ZZ-DR-L-09180-PL01 - , Location Plan APS-STL-VX-ZZ-DR-A-01001-PL-PL02 - , Site Sections APS-JUB-ZZ-XX-DR-C-0610 - , Drainage APS-JUB-ZZ-XX-RP-C-TN01 - , Floor Plans - Proposed APS-STL-V1-ZZ-DR-A-1000 - , Site Plan APS-STL-VX-ZZ-DR-A-01002-PL-PL02 - , Site Sections APS-STL-VX-ZZ-DR-A-01003 - , Ecology Report ECOLOGICAL APPRAISAL - , Other REPTILE & GCN REPORT - , Other ENVIRONMENTAL NOISE ASSESSMENT - , Other PLANNING STATEMENT - , Transport Statement TS01 - , All Proposed Plans APS-JUB-ZZ-XX-DR-C-0600 - , Green Infrastructure Framework Plan 154372_STL_XX_XX-RP_L_ZZ_RP001 - Green Infrastructure Management Plan -P02 - , Other 20284_SK02_Roundabout Entry (P1) - , Elevations - Proposed APS-STL-V1-ZZ-DR-A-20001 - ,

RECOMMENDATION: Approve subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel

Case Officer: Ms Kate Bingham
Date Valid: 31.03.2022

This application is presented to Planning Committee as it is a Departure from the Local Development Plan

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a parcel of land located to the east of the B4246, Llanfoist, Abergavenny. The majority of the application site is located within the settlement boundary for Llanfoist, as defined by LDP Policy S1; a small proportion is located beyond the settlement limits and in the defined open countryside.

The irregular shaped parcel of land extends to approximately 6,821m² and comprises brownfield land. The boundaries of the site are defined by an unnamed road to the north and east; the B4246 to the west; and a line of trees to the south. Beyond these trees lie the commercial site belonging to Abergavenny Tyres. The site is relatively level (excluding the attenuation pond area) with a slight fall of approximately 1.97m running east to west. A large pylon is located along the northern boundary and a thick band of mature trees exist along the southern boundary. It is also worth noting that a Public Right of Way exists to the south and terminates at the site's south-western boundary.

The site is located within the Phosphorous Sensitive Catchment Area of the River Usk SAC.

1.2 Value Added

The external materials palette has been amended following comments from the Design Commission for Wales, Planning Officers and Llanfoist Fawr Community Council.

1.3 Proposal Description

The planning application seeks full planning permission for the construction of a Police Station (use class B1) and associated works. Only a small proportion of the site will be developed; the existing lagoon is proposed to remain in situ and the existing earthworks and cut material surrounding the lagoon are proposed to be retained. However, the existing stockpile will be removed.

The Police Station (use class B1) will be located immediately to the north of the main access point and will extend to approximately 410m². The building will be two-storey; the ground floor will contain the welfare facilities associated with the building and the first floor will be predominantly office and service based. Access into the building will be achieved via a door located on the western elevation.

The building will house local neighbourhood and response officers. The police building will be used by the officers as a day-to-day hub and will provide office space and amenities for them to adequately staff and police the local area. Other operations within the building include a voluntary attender's room which will be for invitation only and will be of the more informal nature. A property and evidence store will also be housed within the building. This is for the use of officers and will be emptied periodically by the property team.

The building will provide functional, office facilities for the Police, and is not a civic building which members of the public can freely access. The general public will be invited to attend voluntary informal interviews only. A two-way intercom system located outside of the site's secure boundary will be used by the public to inform officers of their arrival at the site. Officers will then collect the person(s) from the front gate and escort them to the VA room; once interviews are complete the officer will escort the person(s) back to the main site entrance. A yellow public police phone will also be provided at the main public site entrance for direct contact with emergency police services. It should be noted that there will be no custody suites on site, however, blue light vehicles will operate from here. Gwent Police will operate an exclusion zone around the site which means that use of sirens and blue lights will be minimised when immediately exiting the site to reduce the impact on neighbour amenity.

The Police are commonly adopting a hybrid approach, whereby their station/office buildings are located outside of the Town Centre, but that a public facing Police presence remains in the Town Centre. In this instance, within the town centre of Abergavenny a walk-in centre is currently in operation. This centre provides a face-to-face facility for members of the public to communicate with members of the police service. The drop-in centre is located within the town market building and operates between the hours of 9am - 5pm. The drop-in centre is front facing for easy access for the public.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00492	Proposed construction of Police Station (use class B1) and associated works.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S7 LDP Infrastructure Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

E2 LDP Non-Allocated Employment Sites
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Technical Advice Notes

TAN 4 Retail and Commercial Development (2016): provides guidance regarding the provision of retail and commercial developments, including assessment of the appropriateness of such development spatially, and the potential resultant impacts upon established retail centres. The documents also provide guidance regarding where such developments should be encouraged.

TAN 5 Nature Conservation and Planning (2009): provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. It seeks to demonstrate how local planning authorities, developers and key stakeholders in conservation can work together to deliver more sustainable development that does not result in losses from the natural heritage but instead takes every opportunity to enhance it.

TAN 11 Noise (1997): provides advice on how the planning system can be used to minimise impact of noise without placing unreasonable restrictions on development. It outlines some of the main considerations which local planning authorities should take into account in drawing up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources.

TAN 12 Design (2016): provides advice on design considerations.

TAN 18 Transport (2007) confirms that integration of land use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development.

Supplementary Planning Guidance

Green Infrastructure (April 2015)

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Fawr Community Council - No objections although it is assumed, and if not, requested that Welsh Government be consulted regarding the local traffic impact of these proposals.

NRW - Foul Drainage: This application for the construction of a police station which proposes connection of foul water to the mains sewer. As such, we refer you to our Planning Advice, in particular the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works', which specifies the information that should be provided to support applications which propose connections to public wastewater treatment works.

With regards to the third bullet point, we note from the information available on your Authority's website that Dwr Cymu/Welsh Water have confirmed in a pre-application consultation with the applicant that Llanfoist Wastewater Treatment Works does not have capacity to treat additional phosphorus. Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

CEMP: We welcome the Construction Environmental and Traffic Management Plan, Abergavenny Police Station dated March 2022. The report is comprehensive and covers all relevant points. However we would like to include regular inspection checks of the discharge point from the balancing pond to ensure that there is no contaminated water discharging to the surface water drain and subsequently the watercourses. The applicant has put in mitigating plans such as silt netting to prevent silt entering the pond from the construction area but we would still want regular inspection of the discharge point for the pond. The report covers water damping down in dry conditions and we have known of previous problems with this causing a potential discharge to watercourses and surface water drains.

We have reviewed the updated Construction Environmental Management Plan, Abergavenny Police Station dated March 2022 (Revision B) and are satisfied with the amendments in section 5.2 regarding inspection checks of the discharge point from the balancing pond.

Great Crested Newts: We note that an attenuation pond is located on the proposed development site. eDNA and egg search surveys undertaken at the pond produced a negative result. Similarly, refugia surveys for great crested newts on terrestrial habitat did not demonstrate use of the site by GCN. However, a known GCN breeding pond is located circa 200 metres to the south southeast of the site. The development plans indicate the intention to improve the on-site pond for amphibians, and to provide a hibernaculum on land adjacent to the pond. On the basis of the information in the documents named above, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the following conditions are added to any permission your Authority may be minded to grant:

Condition 1: Amphibian-friendly surface water management system. Prior to its installation, full details of measures designed to prevent the incidental injury/ capture/ killing of great crested newts during operational and (if applicable) decommissioning phases of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The submission to include detail of the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots or other similar features that could trap GCN.

Condition 2: Lighting plan

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas, in particular the off-site trees to be retained to the south and west, and the balancing/ attenuation pond to the north
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation

Contaminated Land: We have reviewed the (land contamination) documents and note the low levels of soil and groundwater contamination. The risk to controlled waters has been assessed as low and we accept this conclusion. It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed. These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

WG Highways - There are still some remaining issues that require addressing. The fencing at a reduced height is at the same height as that of the existing traffic ADS sign (1.8m). At the eye height of a driver on the links and roundabout the fence may obstruct sign details. Adequate sight lines to the sign should be confirmed. Further details as to the extant use of plot 7 should be provided as well as further commentary as to how standards at the arm in question accord with CD116 of the DMRB in line with the proposed use as a police station.

At the time of writing this report, project engineers are working to overcome the concerns raised by the trunk road authority.

MCC Highways - The application site has already been considered in terms of overall development and traffic impact; therefore we are satisfied that the traffic generated by the proposed development will have no adverse impact on the safety and capacity of the local highway network. In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to the following conditions being applied.

1. No development may commence until the applicant has submitted a revised drawing demonstrating that the emergency access is for exiting emergency vehicles only via a footway/verge vehicle crossing.
2. The emergency access shall be for exiting emergency vehicles only under blue light conditions.
3. Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

Comments: The site in its previous form was the access road to the Llanfoist waste transfer station/recycling centre which ran parallel with the exit slip road from the A465. As part of the Westgate commercial and residential development the highway network was altered through introduction of a new roundabout which provided access to the development and waste/recycling centre and exit from the A465. A fourth roundabout arm was constructed as part of the overall scheme to provide access to the application site which formed part of the overall Westgate Development scheme.

It should be noted that the roads and roundabout between the A465 and Merthyr Road roundabout form part of the trunk road network therefore Welsh Government as Highway Authority for trunk roads should be consulted on these proposals.

As part of the development proposal 2 no. separate vehicular accesses are proposed. One from the already constructed arm of the new roundabout and a second from Merthyr Road. There are no objections to utilising the purpose built arm of the roundabout, subject to the agreement of Welsh Government, however there are concerns over the proposed secondary access onto Merthyr Road. The original access to the waste/recycling centre was at this location and was permanently removed as part of the overall Westgate development described above, therefore we would not wish to see an access reintroduced at this location unnecessarily when a suitable access is being provided directly off the roundabout. However, from the detail submitted with the application the access onto Merthyr Road is shown as emergency access only. In light of this the Highway Authority would not object to the proposed emergency use, however it should only be used for emergency exiting vehicles only, under blue light conditions.

In light of the above the emergency access as shown is considered to be over engineered for its intended purpose, therefore it shall be redesigned as a footway/verge vehicle crossing as opposed to the large bell-mouth junction shown.

The car parking and turning provision as shown is considered satisfactory for its purpose as the site is self-contained, therefore there will be no impact on the adjacent highway network.

Active travel is achievable to and from the site as appropriate measures/improvement have already been put in place to support the wider development.

Further comments received: It is noted there a number of revised drawings which have been submitted namely, fencing and security plan, landscaping plans and planting schedule etc. However, there does not appear to be a detailed drawing which satisfied the recommended condition 1 as set out in our initial response. A revised 'exit' only onto Merthyr Road detail is included on the fencing and security plan, however the detail is very limited. A statement has been provided by the applicant's agent with regards to the requested highway conditions however a detailed plan should accompany this as requested.

MCC Biodiversity - No objections subject to conditions.

MCC Landscape/GI Officer - No objection. Following comments from the landscape officer the following additional information has been received and included in the Green Infrastructure Management Plan:

- Information from Just Mammals on the aftercare prescriptions of the pond.
- Aftercare for the SuDS from Jubb.
- Information on access to the pylon post occupation.
- Revised locations/details for the bird and bat boxes.

MCC SAB - No objections.

SEWBRc Search Results - No significant ecological record identified. (delete / edit as appropriate)

5.2 Neighbour Notification

No comments received.

5.3 Other Representations

Abergavenny and District Civic Society - This is a generally well-presented application and we are pleased to see that it was submitted to DCfW; the Commission's comments and the applicant's responses have helped us to form our own views.

LDP boundaries in this area have clearly been overtaken by events since the plan was prepared and the site can reasonably be accepted to form part of the Westgate business park with an overall commitment for industrial and business employment. The applicants make it quite clear that the building is to be used for operational needs of the police 'business' and is not for normal public access; the public-facing police presence will be in the town centre. Many local residents may feel that the town centre presence is insufficient to deal with in-town problems; a greater explanation of the police strategy would have been helpful, but it may not be a planning control issue. However, it would appear to be misleading to label the building 'Abergavenny Police Station' when it does not encourage public access. The public expect to be able to go to 'the police station' to report an incident, to produce their driving licence, etc.

We note that the Design Statement refers to an objective that the design 'allows Gwent Police to easily extent the site in future years'. There would appear to be little or no scope for that except at the expense of the pond.

DCfW described the proposed building's architecture as 'aggressive', and, while we note the defensive security considerations, we question the need for, and likelihood of, the building's location and appearance conveying 'a strong visual presence [which] will give a positive message to the community that a strong police presence is located in this area; the building has been designed and positioned to act as a deterrent to persons utilising the heads of the valley road for criminal activities.' (Planning Statement p16). Consequently, while we do not object to the modern form of the building, we do object to the severity of the grey brick and black/anthracite cladding. Softer colouring such as cream and dark brown would be more in harmony with other buildings on the Westgate site, without compromising an impression of impregnability if required.

More positively we welcome the measures intended to achieve BREEM Excellent standard and to bring the attenuation pond and its surroundings under proper ecological management. No doubt you will take the advice of others to ensure that the biodiversity provision and management arrangement are appropriate and enduring; there is clearly a case for the Velo Park, the large nearby pond and the police station pond being managed together.

5.4 Local Member Representations

Former Cllr G Howard - By the time this application is to be determined, I shall no longer be the Councillor representing the Llanfoist Fawr ward. Therefore, I would ask you that the new members views and those of the Community Council be sought on this development, before a decision is taken.

I see that the design of the building is quite striking and I note the comments from DCfW in the supporting docs. I wonder whether this style is appropriate given the negotiation that took place on the earlier Premier Inn scheme to ensure the use of local materials, particularly stone, as a way of reflecting the local context.

I have no objection to the proposed land use, albeit that this land is outside the settlement boundary, and it will be far preferable to another fast food outlet. I guess, though, that this will have to be a Committee decision as it would not be in accordance with the LDP.

I should think that many residents will be glad that there would appear to be an obvious Police presence in Llanfoist.

However, whilst I realise that it will also be beneficial for Police Officers to have a local base, it appears that unlike the former Station there will be no custody cells and that those arrested will continue to be taken to Monmouth or elsewhere. I realise that this is not a planning matter per se, but my overriding thoughts are whether or not this development is actually going to have any

practical benefit to residents and improve response times, or just be a welfare and daytime office base.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The site is located in a mixed-use area. Industrial units lie to the west and south of the site; commercial units are located east of the site, namely, McDonalds and Costa Coffee; and residential dwellings predominate further south. The Heads of the Valleys Road (A465) is located some 50m north of the site and runs parallel to the site's northern boundary. Further afield, the river Usk is located approximately 450m north of the site.

The settlement boundary in this location does not follow a logical form based on the current situation on the ground. It is likely that the unusual boundary arrangement is a hangover from the previous UDP given the timing of the preparation and adoption of the LDP and the timing of the completion of road works associated with the Heads of the Valleys Road.

A planning consultant progressed a candidate site submission (August 2021) in response to MCC's Second Call for Candidate Sites regarding the Replacement Local Development Plan (RLDP). It was requested that the LPA undertake a settlement boundary review in this area of Llanfoist; specifically requesting that the site be included within the settlement boundary. This work is still ongoing. At the current time, Policy E2 of the LDP applies as it relates to Non-Allocated Employment Sites and states as follows:

Proposals for industrial and business development (classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987) by new, non-speculative single-site users that cannot be accommodated on existing or proposed industrial or business sites within the County will be permitted provided that all the following conditions are met:

- a) the proposed site is within or adjoining development boundaries of towns and other main settlements or existing and proposed industrial / business sites;
 - b) the proposal is compatible with adjacent land uses;
 - c) there is a demonstrable need for the type and scale of development in that location; and
 - d) the proposal would cause no unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value.
- Such developments will be controlled with a Section 106 Agreement to restrict the site to a single user.

Half of the site is located within the settlement boundary whilst the other half adjoins the development boundary for Llanfoist and adjacent to an allocated employment site referred to as Westgate Business Park. As such, the proposal is compatible with adjacent land uses. Gwent Police has identified this site as an appropriate site due to its sustainable location and its proximity to the Heads of the Valley Road (A465) strategic road network. The proposals show only a small proportion of the site as being developed, the existing lagoon is proposed to remain in situ, existing earthworks and cut material surrounding the lagoon are proposed to be retained. It is suggested that there is an opportunity to create enhanced biodiversity and pathways around the lagoon. Therefore, the proposal will not cause unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value. On this basis the proposed development is considered to meet the criteria of Policy E2 of the LDP.

As part of the site is outside the development boundary LDP Policy LC1 also applies. Compliance with this policy is considered below in Paragraph 6.3.

Under 'Policy 6: Town Centre First', Future Wales encourages public service facilities to be located within town and city centres. As noted in Paragraph 1.3 above, the approach here is a hybrid approach with two key objectives; the need for a community public facing facility within the Town Centre, but also a public facing building, located on one of the key highway networks in South Wales to act as a visual deterrent to criminals. The site's location, with immediate access onto the strategic highway network is therefore imperative to the success of the proposed development.

The Predictive Agricultural Land Classification (ALC) Map identifies that the land is classified as Grade 2. The Local Development Plan Preferred Strategy acknowledges the challenge of protecting the best and most versatile (BMV) agricultural land given the high proportion of BMV land in the County and limited opportunities for brownfield development. It is clear when visiting the site that the site is not BMV Grade 2 land, nor is it even agricultural land given that the site is effectively vacant land between new roads. As such the predictive ALC maps are accepted to be out of date. The site measures approx. 0.6 hectares which includes the large attenuation pond. Given its size and location it is considered that there is no realistic prospect of it being used for agriculture. Given these circumstances, no further surveys in relation to ALC is considered to be necessary in this case.

Despite the site being a technical departure to the LDP, it is a brownfield site adjacent to a business park and is considered appropriate for this form of community development (use class B1).

6.2 Sustainability

6.2.1 Good Design/Place Making

The proposed police building is a simple, rectangular, two-storey structure under a mono-pitch roof. The building has a vertical emphasis, with elongated windows spanning from ground to first floor. In terms of the material palette, the ground floor of the building will be cream-coloured brick; this has been selected as a robust material to provide a strong aesthetic anchor to the building. The exterior of the first floor will be comprise of a grey (oyster) composite cladding. The roof will be made of a metal built up roof system. There are few existing consistent architectural forms in the allocated site to the east or towards Westgate depot / employment zones to inform the design palette so a contemporary and functional design and layout which is easily recognisable, but in turn with the proposed landscaping that will help to integrate the building within the setting, is considered to be acceptable.

The building has been purposely designed to appear as a warehouse/office facility and not a more obvious civic building. Whilst local people will be able to interact with police officers and civilian staff inside the building via external telephone link, the building is not open to the public, unless persons are invited to interview here. The building's functional appearance is intended to act as a deterrent to commit crime for anybody passing the site via the heads of the valley road including County lines drug traffickers.

Whilst the building has been designed to stand tall, the surrounding environment ensures a softer feel. In terms of boundaries, secure fencing at 1.8m height is proposed to ensure staff and visitor safety is maintained at all times. Where possible, the secure line will be softened by planting. This will sit at the back edge of footpath and will not interfere with the existing public space. The proposed type of fencing will be a black metal permeable barrier, allowing views into and out of the site.

The mitigation planting comprises 18 no. new trees which are to be dispersed across the site alongside hedgerow planting along the northern boundary with amenity grassed areas and wildflower planting providing a soft frontage. Existing trees and habitat areas have been retained wherever possible. The existing attenuation pond area will continue to aid site drainage, with further levels of ecological enhancement, including aquatic marginal planting, grassland, wildflower swathes and native tree planting.

The application was submitted to the Design Commission for Wales (DCfW) as requested by South Wales Police. The scheme was presented to the design panel on the 24th March 2022. The project was generally well received by the DCfW. However, concern was raised that the architecture of the building was 'very aggressive'; the original design proposing grey and black materials for the walls. This concern was shared by Planning Officers and the Abergavenny and District Civic Society. As a result, the colour of the external walls has been changed to lighter cream bricks with light grey cladding above. The buff neutral brick colour to the ground floor provides a light neutral base to the building to which the new planting and landscaping will stand out against. This natural colour will be more inviting and tactile than the previous grey toned brick. The colour palette is subtle meaning the two colours should blend as one. The prominence of the building will therefore be reduced compared to the previous dark, more oppressive palette and as a result, will make the building look more domestic in appearance rather than overly authoritarian, while the scale and form will ensure that it is still visible from the Heads of the Valleys road.

On the basis of the above it is considered that the proposed development is in accordance with the provisions of Policy DES1 of the LDP and TAN12.

6.2.2 Green Infrastructure

The GI Management Plan and post construction establishment and aftercare programme is acceptable. Page 30 clearly highlights the roles and responsibilities for delivering the GI Management Plan and aftercare of the site.

The landscape general arrangement APS-STL-xx-ZZ-DR-L-9001 PL03 retains the SuDs balance pond with new build and infrastructure on existing predominantly hard surfaced platforms. The proposal intends to install a black perimeter security mesh fence to boundaries and close to existing treed boundary to the south-west along existing fence line. The fence to be vertical and not cantilevered at the top as per descriptions and to include an internal native species hedge

In order to ensure the site can be sensitively redeveloped, a strong landscape and Green Infrastructure Strategy has been submitted and the biodiversity enhancement opportunities identified within the ecological reports have been incorporated into the design. The mitigation planting comprises 18no. new trees which are to be dispersed across the site alongside hedgerow planting along the northern boundary with amenity grassed areas and wildflower planting providing a soft frontage. Existing trees and habitat areas have been retained wherever possible. The existing attenuation pond area will continue to aid site drainage, with further levels of ecological enhancement, including aquatic marginal planting, grassland, wildflower swathes and native tree planting.

6.3 Landscape

Policy LC1 relates to New Built Development in the Open Countryside and states the following: There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

As aforementioned, the proposals show only a small proportion of the site as being developed, the existing lagoon is proposed to remain in situ, existing earthworks and cut material surrounding the lagoon are proposed to be retained. It is suggested that there is an opportunity to create enhanced

biodiversity and pathways around the lagoon. Therefore, the proposal will not cause unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value;

The site sits adjacent to, and on the ground appears part of, an allocated employment site referred to as Westgate Business Park. As such, the new building is located within close proximity to existing groups of buildings. The site sits adjacent to a number of industrial and commercial properties which vary in size and form. The proposed building will be two-storey high and 429sq.m in floor spaces. As such, the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside and the provisions on LDP Policies LC1 and LC5 are considered to have been met.

6.4 Biodiversity

An Extended Phase 1 Habitat survey undertaken in March 2021 by Just Mammals consultancy identified habitats within the site to include semi-improved neutral grassland, hardstanding, line of trees, pond, disturbed ground; ephemeral/short perennial and scrub. Habitats within the site are considered to provide suitable commuting, foraging, and nesting opportunities for nesting birds, great crested newt, and low numbers of reptiles as well as commuting and foraging routes for bats along the tree line. The walkover survey followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit. Further surveys for great crested newt and reptiles were undertaken by Just Mammals Consultancy Ltd between April and June 2021. No reptiles were found during the surveys and the pond returned a negative eDNA result for great crested newt as well as no eggs being found. These surveys were undertaken following best practice guidelines and I agree with the conclusions that great crested newt and reptile are likely absent from the site.

Habitats within the site are suitable to support amphibians and reptiles and should be encouraged within the site. A Construction Environmental Management Plan (CEMP) has been submitted which will include precautionary methods of working relating to amphibians and reptiles and controls to prevent pollution. Natural Resources Wales have also recommended a condition for an amphibian-friendly surface water management system in their comments dated 09/05/2022.

A sensitive lighting plan to minimise impacts on commuting and foraging bats has been recommended within the ecology reports. A suggested condition has been provided below to secure this should Members be minded to approve the application.

In terms of great crested newts, as per pre-application comments, outline planning permission for the residential and commercial development of the wider site was granted in October 2010 as part of application DC/2008/00818. A Section 106 Agreement was entered as part of the permission, which included the implementation of a mitigation strategy for great crested newt (gcn) within the site and its surrounding areas: Mitigation Strategy for Great Crested Newt & Other Protected Species by David Clements Ecology Ltd, October 2009. The addition of great crested newt underpasses within the landscape design, as well as ecological scrapes and proposed planting to enhance connectivity throughout the site for great crested newt and other amphibians is welcomed.

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The ecological reports and feature plan provide suggested enhancement measures to include:

- Installation of 3 great crested newt underpasses
- 2 bat boxes to be erected on retained mature trees to south of site boundary
- 2 bird boxes to be erected on retained mature trees to south of site boundary
- Installation of hibernaculum in north west corner of site
- Creation of log piles within the site
- Installation of bug hotels close to the balancing pond

These measures are welcome and are illustrated on the 'Soft Landscape and Ecological Feature Plan -Abergavenny Police Station by Stride Treglown, dated June 2022.

On the basis of the above, and subject to conditions, the development is considered to meet the requirements of LDP Policy NE1.

6.5 Impact on Amenity

There are no neighbouring residential dwellings within close proximity of the site, the nearest neighbouring properties being a Premier Inn Hotel and a Brewers Fayre restaurant/pub. Blue light vehicles will operate from the site and Gwent Police will operate an exclusion zone around the site which means that use of sirens and blue lights will be minimised when immediately exiting the site to reduce the impact on neighbour amenity. As such, there will be no conflict with LDP Policy EP1.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

In terms of public transport, the closest bus stop is located approximately 150m north of the site, along Merthyr Road. This stop provides regular services throughout the day (from 07:24 to 18:02) to Llanellen, Brynmawr and Merthyr Tydfil (via the following bus numbers: 3, X4 and 47). Abergavenny train station is located 2.5km north-west of the site and provides direct routes to Manchester Piccadilly, Cardiff Central and Carmarthen.

The closest cycle route to the site is located approximately 200m north-west of the site along 'The Cutting', namely, route number 46. This cycle route connects Bromsgrove and Neath.

As such, the site is considered to rate highly in terms of Sustainable Transport and is therefore an appropriate location for a use such as a police station.

6.6.2 Access / Highway Safety

The site currently offers vehicular access via an unnamed road which provides access to the south-eastern corner of the site. This road connects directly to the Heads of the Valleys Road (the A465), which is the main road linking Neath and Abergavenny. The main access point will be maintained via the existing access point. This entrance point will extend into the development in a westward direction before splitting in a south-eastward and a north-westward direction. The former will provide direct access to the parking provision along the site's southern boundary and the latter will run along the site's southern boundary and link to the B4246. This access point onto the B road would only be used for emergencies.

Two-way vehicle movements of 52 vehicles are forecast during the shift changeover period. This is equivalent to less than one vehicle per minute during the changeover hour. Such a minor increase in traffic flow will not be a noticeable and will fall within the bounds of normal daily fluctuations in traffic flows along the local highway network. Ultimately, trip generation will be negligible and it is not considered that the quantum of movement associated with this development will cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes.

There is an on-going discussion involving the applicants and the WG Transport Team (trunk roads authority) to ensure the detail of the access is fully acceptable. The discussion centres around the depth of set back off the roundabout before the gates of the police station are located. Currently the setback is 12m off the roundabout before the gates but this may need to be further – possibly 18m but this is yet to be resolved. A greater set back may lead to the building/ site layout being changed very slightly – but this would not have any impact on any neighbouring uses. Given the principle of the access of the roundabout is entirely acceptable, it is suggested that if Members are minded to approve the development, the detail of this access off the trunk road is delegated to officers to agree via consultation with the Council's Delegation Panel.

6.6.3 Parking

Collectively, 30no. parking spaces will be provided on-site, including:

- 24 standard parking spaces including 5 regular electric vehicle charging spaces
- 4 large parking spaces for police vans including 2 electric vehicle charging bays
- 2 accessible spaces including one accessible electric vehicle charging bay

Cycle storage will be located directly west of the Police Station building. The cycle storage will collectively store 20no. of bicycles. This level of parking is acceptable and policy compliant.

6.7 Drainage

6.7.1 Foul Drainage

There is an existing foul water sewer within the unnamed road located to the east of the development. It is therefore proposed to connect the development drainage to the existing system.

6.7.2 Surface Water Drainage

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Developments intended to provide services, facilities, commercial sites, or places of employment (e.g., community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment.

It is proposed that surface water will be filtered via proposed grass covered Filter Trench and raingardens into a below ground attenuation tank and to then discharge into the existing basin via a hydro break flow control chamber. An on-site scheme incorporating a variety of SuDS features, such as SuDS planters, rain gardens etc., are proposed to address water quality / quantity matters. These features will be located within the development site wherever possible. A landscape designer will progress a scheme to compliment the SuDS and provide an environment that is not only functional but will provide amenity and biodiversity benefits. The inclusion of these SuDS features would therefore address quantity, quality, amenity and biodiversity.

The scheme will be subject to separate SAB approval.

6.8 Contaminated Land

A Desk Study & Preliminary Stockpile Assessment has been produced by Earth Science Partnership to assess the potential for hazardous substances within the site and its surroundings in support of the application. Based on the trial pits and testing, the modified plasticity indices suggest that the soils are generally of low volume change potential. The materials have been identified to largely be General Cohesive Fill (Class 2c - Stony Cohesive Material). The soils also meet the classification for Class 7a (Selected Cohesive Fill, Selected Cohesive Material) and 7d (Selected Cohesive Fill, Selected Stony Cohesive Material). Furthermore, eight samples were

tested for a range of contaminants typically found on brownfield sites. All of the contaminant levels recorded were below the stringent guideline values for residential land use and therefore the risk is considered to be low. Therefore, in line with the report's suggestions, if during the movement/excavation of the materials in the future, any contamination or potential for contamination is identified, works will be ceased and a specialist will be contacted immediately. On this basis, no further survey work in relation to contamination is required at this time.

6.9 Noise

An Environmental Noise Assessment to confirm the likely ventilation strategy within the development has been submitted in support of the application. This has determined that all habitable spaces facing exposure level 1 will require attenuated windows to facilitate natural ventilation or mechanical ventilation. A full acoustic specification for windows, ventilators, walls and roof has been provided. The specifications will enable compliance with the internal noise criteria of BS 8233: 2014.

Limited blue light vehicles will operate from the site, although Gwent Police will operate an exclusion zone around the site which means that use of sirens and blue lights will be minimised when immediately exiting the site to reduce the impact on neighbour amenity.

As such it is considered that the development will adhere to TAN 11 and LDP Policy EP1 and will ensure that any noise pollution can be adequately addressed through appropriate mitigation measures.

6.10 Response to the Representations of Third Parties and/ or the Community Council

The concerns raised regarding the design of the building have been largely addressed by the revision of the materials palette from dark grey/black to cream and grey giving the building a 'lighter' impact within its setting and is more akin to the appearance of the existing surrounding development.

6.11 Well-Being of Future Generations (Wales) Act 2015

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.12 Conclusion

There is no physical constraint to the redevelopment of the land in terms of access as the site is accessible via an existing spur off the roundabout located to the east. As set out in par. 6.2.2 above, given the principle of the access of the roundabout is entirely acceptable, it is suggested that if Members are minded to approve the development, the detail of this access (and any associated minor changes to the site layout) off the trunk road is delegated to officers to agree via consultation with the Council's Delegation Panel.

There are no overriding ecological constraints that cannot be mitigated against. Any mitigation and compensation can be managed via condition should Members be minded to approve the application. As such, there is no conflict with LDP Policy NE1.

The development will not have an adverse impact on any landscape designation. The design of the building is considered to be appropriate within the setting. As such there is no conflict with LDP Policies LC1, LC5 and DES1.

There are no known issues with regards to site stability/ground conditions, and the topography of the site, incorporating largely level land, does not present any obstacle to development. The development of the site for commercial use would not result in an adverse impact on any neighbours in accordance with LDP Policy EP1.

7.0 RECOMMENDATION: APPROVE subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

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 list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The development shall be carried out in strict accordance with Section 10 (Recommendations) of the approved 'Proposed Gwent Police Station - A Preliminary Ecological Appraisal by Just Mammals Consultancy Ltd, dated April 2021' and Section 9 (Recommendations) of the approved 'Proposed Gwent Police Station - A Species Survey Report by Just Mammals Consultancy Ltd, dated June 2021'.

REASON: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

5 The 'Soft Landscape and Ecological Feature Plan - Abergavenny Police Station by Stride Treglown, dated June 2022' which illustrates the location of bat and bird box provision as well as hibernacula, log piles and bug hotels shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

7 Prior to its installation, full details of measures designed to prevent the incidental injury/capture/ killing of great crested newts during operational and (if applicable) decommissioning phases of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The submission to include detail of the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots or other similar features that could trap Great Crested newts.

REASON: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

8 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 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 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 birds is between March and September.

4 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

5 Please note that Great Crested Newts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

6 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

