

**Application Number:** DM/2023/01204

**Proposal:** Replacement of car park, driveway and building access lights with LED lights

**Address:** Old Station Surgery, 39 Brecon Road, Abergavenny, NP7 5AQ

**Applicant:** Dr Rose and Partners

**Plans:** Block Plan 199 - , Site Plan 200 - Rev A, All Drawings/Plans 202 - , All Drawings/Plans 201 - , Elevations - Existing 203 - , Elevations - Proposed 204 - , Location Plan OS - GP Surgery- Kosnic Lighting Scheme V1

## **RECOMMENDATION: Approve**

Case Officer: Kate Bingham  
Date Valid: 12.09.2023

**This application is presented to Planning Committee due to the number of objections**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to an existing GP and Primary Care surgery located in the centre of Abergavenny. The immediate area is predominantly residential with the A40 (Brecon Road) running along the southern boundary. Chapel Road runs along the western boundary with Cantref Road and St Micheals Road on the northern boundary of the site. Being on the site of a former railway station, the surgery sits on high ground which would previously have been an embanked railway line.

The building was purpose built as a single storey surgery with rooms in the roof space and has been extended in the past and is served by a relatively large car park providing parking for 47 cars on the site including 5 spaces for disabled drivers and a drop off / delivery bay. The boundaries are formed by close boarded fences at the bottom of steep banks. There is a natural stone retaining wall along the Chapel Road and Brecon Road boundaries. These were built when the site was still a railway site. Vehicle and pedestrian access are off Brecon Road.

The site lies within the Abergavenny Conservation Area. The site is also within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

#### 1.2 Value Added

The following changes have been made to the lighting since the submission of the planning application:

1. Lights to be switched off overnight by 9pm and back on at 7am
2. Type of lighting amended from existing LED Floodlights to Kosnic LED Street Lights with a Lux level of less than 1.
3. Two additional bird boxes and a bat box added to trees north of the car park.

#### 1.3 Proposal Description

This application relates to the replacement of lighting within the surgery car park to provide safer access for patients and staff up to, and across the site. Due to the location of the building which is not visible from any surrounding properties, the surgery has been susceptible to theft. There is

CCTV on the site but this is more effective with the lighting. The surgery currently offers access to GP services generally Monday to Friday from 8am to 6.30pm. The lighting as installed was left on all night. However, after complaints from local residents, the lights have now been set to turn off between 9pm and 7am.

The existing 3.6m lighting poles have been re-used for the new lighting. The light poles were arranged around car park and along the access drive to provide a distributed minimum level of lighting around the site for safe access. The original lights were sodium lamps in spherical covers and these gave a non-directional light. These were subsequently replaced with floodlight type directional lights to provide light in the areas required. However, these were causing a nuisance to neighbours and LED streetlight lamps are now proposed.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01827	Refurbishment of the existing Surgery inserting new windows in new clinical areas and re-align the curve of the drive to maintain the width of the pavement throughout its length	Approved	18.12.2018
DM/2020/01813	Alteration of materials from facing brickwork to Stone, Windows and Door colours amended to dark grey (Anthracite). Removal of chimney, alteration of side door to window and addition of single storey extension.	Approved	17.12.2020
DM/2023/00985	50% crown reduction on claret ash. Raise crown of ash, thorn and sycamore and shorten lateral limbs growing over carpark by up to 4m.	Pending Determination	
DC/1998/01087	New extension to provide two additional consulting rooms with seminar room at first floor level within roofspace	Approved	29.01.1999
DC/2007/00275	Extension to existing premises to provide additional consulting & treatment rooms & pharmacy (revision to existing planning permission M/9639)	Approved	25.05.2007
DC/2004/00129	Extension to existing premises to provide additional consulting rooms, treatment rooms, office Space and a pharmacy	Approved	22.06.2004
DC/2001/00896	New Porch	Approved	19.11.2001

DC/1991/00558	Sign for Surgery	Approved	06.08.1991
DC/2007/01684	Single detached dwelling with off street parking / garage (outline)	Refused	06.03.2008

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S5 LDP Community and Recreation Facilities  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

HE1 LDP Development in Conservation Areas  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
GI1 – Green Infrastructure

#### **Conservation Area Appraisal**

Abergavenny Conservation Area Appraisal Character Area 5 - Brecon Road.

7.3.33 As one of the principal routes from and to the town this road has the general character of a processional route with a scale that is reflective of a grander Abergavenny.

### **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 12**

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.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Abergavenny Town Council** - Recommended approval with reservation: that as offered, the lights are timed to be turned off at night with no overspill to nearby properties.

**MCC Heritage** - No adverse comments.

**MCC Biodiversity** – No objection subject to condition (no additional lighting).

A lighting plan has been provided showing lux levels on the vegetated boundaries of the site are less than 1 lux and therefore the biodiversity officer has no objection to the proposal. The details also state that the lights will not be on overnight which is welcomed. If you are minded to grant this permission the plans and timing details should be secured with an appropriately worded condition. Photographic evidence has been provided of bird and bat boxes installed to achieve net benefit for biodiversity. The ecological enhancements should be secured for perpetuity with an appropriate condition.

**SEWBREC Search Results** - No significant ecological record identified.

### 5.2 Neighbour Notification

25 representations received objecting on the following grounds: (Please note, all objections received prior to the changes to the lights described in Section 1.2 above).

- Light pollution is detrimental to both people and environment.
- The lights affect neighbouring properties, they are unnecessarily bright also white light rather than a more ambient warm light.
- Lights are left on all through the night for no reason so are a constant light.
- Lights adversely affecting sleep.
- Lights are a distraction for road users on the A40.
- The light is directed at the rear of properties that aren't normally affected by streetlights or cars.
- The old lighting never affected neighbours and was switched off after the Surgery closed.
- Going to the Old Station pub, the lights through the windows are disturbing and uncomfortable.
- Affecting business at the Old Station Hotel Public House.
- Lights and works were carried out with no planning permission.

Three letters of support received:

- I live in a neighbouring property and could always see the old lights like lollipops in the sky. I cannot see the new lighting, only a glow downwards so this new lighting is better and does not give off as much light pollution.
- These lights have made an improvement, especially for the dark nights.
- Reassurance and safety for patients.
- We have been a patient and neighbour at the surgery for many years. The previous lighting was poor and the surgery has clearly spent a lot of money to improve this for their patients.
- Those coming to a late appointment in the winter months could feel a bit isolated and dark making vulnerable people feel unsafe.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

No comments received.

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**

6.1.1 Policy EP3 of the Local Development Plan (LDP) informs that development including proposals for external lighting should include an appropriate lighting scheme to ensure:

- a) lighting is necessary for the development;
- b) the proposed lighting is the minimum required;
- c) light spillage is minimised;
- d) the prevention of glare and respect for the amenity of neighbouring land uses;
- e) the visual character of the built and natural environment is not unacceptably affected, and dark skies are retained where appropriate; and
- f) potential impacts on biodiversity are taken into consideration.

6.1.2 The site is accessed by members of the public; emergency vehicles, pedestrians and cyclists and therefore the need for lighting is accepted. The car park has previously been lit and this application only seeks to replace the lights themselves.

6.1.3 Since first being installed, the direction of the lighting has been adjusted to minimise glare to neighbouring properties and light spillage. The lights are within the town centre where artificial lighting in the form of street lighting, signage and lighting of domestic properties is a feature during the hours of darkness. It is noted in this case however that the lights are timed to turn off at 9pm. This can be secured via condition should Members be minded to approve the application.

6.1.4 The impact on biodiversity is discussed in section 6.3 below.

### **6.2 Good Design / Impact on Conservation Area**

6.2.2 The existing 3.6m lighting poles have been re-used for the new lighting. The lighting poles were arranged around the car park and along the access drive to provide a distributed minimum level of lighting around the site for safe access. The replacement of the lights themselves will have a negligible impact on the wider area and will not affect the character or appearance of the Conservation Area. As such, there is no conflict with LDP policies DES1 or HE1.

### **6.3 Biodiversity**

6.3.1 The site is located adjacent to the old railway line, a vegetated corridor that is likely important for wildlife to move through Abergavenny. Obtrusive light at night reduces habitat quality for wildlife, resulting in habitat fragmentation. In accordance with Planning Policy Wales, local authorities should seek to promote ecosystem resilience and ensure that developments promote and encourage biodiversity and ecological connectivity.

6.3.2 A lighting plan has been provided showing lux levels on the vegetated boundaries of the site are less than 1 lux and therefore the Council's Biodiversity Officer has no objection to the proposal. The details also state that the lights will not be on overnight which is welcomed. If Members are minded to grant consent, then the plans and timing details can be secured with an appropriately worded condition (see end of report).

6.3.3 All new development must also provide net gain for biodiversity. Photographic evidence has been provided of bird and bat boxes installed. This area also contains piles of cut wood to provide additional wildlife habitat. The ecological enhancements should be secured for perpetuity with an appropriate condition should Members be minded to approve the application

6.3.4 Given that no ground works are proposed as part of this development, it is not considered that a Green Infrastructure Statement would be proportionate or beneficial to the application.

## **6.4 Impact on Amenity**

6.4.1 Objections from local residents have been received about the strength, direction and duration of the lighting. The previously installed lights were sodium lamps in spherical covers and these gave a non-directional light. The new lights are directional so that they can provide light in the areas required. The lights are over 20m from the nearest properties, some are over 40m from the neighbouring houses. However, there appears to have been a period of 'trial and error' with the functioning of the lights. Since the application was first submitted the applicant found that the lights were already connected through a time clock and have adjusted it so the lights will switch off at 21.00 after the cleaners leave and switch back on at 07.00 before the first staff arrive. The lights have also been tilted downwards as much as is safe to do so and still allow the light to disperse over the required area. These changes will make the lighting less intrusive to neighbouring occupiers and are considered to have overcome the objections raised. The timing of the lights should be conditioned to prevent any changes in the future.

6.4.2 As such, there is no longer any conflict with LDP Policy EP1 in relation to residential amenity.

## **6.5 Foul Drainage**

6.5.1 This application has no implications for foul (or surface water) drainage.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 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.

## **6.7 Conclusion**

6.7.1 No new lighting columns are proposed.

6.7.2 As the lux levels of the new lighting have now been reduced, the lighting has been directed away from boundaries and is timed to go off during the night, the proposal will have no adverse impact on neighbouring occupiers.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 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.

2 The lighting shown in approved drawing Exterior Lighting, produced by Kosnic Lighting, dated 18th October 2024 shall be installed within 3 months of the date of this consent.

REASON: In the interests of local residential amenity in accordance with LDP policies EP1 and EP3 and to safeguard existing habitat providing ecosystem resilience in accordance with the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

3. None of the lighting hereby approved shall be switched on between 21:00hrs and 07:00hrs.

REASON: To protect the amenities of the nearby residential properties from light pollution in accordance with LDP Policy EP1.

4. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), external lighting shall only be installed and used in accordance with the specification in the submitted report "Exterior Lighting, produced by Kosnic Lighting, dated 18<sup>th</sup> October 2024".

REASON: To safeguard existing habitat providing ecosystem resilience in accordance with the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1

5. The bird and bat boxes installed to provide net benefit for biodiversity shall be managed and retained in perpetuity.

REASON: To maintain and enhance ecology on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

## **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.