

Application Number: DC/2011/00083

Proposal: Proposed retail development (detailed submission) (Amended plans received 12/09/2018)

Address: Magor Motors, Newport Road, Magor

Applicant: Mr. Rod Morgan

Plans: Site Plan 003 - D, Floor Plans - Proposed 004 - C, Elevations - Proposed 005 - B, Elevations - Proposed 006 - B, Landscaping Plan 007 - B,

RECOMMENDATION: APPROVE

Case Officer: Mrs. Helen Hinton
Date Valid: 14.02.2011

1.0 APPLICATION DETAILS

1.1 This application seeks consent for the development of an A1 retail store on the existing site of Magor Motors. The application is submitted in outline, with matters and details submitted in respect of access, appearance, layout and scale.

1.2 Members will note this application was received in 2011 and was subsequently reported to Committee on 17th January 2012. At that Committee, Members resolved to approve the application subject to the applicant entering into a Section 106 legal agreement to provide:

1. Use of the Wheatsheaf car park as an overflow car park in perpetuity
2. The provision, maintenance and updating of signage and information boards about facilities available in the Magor CSA and the history of the locality including Magor Conservation Area
3. Off-site road works including in respect of the service exit onto Main Road and the provision of a section of footway past the site on Newport Road.

1.3 This report contains information and data from the original committee report with additional information and analysis with regards to up to date data and considerations.

1.4 As part of the original proposal, a delivery access was to be gained partially over a triangular shaped parcel of land 11m wide, 10.5m deep to the north-west of the site, adjacent to the B4245, which is in Council ownership. Despite extensive negotiations, the applicant has been unable to purchase the land and the proposal has now been amended to alter access to the site and exclude this area from the application.

1.5 In conjunction with the access alterations, the proposed store has also been reduced in floor area and an agreement to allow overflow parking from the development in the car park of the Wheatsheaf withdrawn. All parking is now proposed within the boundaries of the site.

1.6 The proposed building would measure at its greatest 44m wide and 15.5m deep with a net retail floor space of 482m². The retail space has been reduced from the 710m² and 651m² as originally and previously proposed. The building would be predominantly single storey, with a two storey element containing storage, offices, plant room and lift at the western end. Externally the building development would be finished with render with natural stone plinths and contrasting panel elevations; painted timber frame windows and doors; and a staggered pitched roof with a maximum height of 12.2m falling to 3.6m finished with natural slate and pre-patinated grey coloured zinc gutters and downpipes. Customer access to the store would be in the southern elevation contained within a projecting gable with lean-to canopy either side. Windows would be provided on all elevations overlooking the highways to the north and east and the public right of

way to the west. The building would be positioned behind the reën and grassed area, in the east. Boundary treatments would include stone walls, timber post and rail fencing, and timber boarding

1.7 All vehicles would access the site from Newport Road, leading into a 27 space car park adjoining the store. The service area on the western side of the building would operate on a one-way system with vehicles entering from Newport Road but exiting onto Main Road. The exit on the B4245 would be gated and restricted to service vehicles with a left turn option only. The overall scheme would require some associated road works, including the provision of a footway along the Newport Road frontage and a splayed vehicular egress onto Main Road from the service yard. A cycle parking area would be provided adjacent to the customer entrance to the building.

1.8 The store would operate between the hours of 8am and 10pm Monday to Saturday, and 10am to 4pm Sundays. The applicant anticipates that the store would employ 10 full time and 20 part time staff.

1.9 Foul water would drain to the mains; surface water would discharge to the adjacent reën via an attenuation and oil filtration system.

1.10 The applicant, who is an owner and operator of Magor Motors, applied to redevelop the site in order to build a retail store in 2005; that application was refused and the subsequent appeal dismissed. The same applicant is of the view that it remains an appropriate time to reapply for redevelopment for retail purposes given an acknowledged shortfall in retail provision in Magor itself, and the proximity of the site to the Central Shopping Area at Magor. The applicant says the family intend to run the store themselves as a 'trolley' store aimed at weekly shopping; a retailer has not been named.

1.11 Site Appraisal

1.12 Magor Motors occupies a prominent site with highly visible frontages to Main Road (a section of the B4245 between Langstone and Caldicot) to the north and to Newport Road (R161) to the east, which leads to Magor shops and The Square. The site is currently in use as a repair garage and includes a fenced compound behind the repair buildings.

1.13 The application site has an area of approximately 0.2 hectare. The current business is accommodated within two large single storey garage buildings and Mill House which is a former stone cottage with slate roof, although repairs and works to vehicles frequently take place on Newport Road. The buildings have a cumulative footprint of 767m². Access is available from Newport Road, both directly off that road and via a lane which serves the fenced compound behind the buildings. The lane narrows to a public footpath on the western side of the site. There is a triangular grassed area to the east, at the junction of Main Road with Newport Road, which is excluded from the application, with the garage buildings sitting behind that grassed area and immediately alongside a reën.

1.14 Adjoining the site to the south-west is Pond House - a traditional cottage - and its curtilage, with more housing directly opposite with Chestnut Close and Mill Cottage to the east and Mill Reën and Cowleaze to the north. Newport Road divides less than 100 m to the south-west of the site, this point marking the visible edge of the Central Shopping Area with The Co-op (formerly Budgens general store), a hairdresser and the Wheatsheaf public house, and a small number of retail units, restaurants and cafes etc., in The Square. Other retail facilities in the wider area include The Flower Shed (formerly Mayfair Stores) further to the south-east along Main Road, and Magor Services at the motorway junction.

1.15 The proposals map of the Monmouthshire County Council Local Development Plan (LDP) identifies that the site is unallocated; positioned within the settlement development limits of Magor; within the Magor Conservation Area, which is centred on The Square; and an area of archaeological sensitivity but is outside of the central shopping area (CSA). The site is unallocated. The site is also partially within the C1 flood zone and adjacent to a C2 flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
M11365	Demolition Of Existing Buildings & Erection Of New Village Store & Car Park.	Refused	18.07.2005
M07037	Demolition Of Garage Buildings And Mill House To Provide New Village Store And Car Park.	Refused	18.07.2005
DC/2007/00549	Change of use of existing garage. MOT station, ancillary parts and car sales showroom to include sales and distribution of car motor parts, spares and accessories.	Approved	09.10.2007
DC/2011/00083	Proposed retail development (detailed submission) (Amended plans received 12/09/2018)	Pending Consideration	
DC/2011/00119	Proposed Retail Development (involving the demolition of existing buildings) - Conservation area Consent		Pending Consideration

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 LDP Retail Hierarchy
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

RET2 LDP Central Shopping Areas
RET4 LDP New Retail Proposals
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
MV3 LDP Public Rights of Way
MV7 LDP Rear Access/Service Areas
MV9 LDP The Road Hierarchy
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas

4.0 REPRESENTATIONS

Some of the responses noted below have been summarised. The full texts of the consultation responses are available on the Council's website.

4.1 Consultation Replies

Original Application and 2011 Re-consultation:

Magor & Undy Community Council - Approve subject to capacity of mains sewer infrastructure to take foul sewage; proposed HGV/delivery van access to/from B4245 and access to/ from car park onto village road being acceptable to Highways Dept. Particular concerns raised regarding the access/egress of vehicles on to the B4245. There is a need to provide 'crossing control' or traffic light system to ensure the safe crossing of pedestrians across the B4245 from Dancing Hill to the adjacent public footpath.

Reconsultation - Comments as per previous response.

Highways- Object to a new access off B4245 which is a busy arterial route; concerns as to whether the proposed access off R161 can safely accommodate the level of anticipated traffic; and insufficient parking provision.

Re-consultation- Raise no objections subject to conditions.

Following the submission of the Transport Statement, it is noted that the proposed access onto the B4245 would be restricted to use by service vehicles exiting the site only with all vehicles including customer and service vehicles entering the site via the primary access off the R161. It is considered that this will not have an adverse effect on the flow of traffic on the B4245, as service vehicle movements will be infrequent.

In accordance with the traffic data supplied within the Transport Statement the proposed access onto the R161 and the existing junction from the R161 onto the B4245 can accommodate the additional traffic associated with the development and would remain within capacity.

Parking provision remains inadequate - 27 spaces rather than the 43 required by the CSS standards but information supplied by the applicant's consultants suggests this would be adequate given the likely pattern of use and the availability of public parking.

Conditions recommended restricting access to the B4245 to service vehicles only and restricted to one way use (exit only) and a management plan detailing how this will be controlled; visibility splays on the B4245 of 2.4m x 90m in each direction.

Environmental Health (Land Contamination) - Raise no objections subject to conditions.

The Geo-technical and Geo-environmental Desk Study identified a number of potential contaminants and pathways that could be a risk to human health and the aquatic environment. An intrusive site investigation should be carried out to assess the extent of contamination and undertake a quantitative risk assessment to determine actual risk to the potential receptors.

Development Plans - Attention drawn to UDP policies S8 - Village shops and services and S4- New shopping proposals.

Whilst a Retail Assessment has been submitted by the applicant more evidence would be needed to demonstrate that the retailing being carried out would not undermine existing outlets or adversely affect the vitality or viability of the existing centre. Regard must also be had for relevant guidance in Planning Policy Wales for retailing and town centres.

Conservation - Design is rather plain with a strong horizontal emphasis in contrast to the majority of the buildings within the Conservation Area that are of a much smaller scale. The structure should be visually broken down into smaller units with greater vertical emphasis through the use of

a a variety of materials, roof forms, building lines and bays. Boundary wall details should be conditioned. The exposure of the watercourse fronting the site is welcomed with a suitable scheme of landscaping conditioned to increase its prominence.

Environment Agency - Raise an objection.

The Flood Consequences Assessment (FCA) dated November 2008, revised November 2009, fails to demonstrate that the consequences of flooding can be managed over the lifetime of the development. The site lies partially within Zone C1 and the submitted FCA says the proposed development is for residential development. There is insufficient information to demonstrate that the risk of pollution to groundwater is acceptable.

Re-consultation - specifically relating to pollution issues - Raise no objection subject to conditions.

Specifically relating to flood risk - Raise no objection subject to conditions. Having regard for the submission of an updated FCA, the EA are satisfied that the consequences of flooding can be acceptably managed in accordance with TAN15.

Welsh Water - Raise an objection.

The development would overload the existing public sewerage system and no improvements are planned with Welsh water's Capital Investment Programme.

Re-consultation - No objection subject to conditions including separate foul and surface water drainage arrangements.

Caldicot & Wentlooge IDB - The proposal will have no direct effect on the Board's operational interests but sets out advisory notes including reference to the very high ground water levels that are experienced in this area.

Re-consultation - Response as previously provided.

Glamorgan Gwent Archaeological Trust - Raise no objections subject to condition. The application area was the site of the Magor grist (grain) mill and it has been suggested that the millpond to the north was the site of a medieval quay; medieval boats with shallow draught could have navigated along Mill Reen to this site. It is therefore possible that buildings associated with this harbour could have been built on the frontage of the street leading to the Square. Conditions recommended requiring a programme of investigation.

JW Planning (JWP), Retail Consultants to MCC - In the course of the application it was discovered that the retail floor space at Budgens had been underestimated in the assessment by the applicant's retail consultants. Consultants for Budgens submitted letters objecting to the application and setting out updated floorspace and turnover figures for Budgens in Magor. These prompted responses from the applicant's retail consultants and the submission of a revised assessment from J W Planning. The submissions are listed in paragraph 5.1 of this report and are referred to in summary in the ensuing assessment of retail issues.

SEWBREC- report does not identify biodiversity constraints directly affecting the site.

4.22018 Amendments and Reconsultation

Magor and Undy Community Council -Raise an objection on the grounds of increased traffic flow having a detrimental effect on an already overcrowded road; access/egress issues on to busy B4245 and parking Issues.

Highways- Raise no objections. The overall floor area of the building has been reduced therefore the proposed car parking provision is satisfactory and in accordance with the Monmouthshire Car Parking Standards 2012.

It should be noted that the previously agreed exit is already a relaxation of our normal standards as we were reluctant to agree a secondary access to the site, particularly onto the B4245. However, in order to prevent the development being sterilised and to assist with the servicing of HGV's we agreed to relax our normal standards by allowing a HGV 'exit only' onto the B4245. The exit as agreed had satisfactory junction geometry allowing a suitable swept path for HGV's, particularly articulated vehicles, therefore we are unable to relax our standards any further to overcome what is simply a land ownership issue.

The revised details submitted include a topographical survey and swept path analysis for an articulated HGV exiting the site onto the B4245. Having assessed the swept path of the articulated HGV on the topographical survey data we are satisfied that the turning movements can be safely accommodated without the need to overrun the oncoming lane of the B4245 when turning left from the site exit.

Conservation and Heritage- No additional or further comments to make.

Dwr Cymru/ Welsh Water - No response received to date.

Rights of Way - The applicant's attention should be drawn to Public Footpath No 88 in the community of Magor with Undy which runs immediately adjacent to the site. Countryside Access would therefore like it required that the path made up to multiuser adoptable standards and added to the List of Streets as part of the application. An additional pedestrian link into the site from the path would also helpful the requirement of the Active Travel Act. If this cannot be achieved Public Path no. 88 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of the development or private vehicular use must be made good.

JW Planning (JWP), Retail Consultants to MCC

There is theoretical expenditure capacity to support existing convenience facilities within Magor CSA as well as the application proposal. A significant number of main food shopping trips are currently made to large foodstores outside Magor by car (to Newport and Caldicot).

The application proposal would create an alternative food shopping outlet for Magor residents and, because of its larger size and greater retail offer than the existing Co-op store, would be likely to attract additional 'main food' shopping trips as well as 'top-up' trips. This is a qualitative benefit.

We are satisfied that there are no alternative sequentially preferable sites that could accommodate the application proposal. As noted above, there would be no purpose served by reducing the floorspace size or level of car parking provision associated with a new store, as this could prejudice its ability to attract main food shopping trips.

The principal retailer within Magor CSA with which the application proposal would compete directly, is the Co-op. We believe that the Co-op turnover could be reduced by 25-30%. However, because the Co-op appears to be trading relatively well, this level of impact may be capable of being absorbed, albeit it could cause a significant change in the Co-op's trading format and the range of goods on offer. Whilst we do not suggest that it would necessarily happen, the possibility of closure should not be dismissed (or the possibility of relocation of the Co-op to the new store premises).

Irrespective of any consequences for the Co-op as a retail business, the key planning issue is the effect of the application proposal on the vitality and viability of Magor local centre as a whole (for which the Co-op acts as an anchor trader). Impact on the CSA will be determined in large part by the propensity or otherwise of the proposed store to generate additional linked trips to the CSA.

In the Report to Planning Committee of January 2012 (Paragraph 5.2.1) officers concluded that on balance increased footfall is likely to be achieved in the CSA, given the implementation of robust measures including signage and conditions preventing the store from offering such services as a

post office, ATM, pharmacy or café that are otherwise present in the CSA. In our opinion none of the changes of circumstance since then warrant reconsideration of this conclusion.

Ward Member - No written response received to date.

4.3 Neighbour Notification

As part of the consultation with regards to the initial proposal, 22 letters of representation were received - 12 in objection, 10 in support these area summarised as follows:

Objections-

Including a letter from Mr. Ostler (former owner of Budgens now operated as a Co-op) setting out an analysis of the proposals and the likely implications for the store's continued viability, and a letter from the operator of the Post Office also expressing concern about the potential adverse impact on the viability of that business.

The proposed store would directly compete with existing local retailers to the detriment of those businesses and the Central Shopping Area generally

The figures submitted by the applicant are unrealistic and there is not a need for the proposed store

Loss of viability would impact on the upkeep of existing commercial properties in the CSA and Conservation Area

Contrary to national and local policy and guidance

Highway dangers and congestion

A similar proposal was previously rejected

Noise nuisance

Harm to the Conservation Area

Vacant properties already available in the CSA

Flood risk

Garage needed to help with breakdowns on the M4 and to provide a local service.

Support-

The introduction of competition is welcomed

The store would provide additional shopping opportunities by way of a trolley shop and reduce the need for journeys to towns such as Newport

Job opportunities

Parking proposals are adequate

Other businesses would benefit from spin-off

The remaining stores in The Square would not be affected

Widening of the footpath welcomed.

4.4 Re-consultation with regards to the amended details

The amended plans and details have been advertised by direct neighbour notification (including the Co-op), the erection of site notices and publication of a press note. Six letters of representation have been received and are summarised as follows:

Objections -

Too close to existing trade.

The proposal falls outside the CSA. Policy RET4 requires demonstrable need. Magor and Undy are well serviced by the exiting retail provision.

The proposal would be detrimental to the existing Central Shopping Area. The proposal would provide parking on site which would discourage shoppers from visiting the Central Shopping area and have a negative impact on the existing small businesses.

The proposal is too large in scale, unnecessary and will be detrimental to the look and feel of Magor.

There is insufficient trade to support another supermarket of double the size of the existing

Magor and the surrounding area are well served by Asda and Waitrose in Caldicot. If the M4 relief road goes ahead, the junction for access will be on the eastern side of Magor, the amount of passing traffic and trade will decrease significantly.

Proposal will generate increase traffic on the busy B4245 which is very busy and congested.

The current commercial use of the premises operates within restricted hours; the proposal would result in early opening mornings and late opening the evening.

Increased disturbance from opening hours, noise, lights and fumes from delivery and customer vehicles would detrimentally impact homes in Chestnut Close, Dinch Hill Lane, Mill Reen and Main Road.

Turning right onto main road from the access directly opposite the junction with Dancing Hill will be difficult and dangerous creating increased possibility of accidents.

Increase in danger to resident's crossing the B4245 to access the path to the villager centre in direct proximity to the exit.

The existing business is thriving and offers a valuable service to the community.

The proposal will result in the demolition of Mill House which is marked as being of historic significance on the Welsh Government Website and by Cadw.

Support-

It would be nice to have a positive promotion of locally owned businesses, especially if we're to meet the needs of an increased population in Undy through its proposed housing development. As the Postmaster in The Square in Magor, the application is supported providing there are plenty of signs directing people to The Square. Lots of people don't know what is in The Square as not signposted. All business find it hard. Improved signs provided in conjunction with the supermarket would help all.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The present use of the site is as a repair garage. What is now proposed is the redevelopment of the site and the house plot in order to provide a Class A1 (retail) store selling primarily convenience goods. The site falls within the defined settlement development limits but is outside of the Central Shopping Area of Magor. The key considerations with regards to the proposal have been determined as: whether the proposal complies with local and national policies which emphasise the need for new retail developments to protect and enhance the vitality and viability of existing shopping centres; impact on the Conservation Area of Magor; highway safety and free flow of traffic in the area; the residential amenity of those living closest to the site; design; flooding implications; drainage; land contamination and the public right of way.

5.1.2 In carrying out the following appraisal and forming a recommendation, Officers have been mindful that the retail issues are finely balanced with numerous retail assessments which differ in content, assumptions and conclusions being submitted for consideration. These assessments are primarily sourced from NLP - retail consultants on behalf of the applicant who support the application; JWP for the Council who have identified potential advantages and disadvantages ; and GRPC on behalf of the original owners of (the former) Budgens who objected at that time.

5.1.3 The following documents have been submitted by the above parties:

NLP - Retail Assessment dated November 2010

Mr Ostler (Budgens) - letter of objection dated 03-03-11

JWP - letter of advice dated 15th April 2011

NLP - further submission dated 13th July 2011

GRPC - letter of objection dated 25th October 2011

NLP - further submission dated 4th November 2011

JWP - further letter of advice dated 21st November 2011

GRPC - further letter of objection dated 5th December 2011

Ben Morgan (applicant) - email dated 8th December 2011

NLP - further submission dated 19th December 2011.

Nathaniel Litchfield and Partners - Retail Assessment January 2017

These documents are available to view on the website.

5.1.4 Strategic Policy S6 of the Local Development Plan allocates Magor as a local shopping centre - a second tier centre within a three tier hierarchy in the County. The shopping centre at Magor is roughly centred on The Square and comprises a compact area with a small number of retail and service outlets. The application site lies outside the CSA whose eastern boundary is formed by Newport Road. However, over the years the number of A1 retail outlets in The Square has diminished and such units are now confined to a post office/gift shop, pharmacy and charity shop. Other businesses comprise a pub, restaurants and takeaways, estate agents, dentist and opticians.

5.1.5 The general store Co-op (formerly Budgens) with a sales floorspace 277m² is the principal retailer and is the store with which the application proposals would most directly compete, although not entirely comparable as Co-op operates as a top-up store whereas the application store, would have a larger retail floor space (482m²) and is proposed to be run as a trolley store catering for weekly shopping, although GRPC have suggested that the proposed store is too small to function effectively in that way. Co-op presently functions as an anchor trader for Magor shopping centre as a whole, by providing 'spin-off' for the smaller shops such as the Post Office.

5.1.6 The main retail issue for consideration is whether the application proposals would benefit or damage the vitality and viability of Magor CSA. The new store would be likely to have an adverse impact on Co-op. It must therefore be determined whether the potentially detrimental impact of loss of trade would have an unacceptable knock-on effect on the remainder of the CSA based on The Square, or whether the extra trade attracted by a store offering an enhanced shop option would bring a realistic opportunity for additional footfall which would benefit the CSA and the businesses in The Square in particular? The proposed store is further from the CSA and The Square than Co-op but is on the route to the centre from Main Road. Information boards could be required to be displayed to advise on the facilities in and the history of the CSA/Conservation Area and planning conditions could prevent the store providing specialist services such as a post office, ATM or pharmacy. Whilst objections were initially received from Mr Ostler of Budgens (and Budgen's own planning consultants) and the operators of the Post Office, no objections have been received from other local traders. Following direct consultation in light of the amended plans and updated retail assessment no response has been received from the Co-op, with the current Post Master supporting the application, subject to the developers providing increased signage and publicity for the businesses within The Square.

5.1.7 The following appraisal takes account of the submissions listed in paragraph 5.1.2 above. Also of relevance to the consideration of the application is the DJD Retail and Leisure Study (RLS) 2010 commissioned by MCC as part of the evidence base of the Local Development Plan and the Monmouthshire Retail Expenditure Forecasts Update 2016 (MREFU) which has been prepared by JW Planning. The documents contain population and expenditure assessments for various parts of the County including Magor which is identified as one of the six centres in the County, and the only 'village' (as opposed to town) centre, but included because of the population it serves, (Paragraph 1.4 RLS).

5.1.8 Paragraph 15.74 of the RSL study notes that "The CSA is a major asset of Magor in terms of its function, historic character and identity. However, because of its compact nature, the opportunity to undertake further development within it is limited, and any new larger scale retail (or leisure) development could therefore only be achieved outside the CSA". Paragraph 5.65 of the MREFU report reiterates this point

5.1.9 Paragraphs 5.61 and 5.62 of the MREFU report note that the predominant function of Magor centre is for top-up convenience purchases, the majority of the residents' expenditure being attracted to nearby centres such as Newport. The overwhelming majority of Magor residents' expenditure is attracted to centres elsewhere - Newport City Centre and Retail Park being the

most popular destinations. Magor currently retains 19% of residents' expenditure for convenience goods, predominantly accounted for by top-up shopping.

5.1.10 Chapter 10 deals of the RLS study notes that Magor has a diverse range of uses including net retail floorspace of 310 sq. m for convenience goods and 450 sq. m for comparison goods and advises that the catchment is the settlement itself, With paragraph 13.85 stating "there is theoretical capacity to attract back convenience expenditure that is currently lost..."

5.1.11 The data provided as part of the MREFU identifies Magor as having a Sales Floor Space potential (sq.m) of 558 in 2016; increasing to 840 by 2021; 846 by 2016; and 852 by 2031 and a Gross Floorspace Potential (sq.m) - 80% net: gross ratio of 798; 1,200; 1,208; and 1,217 for the same period.

5.1.12 The CSA at Magor is subject to LDP policy RET2 which sets out criteria for the development of retail and service facilities. The policy applies specifically to proposals 'within CSAs' but it reflects the Council's commitment to safeguarding the 'continued vitality and viability of the defined CSAs'; the explanatory text in paragraph 6.1.66 confirms this approach. The Council's retail consultants (JWP) are concerned that if the application proposal were to act as a freestanding store, with limited links to the CSA, it would not meet the requirements of this policy.

5.1.13 In a similar vein, LDP policy RET4 also makes clear that the preferred locations for larger retail developments (over 300 sq. m) are CSAs, with application of the sequential approach where there are no suitable sites in CSAs. In such circumstances, the policy requires that there is a demonstrable need; that it would not undermine the vitality and viability of the centre as a whole; that the development is of an appropriate scale and type; would not have a detrimental impact on future public or private investment to safeguard the vitality and viability of centres; is accessible by public transport and is not on land allocated for other purposes. A need for a convenience store to serve weekly shopping needs - a trolley shop - has been shown to exist. Notwithstanding the comments of the Inspector who dealt with the earlier Magor Motors appeal, it is considered that there are no other suitable alternative sites within the CSA, given the intention to provide specifically, a trolley shop and an associated convenient car park.

5.1.14 The Council's retail consultants have suggested that consideration should be afforded to a development which includes Manor Farm, on the basis that this would be better related to the CSA. Manor Farm has a frontage to Newport Road alongside The Wheatsheaf. However, concerns are raised regarding the suitability of this site in whole or part for a retail development on the scale proposed bearing mindful of the need to provide an access with the requisite visibility splays onto Newport Road, the fact that Manor Farm itself is Grade II listed and the potential impact a new retail development might have on the buildings and their setting. There are also additional issues in that the ownership of the site seems to be unknown and it has not previously been promoted as a development site. It is therefore considered that there is no compelling requirement to promote this site for retail use. The application site itself is already developed and is relatively close to the CSA, occupying an edge-of-centre location. The application site is not allocated for any specific purpose with the ensuing appraisal outlining why it is considered that the proposed development need not harm the vitality or viability of the CSA as a whole.

5.1.15 LDP Policy S6 states proposals for new or enhanced retail and commercial development will be permitted provided they are at a scale appropriate to the local area and its role in the hierarchy. It is considered that the application proposals are of an appropriate scale in the context of quantitative need and the physical scale of the proposed development itself relates acceptably to the physical limitations of the site and its surroundings.

5.1.16 National planning policy and guidance on retail issues, as set out in Chapter 10 of Planning Policy Wales (PPW) Edition 9, November 2016 and Technical Advice Note 4: Retailing and Town Centres 2016, both have objectives aimed at supporting and enhancing the vitality and viability of established centres whilst at the same time ensuring an accessible and effective pattern of retail provision. Paragraph 10.4.1 of PPW sets out those matters to be taken into consideration in the determination of retail applications, the most relevant being:

- Compatibility with an up to date development plan strategy;
- Quantitative and qualitative need for the development/extension
- Sequential approach to site selection
- Impact on existing centres
- Accessibility by a variety of modes of travel
- Impact on overall traffic patterns.

5.1.17 An ensuing paragraph (10.1.7) explains that vitality is reflected in how busy a centre may be, and its attractiveness in its facilities and character. Viability refers to the ability of the centre to attract investment and maintain its fabric. Based on the retail assessments submitted, it is considered that there is spare capacity within the Magor catchment area and that allowing the application need not harm the vitality and viability of Magor Central Shopping Area (CSA) subject to measures to ensure strong links to the CSA and a restriction on the range of goods and services available at the proposed new store.

5.1.18 The requirements of PPW paragraph 10.4.1 are considered below in more detail drawing on the submissions listed in paragraph 5.1.2

5.1.19 Original Quantitative Need Assessment

5.1.20 Where need is a consideration, PPW paragraph 10.2.9 advises that precedence should be given to establishing quantitative need.

5.1.21 There is acceptance among the three retail consultants (NLP, JWP and GRPC) of expenditure capacity within the Magor catchment area since there is significant leakage to shopping centres elsewhere but there is some disagreement on the level of available expenditure.

5.1.22 The RLS 2010 report calculated that in 2009 Magor, with a population of 9213, generated an available convenience goods expenditure of £15.7m of which only 14.3% was retained in Magor. This has subsequently been increased to 19% as part of the MREFU 2016 report.

5.1.23 NLP have extrapolated a population figure of 9311 at 2013 which JWP accept but the two consultants differ marginally in their calculation of overall available expenditure at 2013 from the Magor catchment area:

NLP £17.7m

JWP £16.1m (drawn from the RLS 2010 report).

5.1.24 NLP accepts the RLS estimate of 14.3% market share of available convenience expenditure currently attracted to Magor, made up of 1.2% main food and 38.6% top up. With the new foodstore in place NLP estimate a retention figure of 44% made up of 30% main food and 70% top up, with an estimated convenience expenditure of £7.79m retained in Magor. NLP calculated a total convenience turnover of £6.77m (Budgens £1.02m and proposed store £5.75m) with the expenditure surplus of £1m being dependent on an uplift in market share. JWP consider this to be an arbitrary assumption but notwithstanding this, JWP accepts that there is expenditure capacity to support the proposed store and GRPC do not dispute this.

5.1.25 There is disagreement on how much trade would be clawed back from centres elsewhere. NLP suggest the new store would claw back 92% of its food turnover (with 8% diverted from Budgens) but this has not been substantiated. GRPC suggest that 70% is a more realistic figure and they go on to suggest that as a minimum the proposed store would draw 20% of its food turnover from the CSA with an impact of 54% on Budgens.

5.1.26 There is disagreement on the likely trade impact on the existing anchor A1 store. The three parties disagree on the likely impact of the new store on the existing as the table below (compiled by JWP) shows.

Diversion from Budgens		Turnover/benchmark	Trade impact	
NLP	8%	£0.51m	+3%	-22%
JWP	12%	£0.75m	10%	-32%
GRPC	20%	£1.28m		-54%

5.1.27 NLP calculate the convenience turnover of the proposed store at £6.39m and JPW accept this as a realistic figure although GRPC have raised concerns about its reliability. At the time of the original report the turnover of Budgens was £2.37m but the differing trade diversions estimated by the consultants give rise to the differing residual turnovers indicated and to the differing estimates of post impact performance of the existing store against benchmark. Whilst NLP suggest a figure of +3%, JWP calculate a figure of -10%. GPRC say that using their calculation of a trade impact of -54% the result would be the closure of the store and that even JWP's estimate of a 32% impact would prejudice the future and reduce its turnover to a level that is unlikely to be viable or profitable.

5.1.28 There is disagreement on the likely level of footfall and expenditure in The Square following the operation of the proposed new store.

JWP has criticised NLP's assessments since NLP do not explain how they arrive at the following estimates:

- An additional expenditure of £220,000 for the CSA through linked trips
- A linked trip from the proposed store should generate £30 per visit whereas a linked trip from the Budgens store generates £10 per visit
- The proposed store should give rise to a net increase in linked trip expenditure to the CSA of £145,000 based on a deduction of £75,000 to account for linked trips diverted to the proposed store.

5.1.29 JWP suggest the prospects of the proposed and existing generating linked trips to the CSA have to be based largely on qualitative judgements. The new store with a larger floorspace should attract more shoppers to Magor than the existing provision, but conversely Co-op is more closely integrated with the existing CSA. This again points to the necessity for the proposed store to have strong links with the CSA if linked trips are to be generated.

5.1.30 2018 Quantitative Need Assessment

5.1.31 A retail assessment addendum (RAA) has been prepared by Lichfield on behalf of the Applicant. This update was requested by the Council following the publication of the MREFU which has been prepared by JWP. JWP have subsequently reviewed the RAA and provided a consultation response.

5.1.32 The RAA provides the following information:

Magor catchment area is constrained by large food stores in surrounding towns with stronger food and grocery shopping facilities to the east and west of the local centre. The area is still only served by one convenience food store - the Co-op which took over the premises in 2015. The MREFU states that 95% of the floorspace is dedicated to the sale of convenience goods with the remaining 5% dedicated to comparison sales. The store is predominantly for basket/ top-up food

5.1.33 The MREFU report (Table 4a) indicates that in Zone 6, the most popular destination for main-food shopping was 'Newport' (no specific store listed) with 33.8% of respondents stating they had visited this store for main food shopping. This can likely be attributed to the fact that there are several large food stores in Newport including Tesco Extra (circa 6 miles from Magor), Morrison's (circa 7 miles) and Aldi (circa 6.5 miles).

5.1.34 The Asda (8.5%), Co-op (8.5%) and Waitrose (5.6%) in Caldicot were popular destinations for Zone 6 residents as well as Lidl (5.6%) and Tesco (4.2%) in Chepstow. The Co-op in Magor only attracted 2.8% of Zone 6 respondents for main food shopping. Almost all respondents within Zone 6 stated that they undertake their main food shopping outside of the Magor catchment area, and are driving at least 10 minutes to get to these destinations.

5.1.35 However, the MREFU report (Table 4b) indicates that for Zone 6 residents, the most popular shop for top-up food shopping was Co-op in Magor (48.5%). The 2010 RA suggested that 39% of respondents did their top-up food shopping in Budgen's/ Ostlers, Magor, suggesting that the Co-op store is trading more successfully than the Budgen's/Ostlers store, despite the opening of the new Asda at Caldicot.

5.1.36 The turnover for the proposed store at 2021 is estimated to be £6.19 million, of which £5.86 million will be convenience goods turnover and £0.33 million will be comparison goods turnover. Being mindful of the MREFU report that states that by 2021, there will be a need for an additional 840 sq. m of convenience floorspace in Magor due to a desire to increase retention rates from their extremely low level of 18.8%. It is considered that the proposed store goes some way to meeting the identified quantitative need.

5.1.37 If a new store of the size proposed (almost double that of the Co-op store) were to be provided in Magor, then it can offer a genuine alternative for some of the main food shopping trips that are currently undertaken by Magor residents in Newport, Caldicot and Chepstow thereby improving Magor's existing low retention rate for main food shopping of just 2.9%

5.1.38 In response JWP have provided the following information:

In the absence of factual information on the current performance and turnover of the Co-op, it is helpful to adopt a turnover figure for reappraising the application proposal; and to consider whether the previously used figures for the store remain valid. There have been some changes of circumstance since 2011, namely:

- The store changing from Budgens to the Co-op in 2015;
- The opening of the large Asda foodstore in Caldicot, 2,320 sq.m sales area, in October 2014, approximately 6 km from Magor. This will have abstracted some trade from the Co-op. RPS, who acted for Asda, estimated that £0.2m convenience turnover would be diverted from the Co-op Magor (RPS Proposed Foodstore at Woodstock Way, Caldicot, Monmouthshire Updated Retail Assessment 2011);
- Some growth of available convenience expenditure since 2011.

5.1.39 On balance, given the offsetting of Asda Caldicot abstracting turnover from the Co-op, but available expenditure having grown since 2011, it is possible to adopt the previously used convenience goods turnover figure of £2.37m as applying at 2016, which allowing for post 2016 expenditure growth could become £2.5m by 2021. This is a healthy turnover figure.

5.1.40 A 2021 proposed store convenience turnover of £5.86m, Co-op convenience turnover of £2.5m, and £0.49m convenience turnover in other Magor shops (MREFU 2016 Table 5, £0.46m, with post-2016 allowance for growth) would give a total turnover of £8.85m for Magor shops. However, this overall turnover figure makes no allowance for the impact of the proposed store on the Co-op (and other Magor shops), which would reduce their turnover.

5.1.41 The retention rate for Magor shops will continue to be constrained by the attraction of the large foodstores nearby in Newport and Caldicot, which will remain attractive for Magor residents' main food shopping trips. We are satisfied that a retention rate of circa 38% of convenience expenditure, associated with the application proposal, is justifiable.

5.1.42 Original Qualitative Need Assessment

5.1.43 The application proposal would create an alternative food shopping outlet for Magor residents. The store is intended to function as a larger shopping facility which is not presently available in Magor - although GRPC have questioned whether the proposed store is large enough to fulfil such a function (with the floor area further reduced since the time of the initial assessments). Whilst the proposed store would clearly be much smaller than the superstores found at out of town locations, it could nonetheless function as a store providing greater purchasing opportunities and as such would materially increase the local retail offer. The proposed store would increase choice and would be likely to generate linked trips to other retail, commercial

and community facilities within the CSA. JWP, retail consultants to MCC, have doubts about the extent to which the proposal would generate linked trips and question the information submitted by the applicants on this aspect. However, it remains the case that JWP themselves accept the potential for linked trips provided there are strong links to the CSA. Such links can be secured through the planning process.

5.1.44 2018 Qualitative Need Assessment

5.1.45 Overall, the retail offer in Magor is relatively weak. This is consistent with the 2010 RLS conclusion and paragraph 5.61 of the MREFU report which states that there is a limited range of shops with the centre predominantly acting as a secondary service centre for local residents, failing to cater for day to day shopping needs.

5.1.46 The CSA currently has limited parking opportunities; with a small free council car park on the southern edge of the CSA providing 29 spaces and some on road parking on the main streets. The lack of parking available to serve the convenience and comparison stores is a contributing factor to the high levels of leakage observed from Magor.

5.1.47 The proposal would provide 27 car parking spaces. The purpose of these will primarily be to aid shoppers undertaking their main food shop at the new store. However, shoppers will also be able to walk the short distance (170m) to the other shops and services in The Square. Subject to appropriate management, this could facilitate linked trips with the CSA, to the overall benefit of the vitality and viability of the town centre.

5.1.48 Following further consideration JWP have provided the following response:

As there is no named trader for the proposed store, less reliability can be placed upon specific qualitative benefits that would arise from the store. However, with a sales floorspace almost double that of the Co-op plus 27 dedicated car parking spaces, it can be assumed that the store would be able to stock a wider range of goods and that the adjacent ground level parking would make it more attractive for main food shopping trips in particular. This would represent a qualitative benefit for Magor residents.

5.1.49 On the basis of the above, and as recognised by JWP, it is considered that the proposal meets the qualitative need tests set out in paragraph 10.4.1 of PPW since it would (or could):

- support the strategy and objectives of the LDP;
- be highly accessible by walking, cycling or public transport;
- contribute to a reduction in car journeys (in terms of length of journey);
- contribute to the co-location of facilities;
- significantly contribute to the vitality, attractiveness and viability of Magor centre; and
- alleviate a lack of convenience provision.

5.1.50 Sequential test

5.1.51 PPW states in paragraph 10.2.16 that developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach. NLP say in paragraph 5.7 of their Retail Assessment, "The CSA of Magor has been tightly drawn, and contains no vacancies, or sites which would be suitable for comprehensive development...". They go on to cite the RLS 2010 (paragraph 15.74) Study in support of this statement and say that in these circumstances it is appropriate to consider an edge of centre site, this being a category into which the application site falls. NLP also suggest that the only other potential edge of centre site, Manor Farm, offers no sequential benefits over the application site. This conclusion is shared by Officers, the findings of the later MREFU report and JWP as part of the 2018 response.

5.1.52 Economic impact

5.1.53 Paragraph 5.1.26 of this report sets out the differing views of the three retail consultants on the likely trade impact on the then Budgens Store. This store makes a major contribution to the

vitality and viability of the CSA and if there is a reduction in footfall in the CSA from trade impact then this is a matter for great concern unless the Local Planning Authority can be assured that any reduction would be balanced or preferably exceeded by footfall in the CSA by way of linked trips associated with the proposed new store.

5.1.54 The shops in the CSA perform an important role within an attractive square which is also a conservation area and a concern for planning officers is that the new store might risk damage to the vitality and viability of Magor CSA. This concern accords with the advice in PPW where paragraph 10.2.12 recognises that it is not the role of the planning system to restrict competition between retailers within centres (although in this case one store would be edge of centre) but rather that the planning system should reinforce the role of centres as the best location for most retail activities. This sits at the heart of the retail guidance in PPW and if, in the worst case, the new store would lead to the closure of the existing store then the application proposals would not sit comfortably with PPW, notwithstanding the duty of the LPA to consider the health of the CSA as a whole and not individual traders.

5.1.55 It is clearly difficult to predict with accuracy the extent of the likely adverse impact on the existing store. If the new store were to trade on the basis of a lower end of the market bulk buy type trolley store, then it is credible to suggest that Co-op could continue to trade as a top-up convenience store offering a different retail facility. If the new store were to operate as a more general store, albeit aimed at main rather than top-up shopping, then it would be in more direct competition with Co-op and in the worst case scenario, the latter store could be forced to close. The planning system has no control over how the proposed store would operate other than by way of restricting the type of services offered such as to preclude, for example, a pharmacy, post office, ATM and cafe. Previous objections have also suggested that an adverse impact on the existing store would have a knock-on adverse impact on local suppliers and this is also a consideration although it does not relate directly to consideration of the viability and vitality of the CSA.

5.1.56 As part of the 2018 RAA, it is assumed that the majority of the proposal's turnover will come from a reduction in leakage as the proposal will introduce supermarket, rather than small convenience store shopping to Magor for the first time, leading to a change in the shopping patterns of residents.

5.1.57 The RAA calculates under half of the store's turnover (£2.81m) is expected to be drawn from food stores in Newport with an estimated 10% of the store's turnover (£0.59m) being diverted from Co-op. The residual of the convenience goods turnover of Co-op store will be £3.24 million, compared with the company average benchmark turnover of £0.95 million. The RAA considers that the Co-op store will continue to trade significantly above the benchmark turnover and that the level of trade diversion will not adversely affect the viability of the store and would not directly lead to its closure.

5.1.58 Whilst it is anticipated that Tesco in Chepstow and Asda in Caldicot are likely to experience a trade diversion of around £0.76 million and £0.82 million respectively, it is considered that both stores will continue to trade significantly above their benchmark turnovers and the trade diversion will be off-set by growth in turnover between 2016 and 2021.

5.1.59 The RAA further considers that the provision of the proposal would attract regular shopping trips with new car parking; new shoppers to the area are also likely to link their shopping trip with the use of services and other shops in the centre of Magor. It is estimated that this could result in additional linked trip expenditure in the village centre of circa £220,000 p.a as per the 2010 RA.

5.1.60 Following consideration, JWP have advised that as a result of the large amount of trade leakage from the catchment area, the majority of the proposed store's turnover will be drawn from stores elsewhere, but that its impact on these stores elsewhere is unlikely to be material.

5.1.55 Based on the currently assumed 2021 convenience turnover for the Co-op of £2.5m, a trade diversion of £0.7m would decline the Co-op turnover to £1.8m and represent a trade impact of 28% ($0.7/2.5 \times 100 = 28$). NLP assesses a trade impact significantly less than this (15.3%) (RAU Table 1 final column), but the principal reason for this is the difference in the assumed turnover of

the Co-op. We believe the Survey derived turnover figure from MREFU 2016 (£3.62m) taken by NLP is likely to be too high which in turn has the effect of reducing the % trade impact arising from trade diversions.

5.1.61 JWP consider the proposal has the potential to reduce the Co-op's turnover by 25-30%. However this level of impact has also to be considered in the context of the post-impact residual turnover of the Co-op, which would be £1.8m (£2.5m-£0.7m=£1.8m). The sales density arising from a turnover of £1.8m depends upon the accuracy of the convenience sales floorspace figure. However, even taking the larger floorspace used in the 2011 assessment attributable to Budgens/Ostler (277 sq.m), a sales density of circa £6,500 would be achieved, which in quantitative terms is a reasonable performance.

5.1.62 JWP consider that the level of impact may be capable of being absorbed, albeit it could cause a significant change in the Co-op's trading format and the range of goods on offer. Consideration must be given to the possible closure or relocation of the Co-op to the new store premises. In the event of vacation of the existing store, the premises would become available for other retail or service uses. It must be acknowledged that the premises are in a prominent position at the entrance to the CSA which enhances their commercial attractiveness.

5.1.63 JWP conclude:

"In the report to Planning Committee of January 2012 officers concluded that, on balance, increased footfall is likely to be achieved in the CSA, given the implementation of robust measures including signage and conditions preventing the store from offering such services as a post office, ATM, pharmacy or café that are otherwise present in the CSA. In our opinion none of the changes of circumstance since then warrant reconsideration of this conclusion."

5.1.64 Overview

5.1.65 The latest advice by JWP advises that there is theoretical capacity and need within the area for the proposal, but reiterates the overall conclusions of their original report. Irrespective of any consequences for the existing store which acts as an anchor trader, and which in the worst case could be closure or relocation, the key planning issue is the effect on the vitality and viability of Magor local centre as a whole.

5.1.66 The level of trade impact from the application proposal could risk damage to the vitality and viability of Magor CSA and its designation as a conservation area. For the application proposals to be acceptable it would be essential for it to perform a strong role in attracting new shoppers to the CSA and this will depend on the quality of the physical links from the new store to the CSA. JWP were initially concerned that the CSA itself may not be sufficiently attractive to draw an adequate number of shoppers from the new store; that the Manor Farm site should be considered bearing in mind its location on the northern edge of the CSA with more effective links to it and that is critically important for the new store to be perceived by Magor residents as being part of the village centre rather than separate from it. While a bigger foodstore with a wider range of goods is to be welcomed in principle, the key land-use consideration is whether this can be brought about alongside protection of the shopping/service centre role and function of Magor CSA and protection and enhancement of the village centre's status as a conservation area. If the store were to act as a freestanding foodstore with limited links to the CSA it would be inconsistent with local and national policy and strategy to maintain and enhance the existing shopping hierarchy.

5.1.67 The concerns raised by JWP remain valid. However, it is considered that the area does contain sufficient quantitative and qualitative need to support and sustain the proposal and the existing store. It is considered links to the CSA can be suitably strengthened through the use of planning conditions and legal agreements to improve the adjoining pedestrian routes and the provision and maintenance of information boards at the application site. Such information boards would identify the facilities available in and near the CSA, and the history of the locality, and thereby encourage footfall into the CSA. A planning condition precluding the use of the application site for, for example, a post office, pharmacy, café, ATM, and lottery ticket sales, would reinforce the role of existing local specialist traders in the CSA who would be expected to benefit from an increased number of shoppers visiting the new store, with attendant benefits also to other traders.

It is recognised that Co-op would be likely to lose some existing trade but the issue for consideration is impact on the centre as a whole and planning officers believe, on balance, that the vitality and viability of the CSA as a whole would not be harmed.

5.1.68 Previous application and appeal decision

5.1.69 In December 2001 an application was made for the redevelopment of the Magor Motors site for a retail development with 560 sq. m shop sales area - more than the current scheme but similarly with first floor office space, and a car park for 26 cars. The Report to Committee on the application referred to the strong local need and considerable leakage out of the area. It was the view of officers that in these circumstances the new store and the expanded then Londis (which has subsequently become Budgens now Co-op) store could co-exist. The site was regarded as edge of centre and the report noted there were no viable alternative sites closer to the CSA. The Report suggested that the development was not considered to undermine the vitality or viability of the village centre and that it met local and national retail policies and guidance. It was also considered that subject to careful design and conditions the development would not harm conservation, residential or highway interests.

5.1.70 The Recommendation was not accepted by Members who resolved that planning permission should be refused for two reasons which alleged that the proposal would undermine the viability and vitality of the shopping centre and that it would be detrimental to highway safety and local amenity due to traffic generation and congestion. An appeal was lodged against the refusal, and the associated refusal of Conservation Area Consent.

5.1.71 In February 2006 an Inspector of the Planning Inspectorate dismissed the appeals making the following points:

- The Londis store was being extended to 525 sq. m and would offer trolley shopping.
- There was a need to retain a higher proportion of retail expenditure in Magor to create more sustainable travel patterns.
- There was likely to be a quantitative need for additional convenience goods expenditure in Magor of about the size of the proposed development.
- Magor did not have a trolley shopping supermarket but this would be provided by the Londis store and the Inspector considered there was little qualitative need for the proposed development.
- The inspector was not satisfied that alternative shopping formats within the CSA had been properly explored to assess available CSA sites.
- The development would reduce linked trips to the CSA and the knock-on effect would be to undermine the vitality, attractiveness and viability of the CSA.
- Reduced footfall and expenditure in the CSA would not preserve or enhance the Conservation Area.

Taking these points together, the Inspector concluded the appeal should be dismissed as was the concurrent Conservation Area Appeal.

5.1.72 In recommending the current application for approval Officers are mindful of the appeal decision referred to above, however, these are now 12 years old and there has been increase in available expenditure and demand. Although there is still a balance to be struck, it is considered that there are clear contextual differences between the two cases. At the time of the appeal decision in 2006 the property boom was nearing its peak; the market has changed considerably since that time. There remains considerable convenience goods expenditure leakage out of Magor and the settlement still does not have a trolley shop. Some years on from the appeal decision Co-op has a sales floor area of 277sq. m (not 525sq m as anticipated by the Inspector). Other differences are that the nature of the CSA itself has changed somewhat, with fewer retail stores. Trading conditions are more competitive, reflecting a different economic environment.

5.1.73 Also of relevance by way of background are two applications by Tesco for redevelopment of the former Undy Service Station site on Main Road as a Tesco Express convenience store, this site being roughly 100m to the south-east of the current application site. The first application (DC/2008/00853) was refused on the grounds that the proposed store would adversely affect the vitality and viability of the CSA and consequently harm the Conservation Area, and highway and

parking concerns. Tesco submitted a revised application (DC/2010/00936) with a slightly smaller sales area and increased parking but these changes did not overcome the Council's fundamental objections to the scheme. An appeal was lodged against non-determination but was not pursued; in the interim the Council's Planning Delegation Panel resolved that they would have refused planning permission if the application had remained within their jurisdiction, the reasons for refusal being broadly the same as those in the case of the first application. The proposed Tesco store was felt to be sufficiently distant from the CSA as to be poorly related to it both physically and visually and that shoppers calling at the store would thus not be likely to make a linked trip to the CSA. The store would be comparable in size with Co-op, offer a similar 'top-up' shopping facility and would thus be directly comparable with that store rather than offering a different retail facility. The parking and servicing arrangements were considered inadequate and potentially hazardous to highway safety. Although repeating points already made, it is the case that the current proposal, whilst also occupying an edge of store location, is nonetheless more closely related to the CSA both functionally and visually. It is considered that the proposal would offer a retail facility not currently available and could provide parking and servicing facilities which meet the requirements of planning and highway officers. There would still be some competition with the existing store, although the Council are required to assess the impact on the CSA as a whole, and by association also the Conservation Area, not just at the potential impact on an individual trader.

5.1.74 Summary

In light of the above, it is considered that the proposed store would help meet both a quantitative and qualitative need for additional convenience goods shopping in Magor. Although outside the CSA the site, it is considered that the provision of additional dedicated parking has the potential to increase footfall in the CSA to the benefit of the retail units there such as the post office and pharmacy, as well as other businesses. There are no available alternative sites in or better related to the CSA and thus the proposal meets the sequential test. Although the likely loss of some trade to an existing trader (principally the Co-op) is regrettable the issue for consideration is impact on the vitality and viability of the CSA as a whole and not competition in terms of impact on an individual trader. On balance, it is considered that the application proposals meet relevant local and national retail planning policies and guidance.

5.2 Conservation issues

5.2.1 The application site lies within Magor Conservation Area the boundary of which follows the rear fronting the site, and includes the central shopping area. LDP policy HE1 advises that developments will only be approved if they "...a) preserve or enhance the character or appearance of the area and its landscape setting." The Council's retail consultants have pointed out that the proposed store could have an adverse impact on the defined CSA. The CSA which is focused on The Square, is an attractive shopping centre with a balance of small shops commensurate with the scale of the centre and its role in the community. The whole of the CSA lies within the Conservation Area. The small shops make a major contribution to the economic use of the buildings within The Square and adjacent streets. These buildings form a key part of the Conservation Area and some are listed. A reduction in trade and turnover could well lead to some closures and/or a reduced level of repair/maintenance of existing retail units to the detriment of the character and appearance of the area around The Square. Such a consequence would be out of accord with policies S17 and HE1 of the LDP and with the advice in Chapter 6 of PPW, which deals with 'Conserving the Historic Environment'.

5.2.3 There can be little doubt that the proposed development would have an adverse impact on Co-op which is presently the anchor store for the CSA in the Conservation Area, notwithstanding that differing estimates have been submitted of the extent of the impact. What is less clear is whether the new store would lead to more or less footfall in the CSA. There is a potential for increased footfall but it is not possible to be certain that this potential will be realised. If footfall is significantly reduced then there is a serious risk of harm to the prosperity of the CSA and thus to the fabric and appearance of the buildings within this part of the Conservation Area.

5.2.4 PPW advises in paragraph 6.5.21 that there will be a strong presumption against the granting of planning permission for developments, which damage the character or appearance of a

conservation area or its setting to an unacceptable level. On balance it is considered that the increased footfall could be achieved by the implementation of signage and conditions imposed on the consent preventing the store from offering services such as a post office, ATM, pharmacy or café that are otherwise present in the CSA.

5.2.5 The site lies within an area of archaeological sensitivity. Following consultation GGAT have raised no objections subject to conditions requiring the developer to undertake an archaeological investigation.

5.2.6 Public concerns have been raised with regard to the loss of Mill House. Although the property is within the Conservation Area and is recognised as being of local importance within the context, the building is not listed. In this instance, the loss of the building whilst regrettable is required to provide a comprehensive and viable redevelopment of the site.

5.2.7 On the basis of the above the application is considered compliant with the requirements of policies S17, HE1 and HE2 of the LDP.

5.3 Highway safety

5.3.1 All vehicles accessing the site would do so from Newport Road (R161) to the east leading to a 27 space parking area. The access and junction would be constructed to the requisite standard with the alterations to the highway network secured by a Section 38 Highway Agreement. Delivery and service vehicles would proceed to the service area adjacent to the western end of the building, which could accommodate two delivery vehicles with a dedicated service vehicle exit provided in the northern boundary leading onto the B4245 which would be gated with a no right turn limitation. Although the need for service vehicles to access the service yard via the car park is not ideal, it is considered acceptable by the Councils Highways Team given the low number of delivery vehicles likely to access the site on a weekly/daily basis. Pedestrian movement to and from the store along Newport Road (R161) would be improved by new and improved footway provision along this particular frontage, with wider benefits to pedestrians walking to and from The Square and other local destinations.

5.3.2 As part of the initial application, the Highways Team raised concerns regarding the creation of a new access onto the B4245 and the impacts this would have on the flow of traffic due to the slowing, stopping, and turning of vehicles access and egressing the site; the proposed junction and capacity of Newport Road (R161) to safely accommodate the level of anticipated traffic; and the parking provision which fell short of the required level.

5.3.3 As a result, a Transport Assessment has been submitted confirming that the proposed access onto the B4245 would be restricted to service vehicles exiting the site only; the proposed access onto the R161 and the existing junction from the R161 onto the B4245 could accommodate the additional traffic associated and would remain within capacity; and a proposed agreement to allow overflow parking in the Wheatsheaf car park. It was therefore concluded that the development would not have an adverse effect on the highway safety and free flow of traffic on B4245 or Newport Road as service vehicle movements would be infrequent and the highway network has sufficient capacity to accommodate the increased movements.

5.3.4 Despite extensive negotiations, the applicant has been unable to secure purchase of the Council owned land to the north-west of the proposed access. Furthermore the agreement to use the Wheatsheaf car park for overflow purposes has also been withdrawn. As a result amended plans have been submitted in 2018 for consideration. These detail a smaller store; alterations to the service exit; a topographical survey; and swept path analysis for an articulated HGV accessing and egressing the site. Following consideration, the Highways Team have advised that the proposed parking provision is satisfactory for a development of the size now proposed and in accordance with the Monmouthshire Car Parking Standard 2012 and that turning movements for articulated GHV can be safely accommodated without the need to overrun the oncoming lane of the B4245 when turning left from the site exit.

5.3.5 Irrespective of the above, there would be a need to provide a parking strategy which would allow shoppers time to make a linked trip to the CSA. It is considered that such a strategy could be secured planning condition.

5.3.6 Whilst it is acknowledged that customers to the store may park on Newport Road or in the car park to Chestnut Close, it must be acknowledged that such a situation already occurs due to the lack of parking to the front of the Co-op and the number of vehicles associated with the garage being parked or repaired on the highway. With regards to the proposal, it is considered more likely that if a space can't be found, customers would move on to the public car park to the rear of The Square or onto Caldicot. Whilst the proposal could generate a greater number of vehicle movements to and from the site, relative to the existing arrangement, it is considered that the proposal would generate less on street parking and congestion and as a result would have a beneficial impact on the free flow of traffic on Newport Road.

5.3.7 On the basis of the above and in light of the Transport Statement and amended details received, and it is considered that the development proposed would not a detrimental impact on the highway safety and free flow of traffic within the area. Subject to the imposition of conditions relating to the provision of a parking strategy of the site, it is considered that the parking area proposed as part of the development could make a positive contribution to the area. The application is therefore considered compliant with policies S16 and MV1 of the LDP.

5.4 Residential amenity

5.4.1 The site is adjoined to the south-west by Pond House which is a traditional stone cottage. Although currently unoccupied and boarded up, the former occupant objected to the proposed development raising particular concerns with regards to noise, traffic movements and congestion, fumes, and light spill including from vehicle headlights. These are valid concerns but could equally arise with the current use of the site as a repair garage, and the location of Pond Cottage on Newport Road which links Main Road with The Square and other local roads and the use of those roads by both local residents and service vehicles. It is considered that controls on operating hours, external lighting, and the treatment of the common boundary, can provide satisfactory safeguards against potential nuisance.

5.4.2 Broadly the same comments are applicable in respect of the houses at Chestnut Close to the east and to a lesser extent to the properties in Cowleaze and Mill Reen to the north, on the opposite side of the B4245. Following re-consultation a small number of objections have been received from those living closest to the site, raising concerns with regards to viability, traffic generation and highway safety and potential detrimental impacts on residential amenity.

5.4.3 The proposed service exit onto Main Road would be located more or less opposite the junction with Cowleaze which is a residential street. Although residents nearest Main Road might be subject to some additional disturbance, such disturbance would be minimal given the small number of service vehicles expected to visit the site on a daily basis and the traffic flows already carried by the B4245. Subject to the conditions referred to above, it is considered that the proposal would not have a significantly detrimental impact on residential amenity and the application is considered compliant with the requirements of policies, S17, EP1 and DES1 of the LDP.

5.5 Design

5.5.1 The Council's Conservation Officer has raised concerns about the proposed design of the store having regard to its visibility in the general scene and its location in the Conservation Area. The Agent has responded to those comments and the context provided by the adopted Conservation Area appraisal which states: "The older houses are modest, two storey, stone built structures, now roofed with slate and with no architectural pretensions, most are rendered and painted." The Agent responds that there is limited scope in designing a retail proposal due to the internal space requirements. However, they do propose the use of a palette of materials with rendered walls, natural slate roof and stone plinths; the inclusions of a bay projection on the north elevation facing the Mill Reen, with a twin gable to break the roof form of the linear building; and a gable over the entrance of the store facing south, with the fenestration arrangement and glazed

canopy providing further articulation to this elevation. It is the Agent's opinion that the step in height between the two principal blocks and the turn in the block to follow the reën, provide further breaking of the mass. The Agent suggests there is no clear historic pattern beyond the buildings facing immediately onto The Square in Magor and beyond that the pattern is disjointed, illustrated by the contrast in pattern of existing buildings on the development site forming Magor Motors, the single storey buildings across the road (Chestnut Close), and the individual houses of Mill and Pond Houses. The Agent suggest that the proposals present a significantly improved entrance to Magor from the Main Road from an aesthetic point of view and are more likely to draw people into The Square and CSA than currently.

5.5.2 Whilst some further refinement of the design might bring improvements, the efforts made to break up the mass of the building and use traditional materials are recognized, as is the improvement in the appearance of the site that the proposals would achieve. Conditions can be imposed to require the submission of further details such as finishing materials, the treatment of the boundaries to introduce greater use of natural stone, and landscaping. Advertisements would require separate consent. Given these provisions, it is considered that, on balance, the proposed design is acceptable and is compliant with the requirements of policies S17, HE1, HE2, EP1 and DES1 of the LDP.

5.6 Surface water drainage

5.6.1 Surface water is now proposed to drain to the adjacent reën via an attenuation system and oil interceptor. Soakaways are not a satisfactory option at this site given the high water table. All foul water from the development would be discharged into the mains sewer. Following re-consultation, Dwr Cymru/ Welsh Water have raised no objection to the proposed arrangement. Subject to the imposition of conditions requiring the submission of a detailed drainage scheme, the application is considered compliant with the requirements of policies S12 and SD4 of the LDP.

5.7 Flood risk

5.7.1 The site lies partly within Flood Zone C1 with a small part within C2. Although a retail development falls within the category of less vulnerable development as defined in Technical Advice Note 15: Development and Flood Risk, it is nonetheless, necessary to consider whether the consequences of a flooding incident would be acceptable.

5.7.2 The Flood Consequences Assessment (FCA) submitted on behalf of the applicant points out that Zone C1 is a flood risk category applying to sites with significant infrastructure including flood defences and that the site is only marginally within the current extreme flood limit. The FCA suggests that the site is sufficiently far from the tidal defences in terms of tidal risk since in the event of a breach of the sea defences, flood waters would take some time to reach the site and would be attenuated such that the flood depths on the site and access roads, speed of flood inundation and flood velocity would be well below the recommended limits in TAN 15.

5.7.3 With regard to fluvial flood risk, the flow in Mill Reën is controlled and limited by two upstream culvert systems. The topography of the area is such that any out of bank flow in the reën will flow eastwards and away from the site. The FCA also highlights that dry means of access and egress exist immediately to the north and northwest of the site. In the event of a severe fluvial event, such as intense rainfall in a flash storm, the site could be at risk if the drainage system proved unable to cope, but that this is a scenario which could occur at any site within a flood zone.

5.7.4 In their response the Environment Agency (EA) (now Natural Resources Wales) note the following points:

- The proposal is for a use categorised as of low vulnerability;
- The site would be designed to be flood free for the 0.5% plus climate change event over the 75 year lifetime of the development with finished floor levels set at 9.4m AOD and car parking areas at 9.2m AOD;
- The proposed development would not modify flood waters across the site, affect local hydraulics or increase flooding elsewhere;

- Surface water runoff from the site would not be increased as there are no additional impervious areas created as a result of the development.

5.7.5 On the basis of the above appraisal, the EA do not object to the proposed development subject to conditions relating to finished levels.

5.7.6 Section 6 of TAN15 outlines justification tests that highly vulnerable development must satisfy in order to be considered acceptable. The proposed development (which is defined as less vulnerable) would contribute to key employment objectives within the Local Development Plan (LDP) to support the growth of resilient communities. Furthermore the site is considered to be previously developed land. Given the vulnerability classification of the proposal and the increased in levels that would be provided provide to limit and mitigate the impact of flooding, it is considered that siting the development proposed in this location would be acceptable and would be in accordance with the justification tests that are outlined in section 6 of TAN15. The application is therefore considered compliant with the requirements of policies S12 and SD3 of the LDP.

5.8 Ground contamination, air quality, noise and lighting

5.8.1 The Geo-technical & Geo-environmental Desk Study submitted in support of the application identified a number of potential contaminants and pathways that could be a risk to human health and the aquatic environment. The Council's Environmental Health Officer with responsibility for land contamination issues does not object to the proposed development provided conditions are attached to a grant of planning permission to require an intrusive site investigation to assess the extent of contamination, a quantitative risk assessment to determine actual risk and to require remediation and monitoring if necessary.

5.8.2 Although Air quality has not been raised as a specific issue by the Environmental Health Officer, it has been raised by a member of the public. In this instance, it is considered that the movement of vehicles to and from the site would not have a significant impact on air quality in the vicinity given the current use of the site as a repair garage and existing vehicle movements on local roads. Noise emissions associated with the proposed store are not anticipated to be unacceptable for the same reasons.

5.8.3 External lighting can be controlled by condition and the impact of headlights on nearby properties can be reduced by appropriate boundary treatments.

5.8.4 On the basis of the above and subject to conditions, the application is considered compliant with the requirements of policy EP1 of the LDP.

5.9 Public Right of Way

5.9.1 Public footpath No.88 runs adjacently to the western boundary of the site. As part of their consultation response the Countryside Rights of Way Officer has requested that it be made up to multiuser adoptable standard. Following consultation the Agent has confirmed that they are aware of the designation and whilst the path would run adjacently to the car park of the development there is no intention to incorporate it into the layout of the scheme. As such an informative note could be placed on any grant of consent outlining that the path must be kept to and free from use at all time, with no barriers, structures or obstructions placed across the legal alignment.

5.10 Comments on local representations

5.10.1 The Community Council have previously supported the application subject to concerns on drainage, highway issues and local residential interests being met. An amended consultation response is awaited and will be reported verbally. The requisite agencies consulted on drainage and highway issues do not object to the proposed development, and Highway Officers have not suggested that a further pedestrian crossing is needed on Main Road. This report has appraised the likely impact on residential amenity interests and concluded that the impact would not be unacceptable subject to appropriate safeguards such as restrictions on operating hours and the treatment of boundaries and lighting. A relatively small number of individual letters were submitted

by local residents and most of the points raised have been addressed elsewhere in this report. The noise associated with the proposed store must be balanced against the existing industrial use of the site and its location alongside a busy road, whilst comments objecting to the loss of the garage operations are not strictly a planning consideration as such operations could cease in any event. The site is not allocated for industrial purposes in the LDP.

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

5.11.1 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.

5.12 Conclusion

5.12.1 On balance, it is considered that planning permission should be granted subject to conditions which include a restriction on the retail use of the site to preclude the provision of goods and services such as a post office, pharmacy, café, ATM, hot food, flowers and the sale of lottery tickets. This would still leave the store able to provide a comprehensive range of food products whilst also having regard for the Council's obligation to seek to protect and enhance the viability and vitality of the existing CSA. A planning condition is also required to ensure a car park management regime which facilitates links trips by shoppers, as is a S106 agreement to ensure the provision of measures to promote footfall into the CSA and conservation area. Subject to these safeguards, it is considered that the proposals accord with local and national policies on retailing in that the new store would help meet a shortfall in retail facilities in Magor. A quantitative need for convenience shopping would be addressed and as the new store would offer an enhanced shop which is not presently available, a qualitative need would also be met, as would the sequential test since there is not a suitable site available within the defined CSA. The new store would draw some trade from the existing anchor store, Co-op, but the test which the LPA must apply is to consider the effect on the CSA as a whole and not on an individual trader. Although Co-op occupies a crucial role at present as the anchor trader to the CSA, the new store has the potential to fulfil a similar function and encourage linked trips to the CSA. The maintenance of a healthy footfall into the CSA would also meet the Council's obligation to ensure the preservation and enhancement of conservation areas since a healthy trading environment is likely to ensure continued high standards of maintenance of properties in the Conservation Area.

5.12.2 The requisite number of parking spaces relative to the size of the store can be provided; the arrangements for operational and non-operational vehicles movements can be satisfactorily accommodated and the associated improvements to the footway past the site would be of wider local benefit by facilitating pedestrian movements to and from the CSA. Drainage arrangements are satisfactory and other interests such as archaeology and land contamination can be dealt with by condition.

5.12.3 The suggestion of a restriction on the range of goods and services, and the need for a car park management scheme, was brought to the attention of NLP who are the applicant's retail consultants. Their original response was to suggest that the proportion of non-convenience goods be limited to 15% - a greater proportion than the figure of 10% originally suggested in their retail assessment which accompanied the application, and that the goods and services to be excluded should comprise a post office and pharmacy. NLP subsequently agreed to a restriction of 10% non-convenience goods and that a café should also be excluded and an ATM. They are not agreeable to the exclusion of other goods and services, arguing that such provision is part and parcel of a retail food store, that their exclusion could prevent the development proposals going forward, and that allowing the provision of these goods and services (hot food, flowers and lottery tickets) would not undermine the vitality and viability of the CSA. It is considered that such 'concessions' are inadequate to ensure that the new store would not unacceptably affect the vitality and viability of the CSA and the character and appearance of the Conservation Area. It is

therefore considered that the application should only be recommend for approval on the basis of the restrictions described and reflected in condition 4 below.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

1. The provision, maintenance and updating of signage and information boards about facilities available in the Magor CSA and the history of the locality including Magor Conservation Area
2. Off-site road works including in respect of the service exit onto Main Road and the provision of a section of footway past the site on Newport Road.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions:

- 1 Approval of the details of the landscaping of the site (hereinafter called the reserved matter) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON - The application is in outline only.

- 2 (a) Application for approval of the reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON - In order to comply with Section 92 of the Town and Country Planning Act 1990.

- 3 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.

- 4 The premises shall be used as an A1 retail food store and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987) without the prior written approval of the Local Planning Authority. The proportion of non-convenience goods which may be sold shall be limited to 10% net sales area floor space and the store shall not provide any of the following goods and services: post office, pharmacy, cafe, ATM, hot food and drink, lottery tickets or flowers.

REASON -To ensure that no alternative use is made of the premises which is likely to be a nuisance to adjoining properties and to help safeguard the vitality and viability of the Central Shopping Area and the character and appearance of the Conservation Area in accordance with policies EP1 and HE1 of the Monmouthshire County Council Local Development Plan.

- 5 Before the store is occupied a car park management scheme shall be submitted for the prior written approval of the Local Planning Authority. The management scheme shall allow opportunity for shoppers to make linked trips to Magor Central Shopping Area. The approved scheme shall be implemented and maintained as agreed in writing with the Local Planning Authority.

REASON - To help safeguard the vitality and viability of the Central Shopping Area (CSA) and the character and appearance of the Conservation Area by facilitating linked trips to the CSA in accordance with policy RET4 of the Monmouthshire County Council Local Development Plan.

6 The premises shall not be used for the approved purposes outside the following times :
08.00 - 20.00 Mondays to Saturdays 10.00 - 16.00 Sundays.

REASON- In the interests of residential amenity in accordance with policy EP1 of the Monmouthshire County Council Local Development Plan.

7 No development shall take place until the written approval of the Local Planning Authority has been obtained to the proposed materials and surface finish to be used for the external surfaces of the walls, windows and roofs of the development hereby permitted. No materials other than those approved shall be used unless otherwise agreed in writing by the Local Planning Authority. Where samples are to be agreed, these shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON - To ensure a satisfactory form of development takes place in accordance with policies EP1, DES1, HE1 and HE2 of the Monmouthshire County Council Local Development Plan.

8 Notwithstanding the details of the approved plans, all rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure a satisfactory form of development takes place in accordance with policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan.

9 Samples of the proposed surfacing materials to the car park and external circulation space shall be submitted to and agreed in writing with the Local Planning Authority before works commence . The development shall be carried out in accordance with those agreed finishes and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON - To ensure a satisfactory form of development takes place in accordance with policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan.

10 No development shall commence until details of the design, height and materials proposed for the various boundary treatments shown on the layout plan have been submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be installed prior to the first beneficial occupation of the store and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure a satisfactory form of development takes place in accordance with policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan.

11 The new access onto the B4245 shall be constructed with a visibility splay of 2.4m by 90m in both directions. Nothing which may cause an obstruction to visibility may be erected or grown within the splay area in order to prevent any obstruction to visibility. The store shall not be occupied until the access and splays have been constructed to the satisfaction of the Local Planning Authority.

REASON - To ensure the access is constructed in the interests of highway safety in accordance with policy MV1 of the Monmouthshire County Council Local Development Plan

12 The new access onto the B4245 shall be a one way system used only for the egress of service vehicles. Before the use of the store commences a management scheme for the service area and access shall be submitted for the prior approval of the Local Planning Authority. The

approved scheme shall be implemented prior to the first beneficial use of the store and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of highway safety in accordance with Policy MV1 of the Monmouthshire County Council Local Development Plan.

13 Prior to the first beneficial occupation of the store, the car parking and service vehicle provision shall be provided in accordance with the approved plan. The area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON - To ensure provision is made for the parking of vehicles in accordance with policies DES1 and MV1 of the Monmouthshire County Council Local Development Plan.

14 Prior to the commencement of development details and arrangements for the storage and collection of refuse shall be submitted to and approved by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter. The refuse storage area shall be provided prior to the first beneficial use of the store.

REASON - In the Interests of amenity and hygiene in accordance with policies EP1 and DES1 of the Monmouthshire County Council Local Development Plan

15 Prior to the commencement of development, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

REASON - In the interests of residential amenity and nature conservation in accordance with policies EP1 and NE1 of the Monmouthshire County Council Local Development Plan.

16 Prior to the commencement of development a scheme of foul drainage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first beneficial occupation of the building and maintained as such thereafter.

REASON - To ensure satisfactory facilities are available for disposal of foul and surface water in accordance with policies EP1 and SD4 of the Monmouthshire County Council Local Development Plan.

17 The development hereby approved shall be carried out in accordance with the Flood Consequences Assessment (FCA) produced by Linus Mofor (MDC Limited), updated July 2011, and the following mitigation measures detailed within the FCA: (i) Finished floor levels shall be set no lower than 9.4 metres above Ordnance Datum (AOD) (Newlyn). Finished levels to car parking/other outside areas within the development are set no lower than 9.2m above Ordnance Datum (AOD) (Newlyn).

REASON - To reduce the risk of flooding to the proposed development in accordance with policy SD3 of the Monmouthshire County Council Local Development Plan and Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

18 Prior to the commencement of development, an appropriate Desk-Study of the site shall be has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority. (The Terra Firma Report 11410 meets this requirement). If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2001), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until a remediation Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, has been submitted to and approved in writing by, the Local Planning Authority. Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON - To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with the requirements of policy EP1 of the Monmouthshire County Council Local Development Plan.

19 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Planning Authority. No other fill material shall be imported onto the site.

REASON - To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with policy EP1 of the Monmouthshire County Council Local Development Plan.

22 No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Technical Advice Note (TAN) 24: The Historic Environment (2017).

INFORMATIVES

1 The developer is reminded that a S106 Agreement accompanies this permission.

2 The applicant's attention is drawn to the Environment Agency's letter dated 9th June 2011, a copy of which can be viewed on the Council's website.

3 Public footpath No.88 runs adjacently to the western boundary of the site. The path must be kept to and free from use at all time, with no barriers, structures or obstructions placed across the legal alignment.

