

**Application Number:** DM/2022/01155

**Proposal:** Hybrid application comprising:  
1) Full planning for the erection of a roadside facility comprising petrol filling station, 2no. drive through units and associated development; and  
2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class)

**Address:** Land At Newhouse Farm Industrial Estate, Chepstow

**Applicant:** Mr Alex Kenwright

**Plans:** Site Layout 210980 PLG 02 - , Elevations - Existing 210980 PLG 03 - , Block Plan 210980 PLG 04 - E, Site Layout 210980 PLG 05 - C, Elevations - Proposed 210980 PLG 06 - A, All Proposed Plans 210980 PLG 07 - , All Proposed Plans 210980 PLG 08 - , All Proposed Plans 210980 PLG 09 - , All Proposed Plans 210980 PLG 11 - , All Proposed Plans 210980 PLG 12 - , All Proposed Plans 210980 PLG 13 - , All Drawings/Plans 210980 PLG 14 - , All Drawings/Plans 21330-AP3-001 - E, Green Infrastructure Framework Plan 485901 - A, Planting Plan 485902 - A, Planting Plan 485903 - A, Planting Plan 485904 - A, Planting Plan 485905 - A, Ecology Report Biodiversity Enhancement Scheme - Rachel Hacking Ecology, Transport Assessment Addendum May 2023 - 3705923, Other Colour Pallett - Jenkins Design, Other Details of Fuel Tanks - SD 006A, Site Sections proposed Site Section - PLG 15, Other Retaining Wall Details - 21330 SK 009-0

**RECOMMENDATION: Approve subject to a S106 Agreement to secure a financial contribution to contribute towards the provision of signage for pedestrians**

Case Officer: Ms Kate Young  
Date Valid: 26.08.2022

**This application is presented to Planning Committee as we have received objections from a Town and a Community council and internal consultees**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The proposed development site extends over 4.75 ha and is located at the entrance to the Newhouse Farm Industrial estate at Junction 2 of the M48 Chepstow, which is within the development boundary and community of Chepstow. The application site sits on the north-western side of the slip road that provides access to the industrial estate. The ground is set on varying gradients sloping down from east to west and is in an elevated position above the remainder of the employment area. Currently the areas are deemed to be amenity or lightly grazed grassland, sloping north to south bounded by narrow wooded corridor to the north and west with single line fragmented hedge / tree boundary to the east along the industrial estate spine access.

The site falls within the following designations:  
Development Boundary for Chepstow (LDP PolicyvS1);  
Identified Industrial and Business Sites (LDP allocation SAE1);  
Allocated Waste Site (LDP allocation SAW1f);  
Archaeologically Sensitive Area.

The land to the south and west of the site is designated as a Protected Employment Site (SAE2), Newhouse Park Industrial Estate. The land immediately to the north of the site, including the M48 Motorway is allocated as a Minerals Safeguarding Area for Limestone (M2) and a Green Wedge. The land to the north of the motorway is in the Mathern Conservation Area. The land to the south of the Industrial Estate road is on a C1 Flood Zone as identified in the Flood Maps of TAN15 In the Flood Maps for Planning. The land to the south and west of the application site has been identified as Zone 3 for Coastal Flooding and some localised surface water flooding. The site is outside of any phosphate sensitive areas. There is a promoted walking route to the west and east of the site, that partially follows the route of public right of way 355/14(1)/4 immediately to the west of the site.

## 1.2 Value Added

At the request of the Highway Authority the Transport Assessment has been amended.

## 1.3 Proposal Description

This is a Hybrid application, consisting of a full and outline application.

The full application includes a Petrol Filling Station (PFS) and associated kiosk shop. In addition a coffee shop to the south of the site and a drive-through restaurant to the north are proposed. The proposed PFS/shop would have an internal floor area of 480m<sup>2</sup> with a mono-pitched roof with a maximum height of 5.25 metres and would be finished in composite sheeting and timber cladding. There would be a large glazing element to the front, east facing elevation. There would be a canopy over the filling station, approximately 7 metres in height. To the north-west and on the higher part of the site the proposed drive-through restaurant would be located. This would measure approximately 28 metres by 13 metres and would have a maximum height of 5.5 metres, finished in 'Kingspan' sheeting and timber cladding; there would be a significant amount of glazing on the front and side elevations. The proposed coffee drive-through would be to the south of the site, would measure 21 metres by 15.8 metres and would have a flat roof 3.9 metres high but would have a central tower with a maximum height of 6.9 metres. The tower would contain the ventilation system and also act as an advertisement. The proposed coffee shop would also be finished in metal and timber cladding with glazing on all elevations.

The whole site would provide 75 car parking bays including 10% EV charging spaces and disabled parking provision. The proposed development would lead to the creation of up to 75 full time equivalent jobs. The EG Group would operate the petrol filling station as well as the drive through elements - no part of the full application element would be leased to another party. This includes all management, employment, staff training and delivery of service for all uses on the site. Therefore, in essence, the site is made up of one planning unit. This ensures that it can be managed effectively in terms of deliveries as well as site maintenance as it falls under one umbrella. It is proposed that the units would operate on a 24-hour basis. The whole site is proposed to be landscaped and the existing drainage ditch to the south of the site would be retained. A new vehicle access is to be provided from the spine road which would serve all three elements of the full application. A new pedestrian crossing would be provided on the spine road.

The outline application includes all matters reserved except for access, for a B2/B8 warehouse proposed for the western side of the site and is speculative at this stage. The scale parameters comprise:

Unit comprising up to 9,043 sq. m

125 car spaces

Height 16 metres

Length 158 metres

Width 55 metres

A preliminary site layout has been proposed with its own separate vehicular access off the main access road into the industrial estate.

The whole application is supported by the following documents:

Design Report  
 Landscape and Visual Assessment  
 Transport Assessment  
 Flood Consequences Assessment  
 Extended Phase 1 Habitat Survey and Bat Survey  
 Planning Statement  
 Pre-application Consultation Report  
 Newhouse Active Travel Options.

## 2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description   | Decision              | Decision Date |
|------------------|---|-----------------------|---------------|
| DM/2022/01155    | Hybrid application comprising:<br>1) Full planning for the erection of a roadside facility comprising PRS, 2no. drive thru units and associated development; and<br>2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class). | Pending Determination |               |

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S6 LDP Retail Hierarchy  
 S7 LDP Infrastructure Provision  
 S8 LDP Enterprise and Economy  
 S9 LDP Employment Sites Provision  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport  
 S17 LDP Place Making and Design  
 SAE1 LDP Identified Industrial and Business Sites

### Development Management Policies

RET4 LDP New Retail Proposals  
 E1 LDP Protection of Existing Employment  
 SD1 LDP Renewable Energy  
 SD2 LDP Sustainable Construction and Energy Efficiency  
 SD4 LDP Sustainable Drainage  
 LC5 LDP Protection and Enhancement of Landscape Character  
 NE1 LDP Nature Conservation and Development  
 EP1 LDP Amenity and Environmental Protection  
 EP3 LDP Lighting  
 MV1 LDP Proposed Developments and Highway Considerations  
 DES1 LDP General Design Considerations  
 SAW1 LDP Identified Potential Waste Management Sites

### Supplementary Planning Guidance

Renewable Energy and Energy Efficiency SPG March 2016:

[http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency\[1\]supplementary-plannin](http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency[1]supplementary-plannin)  
Monmouthshire Parking Standards (January 2013)  
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

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

### **Planning Policy Wales (PPW) Edition 11**

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

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

#### **Mathern Community Council (13/06/23)**

The development will place further vehicles on the roundabout and create further impact on the movement of the traffic.

This could encourage further anti-social behaviour.

Concerned about the negative impact to the village of light pollution, environmental and noise pollution on the surrounding villages and Bulwark.

A litter management scheme is needed.

A safe crossing for local residential area.

The site is above the bund specifically built to stop noise and light issues affecting Mathern Village.

#### **Chepstow Town Council - Refuse (15/06/23)**

Insufficient provision for safe pedestrian access

**Glamorgan Gwent Archaeological Trust (GGAT) - No objection subject to conditions (11/10/22).**

#### **MCC Highways - No objection (14/07/23)**

We were reconsulted following submission of a revised Transport Assessment and further design details. An independent audit of the submitted Transport Assessment has been carried out. The Highway Authority are now satisfied that the standards applied to the proposal are acceptable and supports the use of the PICADY peak hour analysis. Therefore, based on the junction capacity analysis the junctions are considered to be acceptable in capacity terms. The junctions are also backed by suitable data including swept path analysis and suitable visibility splays, and

the applicant has demonstrated measures to create visual awareness of the junction approaches to assist with reduction in vehicle speeds around the junctions. Regarding the proposed junction and access road gradients it is noted that gradients are to be considered at reserved matters however we would request that as per the Welsh Common Standards that the junction gradient should be 1 in 20 for a minimum 20m to ensure that all vehicles accessing & egressing the site do so at a reasonable level.

While there remain concerns over the Active Travel route for the site and its distance from the Active Travel (AT) desire line, the link proposed is acceptable on balance since we are unable to promote pedestrian routes towards the M48 junction. The proposed crossing and link between sites are acceptable given that the land and works required within the embankment directly opposite to the PFA junction (AT desire line) to provide a suitable AT link is not achievable due to the topography and impact on existing trees. It should be noted that further guidance on measures to improve the existing route should be sought from our AT team and should include a Section 106 to improve its safety and desirability as an AT route.

**Welsh Government Transport Division (07/12/22 and 01/08/23)**

In vehicular terms the above proposal is considered not to represent a significant impact at the trunk road and motorway.

From an Active Travel perspective, connectivity to Bulwark (the main residential node) is via a route that could be considered unsuitable from an inclusivity perspective. The underpass and connecting paths have limited natural surveillance, particularly at times that employees may be travelling back and forth, as well as being potentially indirect. Further information regarding signing and appropriateness of this route is required to be provided for its improvement and relevance so that unsuitable alternatives do not form. The principles and design elements of the Active Travel Design Guidance should be used and referred to in demonstrating such routes in support of the application. Welsh Government have reviewed the Active Travel report and its conclusions have been noted.

It has been observed that there is a significant fall gradient at the north of the site. Excavation and retaining structures are proposed at this northern extent of the development where this land abuts the motorway highway asset. These works and structures have the potential to severely impact upon our right of support if not implemented via an appropriate method to the required standard. Any failure to comply with notes one and two would likely result in legal action being taken.

Conditions are suggested.

**Natural Resources Wales (24/11/22)**

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching a condition regarding a Construction Environment Management Plan (CEMP) to any planning permission granted.

**Lead Local Flood Authority and SuDS Approval Body - No objection**

**Surface Water Drainage**

The application has demonstrated a means of surface water disposal that is likely to get approval; the system needs further design but this will be managed through the SAB process. On that basis the surface water runoff will be managed via a system to be approved by the SAB. Flood risk maps provided by NRW indicate the site not to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. The applicant has submitted an FCA which confirms the above.

**MCC Landscape (06/04/23)**

Full application for PFS and two drive-throughs with associated landscaping: No objection subject to conditions. Further clarification is required with regard to the provision of a GI Management Plan for the whole site clearly identifying roles and responsibility for aftercare of developed sites and outline site should that be a phased development. Clarification would be welcomed regarding

the close board fence above the proposed retaining wall should the outline be delayed in terms of delivery. Further clarity sought with regard to earthworks.

Outline application - Provisional holding objection

The proposed Unit 1 is too large in terms of footprint for the site impacting on the quality of the Wales Coastal Path, highlighted in the LVA in terms of compact, the available space for an effective landscape buffer to the service road elevations and effective provision of suitable SuDS.

#### **MCC Active Travel (19/06/23)**

In review of the extra information provided, "The Proposed route" does not provide a significant shortening of the pedestrian route and the same concerns remain as previously stated. Namely that the desire line of pedestrians is up the road towards the motorway junction. This desire line is significantly shorter than the alternative proposed and the directness of this route is a significant draw. From those options shown, "The Direct Route" is the only route which may mitigate some of the risk with suitable path grading on the slope, but this is still significantly longer than the on-road route, which is of serious concern for pedestrians accessing via the Motorway junction route. This matter is a serious road safety risk and I urge Highways and Road Safety colleagues to seriously review the proposals and the risks identified.

#### **MCC Public Rights of Way (PROW) - Holding Objection (12/06/23)**

The applicant's attention should be brought to Public Footpath 14(1) in the community of Chepstow which runs within the site of the proposed development. Lack of public rights of way to access the site, either footpaths or adopted footways. The available route from footpath 355/14(2), at the north of the M48, to the proposed site is not a public right of way. It appears from the site plans supplied with the application that pedestrian access to the site may rely on the use of this footway. Due to the status of the footway, if its availability was withdrawn by the landowner, then that footway would no longer offer safe access to the proposed site.

The application site plan also shows a footway is to be built, leading from the public right of way 355/14(1) at the south west corner of the site, up to where there is an access road into the site. This appears to indicate that pedestrians attending the site from Chepstow would be expected to follow a route under the M48 then along the Industrial Estate footway, before crossing the road opposite footpath 355/14(1), then returning up the hill to the access road into the site. I am very concerned that pedestrians will not follow this route and will look to shorten it by cutting across the Newhouse Roundabout over the M48 from the end of footpath 355/14(2) thereby causing an increased risk to safety.

I would ask that consideration be given for the plan for pedestrian access to the site be designed in such a way as to eliminate or mitigate the apparent risk to pedestrians.

#### **MCC Ecology - No objection (27/10/22)**

##### **Habitats**

An Extended Phase 1 Habitat survey undertaken in September 2021 and January 2022, the walkover surveys followed standard survey guidelines. Sections of hedgerow will be lost along the south-eastern boundary of the site to allow for access provision for the new development.

The site lies within a SSSI Impact Risk Zone

##### **Bats**

No buildings are present within the site. The site is considered to be of local value only as bat foraging and commuting habitat. The bat surveys were undertaken in line with standard practice guidelines

The site supports nesting habitats for birds within the scattered trees and scrub, continuous scrub and hedgerows. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season

The lighting details are deemed acceptable for the proposals and a compliance condition can be imposed. The ecological report includes details of proposed enhancement measures these are acceptable, the landscaping and planting details have been provided with the submission

however, as recommended in the ecology report, details of hedgehog holes are not included in these plans. It is requested that these are added to updated plans prior to approval.

## 5.2 Neighbour Notification

One letter of objection received

This will put further pressure on the roundabout and have a negative impact on the movement of traffic. It is already difficult to pull out of Thornwell onto this roundabout and the addition of a services will make this situation worse.

This facility is not needed, there is a suitable services at Magor, also a suitable services just across the M48 bridge, there is also a petrol station and fast food at the top of the bypass road that leads into Chepstow so more services in this area are not needed. This will also destroy a part of the Chepstow countryside which is used by the public on the public footpath.

One letter of support received.

The application should be approved.

The development will serve a large area and provide facilities and jobs.

Will ignite some life and energy into what is a dying town.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

#### **6.1.1 Loss of Industrial and Business Site**

The site is located within the Chepstow Development Boundary on the Newhouse Farm site, allocated as an Industrial and Business Site under LDP Policy SAE1. Policy SAE1 f) identifies the site for B1 and B2 uses while Policy SAW1f identifies the site as having potential as the location for an 'in-building waste management facility'. The outline element of this application for a B2, B8 warehouse complies with Policy SAE1f of the LDP. However, the full element of the application comprising of the PFS roadside facility and the two drive-through buildings would not. The drive through coffee and restaurant uses are A3, while the PFS is a sui generis use as defined in the Use Classes Order, so neither of these uses strictly comply with Policy SAE1 f, although both are employment generating.

The applicants maintain that the provision of the road side facility will aid the development of the B1, B2 use as the site is challenging and unlikely to be developed otherwise.

The proposed loss of employment land should be assessed against LDP policies S9 and E1 which seek to protect existing and allocated employment land from alternative developments. Policy E1 considers the Protection of Existing Employment Land and states that:

Proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted if:

- a) the site or premises is no longer suitable or well-located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises;
- d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.

For the full part of the application, taking these points in turn:

- a) That the site is no longer suitable for B employment use.

The site is located within the main industrial estate and so in principle is still suitable for such B uses. However, given the topography of the site, with an 8m difference in levels within the site, the construction of a large B class use unit would involve substantial excavation of the site to create a level base with a limited return on the investment. This is considered to be the main reason for the site not having coming forward within the plan period 2011-2021. The returns from retail development are higher than they are for industrial uses. As part of the Replacement LDP process consideration is being given to removing this site from the employment allocations and this is a reflection on the difficulties of developing this site.

The difficulties in the delivery of the site for Class B purposes have been acknowledged in the most recent Employment Land Review published by the Council in June 2021. The review stated:

"From a market perspective the site is a strong candidate for employment uses as it is at the junction with the M48 and at the entrance to a substantial industrial estate. However, the topographical issues with the site and the technical options that result from this, mean that the site is unlikely to be developable in a cost-effective manner. The topographical challenges and limited options for access mean that a viable solution is unlikely. As such it is unlikely that this site will come forward for employment uses, though will also face the same constraints and viability concerns for development of other uses. If developable for other uses, such uses would need to be complementary to and not impinge on the existing industrial estate."

The applicants maintain that "while well located, the site is problematic in respect of delivery. Given this position, as acknowledged by the LPA, the inclusion of it as an allocation for employment purposes is in question - not linked to suitability, rather deliverability. Accordingly, in addition to providing a driver welfare facility for which there is an identified need, the inclusion of the roadside element of the scheme will provide a level of viability and capital into the scheme which will aid the deliverability of the B2/B8 uses. Irrespective, and notwithstanding the B2/B8 floorspace proposed as part of the application, the roadside element will result in significant job creation which far outweighs the potential employment generation the majority of Class B uses would deliver on a person /sqm basis at the Site."

- b) Sufficient capacity is elsewhere.

In this case, there is little evident demand for new, *large scale* industrial buildings for B uses as evidenced by the existing vacant unit on Newhouse Park and other vacant units in the surrounding Chepstow area. With the changing economic structures there is a sufficient quantity and variety of industrial sites available in the area that could be brought forward to meet the employment needs of the County if required.

- c) That there is no viable industrial or business use.

As explained above the topographical issues of developing the site for B uses have rendered the site undeliverable for B uses alone.

- d) Substantial amenity benefits.

The development of the north-eastern portion of the site is considered to be necessary to facilitate the delivery of the south-western part which is in line with the LDP. This alternative use impacts a small element of the overall industrial estate and is considered on balance to be acceptable. The development will provide facilities which are complementary to the industrial estate and would make use of a vacant site which is restricted for alternative uses given its position so close to the M48 and the existing very large units.

- e) The loss of the site would not be detrimental to creating a balanced economy.

The proposed PFS and drive-through facilities would provide circa 75 jobs for those in the local community. Despite not being in the manufacturing or warehousing sector this is considered to be an important benefit of the scheme. In addition, as the full application is considered to be effectively enabling development to deliver the outline element of the



application, this would also facilitate a further 200 jobs in the manufacturing/ warehousing sector which, without the retail element, would not be viable or deliverable.

For the above reasons the loss of the site is not considered to be prejudicial to the aim of creating a balanced local economy; there has been a lack of demand for large scale industrial units on this particular site and the non-B use element may draw in investment for B uses on the remaining element. The proposal therefore complies with the criteria set out in Policy E1 of the LDP.

### 6.1.2 Impact on the Town Centre

The drive-through restaurant and coffee shops are both A3 uses. LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). Policy RET4 must be considered in full along with national planning policy set out in PPW11.

#### Policy RET4 - New Retail Proposals

The preferred location for new retail and commercial leisure /entertainment developments (not covered by Policy RET3 Neighbourhood Centres), including extensions to existing retail premises, will be in the designated Central Shopping Areas (CSAs). Where it can be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out-of-town sites. Where development outside the CSA is considered the proposal will be assessed against the following criteria:

- a) a demonstrable need exists for the proposed development;
- b) the proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade /turnover, vitality and viability of town, local or neighbourhood centres;
- c) the proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy;
- d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;
- e) the proposal is in a location accessible to public transport facilities;
- f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.

Taking these in turn:

#### a) Demonstrable need

The site is not located within a Central Shopping Area or on the edge of a Central Shopping Area, which are the preferred location for new A3 uses. The applicant maintains that the use of the land as a comprehensive roadside development will provide facilities for which there is an identified need by the operators, a positive use of the site and a series of economic benefits. The roadside service element would serve passing motorists travelling along the surrounding highway infrastructure. Survey data shows that similar facilities do not act as primary trip attractors and thus the proposed development would not divert trade from Chepstow Town Centre.

#### b) Would not have a detrimental effect on the vitality and viability of the town centre.

This criterion of Policy RET4 is concerned with the impact on trade, vitality and viability of existing retail centres, in this case Chepstow Town Centre as well and Thornwell and Bulwark Neighbourhood centres. It is expected that the vast majority of the visits to the proposed retail units will be by car borne people traveling along the M48, although some visits may be made from the residential areas of Thornwell and Bulwark and by employees on the Newhouse Park Industrial Estate. It is unlikely that the new restaurant will compete with Chepstow Town centre for trade given its nature but it may attract customers that would otherwise use the A3 uses established in Thornwell and Bulwark Neighbourhood Centres.

The PFS is a sui generis use and does not comply with the B2 and B8 uses of the SAE1 (f) allocation but it does have site specific requirements and is employment generating. The developer maintains that, "The proposed use of the site as a PFS and 'drive-thru' units comprises a roadside development which provides driver welfare facilities and a comprehensive offer to passing motorists. It is not a typical convenience or comparison retail development in an out of centre location. Such developments which focus on driver welfare by offering refuge and respite facilities must be immediately accessible to users of the road which they intend to serve. To that end, such a facility would not be workable for either the operator or convenient for motorists if it were located within a Centre or in any peripheral location without a frontage onto major highway networks. In the case of this site, it benefits from visibility from both the M48 and A466. It is therefore in the optimum location to provide such facilities."

The applicants maintain that there is a need for this provision and that by its very nature the PFS needs to be located adjacent to a motorway junction. The PFS has good access from the M48 and the A466, and so the application site does appear appropriate for such a use. The application site has not come forward as a "B" use site (for the reasons already set out) and providing a PFS not only overcomes the perceived need for this type of facility, but it also provides some local employment opportunities.

Case Law has determined that the A3 elements of a road side facility can be included with the PFS and Kiosk as a single planning unit. The site in question is suitable for the PFS as it is on the motorway junction, whereas a site within the town centre would not be suitable for this type of development. As the petrol filling station is acceptable in this location it follows that the two A3 uses that are as part of the same planning unit and are there to serve passing motorists would also be acceptable.

There is no requirement to disaggregate proposals into its smaller constituent parts when applying the sequential test, and when considering sequential sites. In respect of Class A uses, the scheme comprises a roadside development aimed at serving passing motorists and is not intended to compete with outlets in the Town Centre or with Neighbourhood Centres. The proposed development of this site should not impact on the vitality or viability of Chepstow.

d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;

As discussed the proposed development is not considered to be a town centre use; it is also not considered to compete or draw business away from the town centre. There is no evidence to suggest that the development would have a detrimental impact on future public or private investment within the town centre.

f) the proposal is in a location accessible to public transport facilities;

The nature of the development, being predominately a car borne destination serving the car user, means that customers would be unlikely to use public transport facilities. However, there is a pedestrian link to the site which is proposed to be upgraded with signposting and a new crossing to facilitate a safe crossing for those accessing the site by foot.

f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.

The development site is allocated for industry and employment, the south-western part of the site will remain in such use, while it is the north-eastern element of the site that is proposed for retail uses. This is considered necessary to facilitate the delivery of industrial units on the south-western area, which in turn will provide employment for the local community. In addition the retail element will also provide employment which supports the use of the site overall.

## **6.2 Economic Considerations**

The Planning and Retail Statement (PRS) prepared on behalf of EG Group and submitted as part of the planning application states that up to 75 full time equivalent jobs would be created as a

result of the road side facility; this is based on similar operations elsewhere in the country. Based on the scale of the speculative B2 and B8 industrial unit it is estimated that the building has the potential to provide up to 200 jobs. The applicant also claims that the proposed development provides an opportunity to capture spending from passing motorists who would not otherwise stop within the area.

### **6.3 Sustainability**

The LDP and PPW encourage sustainable development. It is intended that the road side facilities will be used by passing motorists and as such minimal additional trips will be generated as a result of the proposal. The new industrial unit is on an allocated site with good transport links and the sustainability issue will have been considered in detail when the site was allocated in the LDP. The site has good vehicular links to the local road network and residential areas. There is a public footpath that runs to the west of the site which links into the town by a rather circuitous route.

### **6.4 Good Design**

The industrial unit is submitted in outline only so the design will be considered as one of the reserved matters. The design of the proposed PFS and kiosk is determined by its function. The retail kiosk will be single storey and of contemporary design, and would have a mono-pitched roof sloping away from the front elevation. The front elevation is mainly glazing. The building will be finished in composite panels (grey in colour), wood grain effect composite cladding (chocolate in colour) with grey aluminium fascia and glazing frames. The proposed coffee shop, also of contemporary design, would have a flat roof with a larger advertising tower on its front. The coffee shop would be finished in fibre-cement panels, grey in colour with larch vertical timber cladding. The roof would be of metal sheeting with standing seams, grey in colour. The proposed restaurant would contain mainly glazing on the front and side elevations, would also have a mono-pitched roof and would be finished in metal panels, grey and white in colour with composite timber effect cladding in various shades of grey. The design of these buildings is considered appropriate in this location, on the edge of an existing industrial estate and complies with the objectives of Policy DES1 of the LDP which seeks high quality sustainable design. The layout and design of this scheme will ensure a safe, secure, pleasant and convenient environment that is accessible to all users.

### **6.5 Place Making**

PPW 11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the site is located on an allocated industrial estate and is not visually prominent in the wider landscape. The buildings on the rest of Newhouse Park are necessarily industrial in design and mainly finished in metal sheeting. The design of the buildings proposed in this application reflect the character, design and scale of other buildings on the estate and are deemed to be appropriate.

### **6.6 Landscape**

The applicant has provided a Landscape & Visual Assessment (LVA) and zone of visual influence to support the hybrid application. The LVA has described the existing site and localised landscape character setting. The Assessment indicates a magnitude of change of medium in short term to low after 15 years with landscape affects being slight moderate after 15 years. The key impacts would be realised by the outline unit of approximately 15m above a localised ground level. Intervisibility from selected viewpoints would be interrupted in part by existing trees and landform.

In terms of the visual appraisal, the methodology and assessment of impact and proposed mitigation is acceptable although the reserved matters for the industrial unit may provide further opportunity to reduce visual impacts to the Wales Coastal Path.

## Green Infrastructure Plan

The plan has provided an indication of GI assets close to and within the near locality with reference to current MCC GI policy and findings from an ecological connectivity assessment of 2010 leading to an indicative landscape plan. The enhancement to boundaries to improve GI connectivity and ecological benefit are welcomed. Concern remains with regard the overall footprint and size of Unit 1 (the B-use unit in the outline element of the proposal) which ultimately impacts on the ability to successfully provide an adequate GI buffer to the Wales Coastal Path and service road.

In addition, a 5 year habitat and landscape management plan has also been submitted which has been considered by the Council's GI officer. This is considered to be broadly acceptable and will be capable of rolling over annually. The MCC Landscape and GI officer has suggested that a financial contribution for off-site green infrastructure be provided through a S106 Agreement. Planning officers do not consider this to be justified given that there is no adopted planning policy requiring such a contribution.

### 6.7 Impact on Amenity

There are no residential properties close to the site. The closest residential properties are in Thornwell over 300 metres way on the opposite side of the motorway junction. Therefore, it is not considered that the development would not have an adverse impact on any residential properties.

## 6.8 Highways

### 6.8.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the facilities being provided on the site are specifically aimed at passing motorists. The applicants maintain that, "Along the surrounding highway network there is a distinct lack of modern roadside facilities". It is envisaged that the facilities will be used by motorists who are already on the road network rather than generating additional vehicular movements.

Even though the vast majority of customers will drive to the site it is likely that some will be drawn from the local residential neighbourhoods. There is no public transport to the site. The site can be accessed by the local footpath which forms part of the Wales Coastal Path, but this is not very direct. There is a footpath linking Thornwell and Bulwark, the main residential area with Newhouse Park Industrial Estate but this involves an underpass. A pedestrian crossing will be provided to enable pedestrians to access the site via the existing footpath network. The details of this will be secured by condition.

### 6.8.2 Access / Highway Safety

The applicants submitted an Amended Transport Assessment in May 2023 and this was reviewed by both Welsh Government and the local Highway Authority. The Council's Highways Officer raised concerns, however WG stated that, "In vehicular terms the above proposal is considered not to represent a significant impact at the trunk road and motorway".

Due to the local Highway Authority's concerns over the appropriateness of the proposed junction arrangements an independent audit of the submitted Transport Assessment was conducted by WSP a consultant on the South East Wales Framework. MCC Highways are now satisfied that the appropriate use of standards for the junction design have been applied to the proposal and that they are acceptable and support the use of the PICADY peak hour analysis. Therefore, based on the junction capacity analysis the junctions are considered to be acceptable in capacity terms. The junctions are also backed by suitable data including swept path analysis and suitable visibility splays, and the applicant has demonstrated measures to create visual awareness of the junction approaches to assist with reduction in vehicle speeds around the junctions. The proposal complies with the objectives of Policy MV1 of the LDP as it satisfies the adopted highway design guide.

### 6.8.3 Parking

The adopted Monmouthshire Parking Standards identifies the number of parking spaces required for different activities in different zones. In this case the kiosk for the PFS with a floor area of 480m<sup>2</sup> would require 12 spaces, the restaurant 9 spaces and the coffee shop 8 spaces. They would all require 2 commercial vehicle parking spaces. The PFS would have 23 parking spaces, 2 of which would be disabled bays and 10 would have EV charging points; underground infrastructure would also be put in place during construction for future EV charging to be installed. There is a dedicated loading bay proposed for deliveries. The two drive-throughs would have 53 parking spaces between them and 4 of these would be disabled spaces. The parking provision for this proposal exceeds that which is required by the adopted standards and therefore complies with Policy MV1 of the LDP.

### 6.8.4 Active Travel

Concerns have been raised by the Council's Active Travel Officer in relation to a safe pedestrian route to the site. There are concerns that pedestrians will seek the most direct route to the site which will involve crossing the busy roundabout adjacent to the site. These concerns were also raised by the Council's Highways Officer and WG.

In response, alternative footpath options have been considered and an options appraisal carried out by the applicant. This concludes that given the gradients to the site and the embankment holding up the access road, any new more direct footpath would involve substantial engineering operations to the embankment that would appear unsightly.

Following submission of this information, WG note its contents and Highways responded stating 'that whilst there remains concerns over the Active Travel (AT) route for the site and its distance from the Active Travel desire line, the link proposed is acceptable on balance since we are unable to promote pedestrian routes towards the M48 junction. The proposed crossing and link between sites are acceptable given that the land and works required within embankment directly opposite to the PFA junction (AT desire line) to provide a suitable AT link is not achievable due to the topography and impact on existing trees. It should be noted that further guidance on measures to improve the existing route should be sought from our AT team and should include a Section 106 to improve its safety and desirability as an AT route'.

However, MCC's Active Travel Officer remains concerned over the link despite the options appraisal submitted. The officer states, "The Proposed route" does not provide a significant shortening of the pedestrian route and the same concerns remain as previously stated. Namely that the desire line of pedestrians is up the road towards the motorway junction. This desire line is significantly shorter than the alternative proposed and the directness of this route is a significant draw. From those options shown, "The Direct Route" is the only route which may mitigate some of the risk with suitable path grading on the slope, but this is still significantly longer than the on-road route, which is of serious concern for pedestrian accessing via the Motorway junction route. This matter is a serious road safety risk and I urge Highways and Road safety colleagues to seriously review the proposals and the risks identified.

The concerns from the AT Officer are noted. Whilst the majority of users to the site will be accessing the site by car, there still needs to be access for pedestrians and the shortest desire line for those coming from the north will be across the busy roundabout junction. However, many may see this road junction as a barrier and despite it being the shortest, will clearly see this is not the safest. The alternative route will remain through the underpass, whether the proposed or direct route option is chosen. The engineering required to reduce the length of public footpath marginally to cross the embankment is significant, involving substantial and unsightly engineering works to form the ramps needed to make the gradient accessible to all users. Given that this site has been allocated for such use for some considerable time and has not come forward, it is considered that the delivery of the site and the wider economic benefits outweigh the harm of not having a more direct pedestrian route to the site.

## **6.9 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15 and therefore the site is at no particular risk of flooding from surface water or main rivers. The land to the south of the site on the opposite side of the access road is in a Zone C2 for flooding. As a result the applicants submitted a Flood Consequences Assessment but the site of this current application is in an elevated position well outside the flood zone.

## **6.10 Drainage**

### 6.10.1 Foul Drainage

The foul water is proposed to connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection to the proposal but request a condition requiring that a drainage scheme for the site be submitted to and approved in writing by the local planning authority.

### 6.10.2 Surface Water Drainage

Given the scale of the development a full Sustainable Drainage scheme will be required. SuDS approval is a separate application and will be addressed by the Council's SAB Team who have been consulted on this application.

NRW initially had concerns over the protection of ground water but having reviewed the additional information submitted by the applicant in relation to the management and operation of the PFS they are now satisfied.

## **6.11 Biodiversity**

An Extended Phase 1 Habitat Survey and Bat Survey by Rachel Hacking Ecology was submitted as part of the application. This identified habitats within the site to include improved grassland, amenity grassland, bare ground, continuous and scattered scrub, trees and defunct species-poor hedgerows. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, breeding birds and reptiles. The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit. Sections of hedgerow will be lost along the south-eastern boundary of the site to allow for access provision for the new development.

The site lies within a SSSI Impact Risk Zone, which lists certain types of development that may have a deleterious impact on protected sites nearby. The type of development proposed here is listed as a concern. NRW has been consulted on this application and requested a Construction Environmental Management Plan (CEMP) is submitted to include measures to prevent potential pollution incidents.

### **Bats**

No buildings are present within the site. The trees along the site boundaries were assessed for potential roosting features for bats and were all found to have negligible potential. A dusk transect survey was undertaken in September 2021 around the site boundaries. Low levels of bat activity were recorded during the transect survey, predominantly along the northern woodland motorway belt. The site is considered to be of local value only as bat foraging and commuting habitat. The bat surveys were undertaken in line with standard practice guidelines. This level of survey effort and assessment is considered proportionate to the nature and scale of the application, and MCC Ecologists agree with the conclusions.

The site supports nesting habitats for birds within the scattered trees and scrub, continuous scrub and hedgerows. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season (which is generally March - August) unless a nesting bird survey is undertaken first.

## Biodiversity Net Benefit

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

The ecological report includes details of proposed enhancement measures for all types of ecology present on the site following the relevant surveys being undertaken. These are considered appropriate and the landscaping and planting details have been provided with the submission and are deemed broadly acceptable.

There will be no lighting to the hedgerows or woodland boundaries. A lighting plan for the site has been submitted as part of the application and this is considered to be acceptable by MCC ecologists and should be referred to as a compliance condition.

### **6.12 Phosphates**

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

### **6.13 Response to the Representations of Third Parties and/or Community/Town Council**

Mathern Community Council has concerns over the increase in traffic using the roundabout. This has been the subject of a Traffic Assessment and reviewed by Welsh Government Transport, the local Highway Authority and WSP Consultants, all of whom consider that the proposal would not cause a significant impact to the trunk road and motorway.

Mathern Community Council was also concerned about antisocial behaviour and litter - while these are not strictly planning considerations the applicant has been requested to ensure a sufficient number of litter bins are provided throughout the site.

They have also been concerns that the proposal would result in light and noise pollution for the residents of Mathern Village because the site is above the height of the purpose-built bund. A bund was constructed and then planted on the north eastern boundaries of Newhouse Park Industrial Estate to protect the residents of lower Mathern from noise and disturbance that may arise from the activities on the estate. There are already large industrial units between this bund and the application site. The proposed new industrial unit will be 0.75km from the nearest residential dwelling in Lower Mathern. The majority of the village of Mathern is on the opposite side of the motorway from Newhouse Park. It is not considered that this development would increase noise to an unacceptable level given the context of the site. In addition a lighting plan has been included as part of the application and is considered appropriate.

Both Mathern Community Council and Chepstow Town Council are concerned about safe pedestrian access into the site. As discussed above this is acknowledged, however a pedestrian crossing is being provided across the access road into the industrial estate and whilst this is not the most direct route this is considered appropriate when taking into consideration the constraints on and adjoining the site.

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

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

## **6.15 Conclusion**

The application is considered, on balance, to be acceptable. The delivery of the site for both industry and for services is considered to be an important contribution to the provision of jobs and business in the local area. The site has not come forward within the original plan period due to the difficulties of the engineering works required on site and the viability of the end user. The provision of a 9,000sqm industrial unit is welcomed. It is understood that the complementary retail provision in terms of the services is required in order to make the delivery of the industrial land viable.

The proposals provide sufficient information to address all the material considerations apart from the delivery of a more direct Active Travel Route for pedestrians. On balance it is considered that the harm caused by not having a shorter pedestrian route to the site is outweighed by the delivery of the industrial and complementary retail provision, securing jobs and employment to the local area.

On balance the application is therefore recommended for approval subject to the following conditions.

### **7.0 RECOMMENDATION: APPROVE**

**Subject to a S106 agreement requiring a financial contribution to be used to provide off site signage for pedestrians who may wish to access the site on foot**

Conditions:

#### **STAT TIME LIMIT**

1 With regards to Parcel 1, the full application, this development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **COMPLIANCE WITH PLANS**

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

#### **REQUIREMENTS OF RM**

3 With regards to Parcel 2, the outline application, details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

#### **SUBMISSION OF RM**

4 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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



## **5. GGAT**

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.  
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

## **WG DETAILS OF EXCAVATION/RETAINING**

6 1) Prior to the commencement of any works on site, full details for excavations with associated Risk Assessments / Method Statements (RAMS) in conjunction with full dimensions and calculations for the retaining structures must be provided to the Local Planning Authority (LPA). Details shall be submitted to and approved in writing by the LPA in consultation with the Welsh Government

REASON: To maintain the safety and free flow of motorway traffic.

## **WG RETAINING EXCAVATION**

7 The retaining structures and earthwork excavation shall be laid out, constructed and maintained strictly in accordance with the approved details / RAMS prior to the construction of buildings, carparks or permanent access roads.

REASON: To maintain the safety and free flow of motorway traffic.

## **DRAINAGE SCHEME**

8 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

## **SECTION 278 AGREEMENT**

9 No development may commence until the applicant has entered into a Section 278 Agreement of the Highways Act 1980 with the Highway Authority for the construction of the approved junctions and associated footways and active travel lines together with appropriate alterations to the characteristics of the public highway to promote appropriate traffic speeds.

Reason: in the interests of highway safety.

## **FULL APPLICATION SITE CONDITIONS**

### **10 DETAILS OF EARTHWORKS / MOUNDING / CONTOURING**

Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

### **11 LANDSCAPE WORKS IMPLEMENTATION**

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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

## 12 **GI MANAGEMENT CONDITION**

A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
  - a. Boundary buffers
  - b. Green corridors
  - c. Strategic landscaping and SUDs features that include soft landscaping
  - d. Ecological enhancements
- b) Opportunities for enhancement to be incorporated
  - a. Management of treed and planted boundaries for GI and biodiversity
  - b. Maintain habitat connectivity through the site for species
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty[1]year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

## 13 **COMPLIANCE LIGHTING PLAN**

The proposed development shall be carried out in accordance with the Lighting Design shown on drawing no D47678/LC/A. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no additional lighting or lighting fixtures shall be installed on the building or in the curtilage without the prior written agreement of the LPA

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

## **CEMP**

14 No development, or phase of development, shall commence until a site wide or phase Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

Soil Management: details of topsoil strip, storage and amelioration for re-use.

CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

Traffic Management: details of site deliveries, plant on site, wheel wash facilities

Resource Management: details of fuel and chemical storage and containment; details

of waste generation and its management; wastewater Traffic Management: details of site deliveries, plant on site, wheel wash facilities

Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

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

### **COMPLIANCE WITH BAT SURVEY**

15 The development shall be carried out in strict accordance with Section 5 (Recommendations) of the approved 'Extended Phase 1 Habitat Survey and Bat Survey - Land at Newhouse Farm Industrial Estate 2021-2022, by Rachel Hacking Ecology, submitted August 2022' report.

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

### **GREEN INFRASTRUCTURE PLAN**

16 The drawing 'Green Infrastructure Plan' no 4859 01 by DEP Landscape Architecture Ltd, dated August 2022 which illustrates the design and location of bat and bird box provision shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

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

### **LANDSCAPING PLAN**

17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, for parcel 1 of the site. This shall include new planting around the petrol filling station.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

### **DETAILS OF PEDESTRIAN CROSSING**

18 Prior to any development on the site, details of the pedestrian crossing over the access road to the industrial estate in the position shown on drawing number 210980 PLG 04E, Proposed Block Plan, shall be submitted to and agreed in writing with the LPA. The crossing shall be provided in accordance with those approved details prior to the commencement of the beneficial use of the roadside facility hereby approved.

REASON: To ensure safe access to the site by pedestrians in the interests of highway safety and to ensure compliance with LDP Policy MV1.