

DC/2015/01389

OUTLINE APPLICATION FOR RETAIL DEVELOPMENT AND PUBLIC HOUSE ON LAND WHICH IS CURRENTLY BEING USED AS THE CARPARK FOR THE MITEL BUILDING

CASTLEGATE BUSINESS PARK, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 04/01/2016

1.0 APPLICATION DETAILS

1.1 This is an outline application with all matters reserved for future consideration. The site comprises an area of 0.79 hectares which includes the main access into Castlegate Business Park. The application seeks the erection of a public house and associated car parking on the western side of the access and four small retail units (up to a total of 200m²) and associated parking on the eastern side of the access. This is an outline application but an illustrative plan has been submitted. The scale parameters for the four retail units are 10.3m – 15m AOD for the height, with length ranging from 20 - 22 m and a maximum width of 11m. The proposed public house would have a maximum height of 19m AOD and a range in length of 20 – 31m, and a width range of 15 - 27m. It should be noted that the proposed floor areas of both the retail units and public house would be set at 10.3m AOD. The site would be extensively landscaped. It is estimated that the proposal will generate in the region of 30 full time equivalent jobs. Since the original submission the application has been amended and the residential manager's flat for the public house has been removed.

1.2 The application was screened in June 2015 and the Council concluded that this was not EIA development. The planning application is supported by the following documents:

Design & Access Statement
Site Survey
Transport Statement
Drainage Statement
Utilities statement
Arboricultural Survey
Retail and Economic Assessment (March 2016)

2.0 RELEVANT PLANNING HISTORY

DC/2013/00688 Foodstore and Retail Units	Withdrawn
DC/2006/01442 Lighting Scheme	Approved
DC/2005/01309 Signage	Approved
DC/2005/00438 Modification of condition limiting use to B1.B2 and B8	Approved
DC.2000/00239 Additional 130 car parking spaces	Approved
DC/1994/00766 New Access	Refused

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S5 – Community Facilities
- S6 – Retail Hierarchy
- S9 – Employment Sites Provision
- S12 – Efficient Resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 – Place Making and Design

Development Management Policies

- DES1 – General Design Considerations
- DES3 - Advertisements
- EP1 – Amenity and Environmental Protection
- RET4 – New Retail Proposals
- E1 – Protection of Existing Employment Land
- SD2 – Sustainable Construction and Energy Efficiency
- SD4 – Sustainable Drainage
- GI1 – Green Infrastructure
- MV1 – Proposed Developments and Highway Considerations

Site Allocations

- SAE2 – Protected Employment Site

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caldicot Town Council - Approve

Portskewett Community Council – Approve

MCC Planning Policy

The site lies within the Castlegate Business Park, Caldicot, which is allocated as a Protected Employment Site under Policy SAE2, the specific site reference of which is SAE2p. The site is designated for B1, B2 and B8 uses. In addition to SAE2, Policy E1 relating to the protection of existing employment land should be considered. Note that the Supporting Planning Statement (6.2.2/ 6.2.28) states that while the proposal is located within a protected employment site (SAE2) it does not comprise of land/buildings in employment use and will not result in the loss of employment land, only car parking space. To clarify, the whole of the site is designated as a protected employment site in the LDP and should be therefore be considered as such in line with policies SAE2 and E1. In addition, it should be demonstrated that the proposed development would not adversely impact on the operation of existing business space within the site.

It is noted that the site is located approximately 950m outside the Central Shopping Area (CSA) of Caldicot. Accordingly, consideration should be given to LDP Strategic Policy S6 'Retail Hierarchy' which identifies Caldicot as one of the County's main towns. It clarifies that all new/enhanced retail and commercial developments will be focused within the County's town, local and neighbourhood centres provided they are consistent in scale and nature with the size and character of the centre and its role in the retail hierarchy. The policy clearly states that proposals that would undermine the retail hierarchy will not be permitted.

Consideration must also be given to Policy RET4 'New Retail Proposals' of the LDP. This policy sets out the criteria against which proposals for retail and commercial leisure and entertainment development outside Central Shopping Areas (CSA), as identified on

the Proposals Map, will be assessed. It seeks to protect and enhance the County's designated Central Shopping Areas by resisting out-of-town development that could be detrimental to such centres.

Policy RET4 clarifies that the preferred location of such proposals is within Central Shopping Areas. In accordance with the sequential approach to site selection, 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. The policy sets out detailed criteria to assess proposed developments outside CSAs which cover the following matters:

- Is there a demonstrable need for the development? (Criterion a)
- Would the development have a detrimental impact on the trade/turnover, vitality/viability of town, local and neighbourhood centres? (Criterion b)
- Is the proposed development is of an appropriate scale and type? (Criterion c)
- Would the proposed development would have a detrimental impact on future public or private investment needed to safeguard the vitality and viability of the centres? (Criterion d)
- Is the site in a location accessible to public transport? (Criterion e)
- Is the proposal located on land allocated for other uses? (Criterion f)

Given that this site is located approx. 950m outside the Caldicot CSA, the applicant should give consideration to all of the above in order to demonstrate compliance with this policy. It is noted that the Supporting Planning Statement (including Retail Statement) contains limited information on these retail planning policy issues. The pre-application advice provided to the applicant requested that a Retail Impact Assessment be submitted with the outline application. However, this has not been provided. The Supporting Planning Statement notes that as the proposed development (total 820 sq. m) is well below the threshold of 2,500 sq. m set out in TAN4 whereby an impact assessment is required. Notwithstanding this, TAN4 does clarify that 'such assessments may also be necessary for some smaller developments, for instance those that are likely to have a large impact on a smaller town or district centre' (paragraph 6).

Having regard to the limited information provided in the Supporting Planning Statement, I would note the following points:

· Sequential Approach – as the objective of this proposal is to provide a local facility for the Severn Bridge Industrial Estate, alternative sequentially preferable locations have not been considered. It is questioned whether the proposed public house (does it also incorporate a restaurant?) would act to serve just a local need at an industrial estate? Seem to disregard the guidance contained in PPW (10.1.1) in relation to A3 uses i.e. to 'promote town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions'.

· Need – neither a quantitative or qualitative need has been demonstrated for the public house or retail units. Paragraph 6.1.5 merely states that need cannot be quantified. In order to address the requirement of criterion a) the need for the proposed uses should be clearly demonstrated.

· Impact – with regard to the retail units no information has been provided as to what type of retail is proposed e.g. convenience, comparison, meaning that it is difficult to determine the likely impact on the town centre. Nevertheless, the potential impact of the proposal on the vitality and viability of Caldicot town centre is an important consideration in determining this application. Caldicot town centre serves a key function as a local town centre for residents and there are concerns that the proposed development could draw trade from the CSA and negatively impact on the vitality and viability of the centre, contrary to national and local policy.

It may be considered appropriate to seek further clarification on these retail planning policy matters to demonstrate compliance with Policy RET4. In any event, it is suggested that advice is sought from the Council's retail consultant on the proposed development.

Policies S16 and MV1 relating to proposed developments and transport and highway considerations should be considered. It is noted an extant application for an additional parking area along with alterations/engineering work are proposed to compensate for the loss of parking – no doubt highways colleagues will provide comments on parking provision.

While the proposed retail units are located outside floodplain, the public house is partially located in Zone C1 and C2 floodplain. Consideration will therefore need to be given to the requirements of TAN15, as well as LDP policies S12 (Efficient Resource Use and Flood Risk) and SD3 (Flood Risk). The public house would not relate to a form of highly vulnerable development, the manager's flat conversely would be a form of highly vulnerable development. There would be no conflict with Policy SD3 relating to Flood Risk for the public house, subject to demonstration that the criteria listed are met in full.

Finally, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively must be referred to.

James Williams Planning Consultant

James Williams was commissioned by MCC to provide retail analysis on this proposal. His full report and addendum are attached as Appendix 1 at the end of this report. A summary is as follows:

The application proposal is in outline for four commercial units (Class A1, A2, A3) up to a total of 200sq.m GIA, and a public house (Class A3) up to 620 sq. m GIA. There is limited information only on occupation of the proposed units. The application site fronts Caldicot Road and forms part of the Castlegate Industrial Estate.

The relevant policy documents are:

Planning Policy Wales, Edition 8, January 2016; and the Monmouthshire Local Development Plan 2014

For the purposes of interpreting planning policy, the application site is allocated for employment use in the Development Plan, and is an 'out-of-centre' retail location. We make no further comments on employment related issues, as they are not within our remit. PPW 2016 and the Local Plan 2014 specify criteria that must be satisfied before planning permission is granted for new retail and other forms of 'town centre' development in 'out-of-centre' locations.

Development Plan Strategy

The retail spatial strategy set out in the Local Plan (Policies S6 and RET4) is clearly to focus new retail other forms of 'town centre' development in existing centres and most particularly in the development plan defined CSAs. Being outside Caldicot CSA, the application proposal is inconsistent with this strategy.

Need

The applicant asserts that the proposed facilities are to serve the needs of the Castlegate Industrial Estate. We accept that application proposal could enhance the business environment of this area by providing conveniently located facilities for the Severn Bridge Industrial Estate. However, limited information has been supplied on prospective occupants, particularly in respect of Class A1 retail uses.

Although a public house would be used by employees of the Industrial Estate, it would plainly serve a wider catchment area. Public houses are now invariably promoted by multiple operators and often focus also on the restaurant business so as to draw trade from further afield and to enhance viability.

The absence of more information on occupation of the small commercial units and public house lessens the weight that might otherwise be attached by the Planning Authority to the 'need' case for the application proposal. However, you may be prepared to accept that, even in the absence of more detail, the form and content of the application proposal is consistent with the stated aim to serve the needs of the Industrial Estate, and that this is sufficient for you to consider the 'need' case favourably.

Sequential Approach

If you accept that the application proposal is to serve the needs of the Industrial Estate and the development has to be located within or close to the Industrial Estate, a search for potential alternative sites / properties within or on the edge of the Town Centre is not necessary. PP has, however, provided an assessment of alternative sites and premises in sequentially preferable locations, upon which we have commented in general terms only.

Impact

There is very limited information on the types of occupant of the small commercial units. However, we are satisfied that the quantitative impact of any Class A1 retail facilities on Caldicot CSA would be small.

Class A3 food and drink facilities including public houses are important components of the Town Centre, but the impact of these facilities on the CSA / town centre is not capable of being measured with any great degree of reliability. This is mainly because the success of food /drink facilities is strongly dependent upon the style of operation of the particular facility.

Notwithstanding the above uncertainties, in our opinion the quantitative and qualitative impact of the small retail / service units on the CSA and town centre is likely to be small.

National Resources Wales (NRW)

Thank you for your e-mail dated 20 May 2016, containing the following documents submitted in support of the application:

Drainage Statement (revision B) dated May 2016, Ref CG/2015/DS/01; and Design and Access Statement (revision A) May 2016, REF RHL/CG/DAS/1 both by Robert Hitchins.

On the basis of the above information we withdraw our previous objection to the application as submitted provided that a suitably worded condition is included on any permission your Authority is minded to grant. As you are aware the planning application proposes less vulnerable development within Zone C1 and Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary. The decision as to whether a development is justified in line with section 6 of TAN15 is entirely a matter for your Authority

The site is located within Zone 1 of the *Great Spring* Source Protection Zone (SPZ). Source Protection Zones are designated by Natural Resources Wales to identify the catchment areas of sources of potable water. We note the very low levels of contamination identified and we consider that the controlled waters at this site are of low environmental sensitivity.

Welsh Water

Outlines conditions requiring a drainage scheme for the disposal of foul, surface and land water by a sustainable means; the imposition of a grease trap. No problems are envisaged

with the Waste Treatment works for the treatment of domestic discharge or with the water supply to the site.

MCC Tree Officer

A Tree Report in accordance with BS 5837:2012 *Trees in relation to Design, Demolition and Construction* – Recommendations has been submitted with this application.

The report states that tree loss to facilitate the development will be limited mainly to trees in the grass verges adjacent to the road to the south of the proposed development. The trees that it is proposed to remove are, in the main, of lower quality. This would provide a welcome opportunity to secure some new planting. The impact on the retained trees at the remainder of the site is likely to be insignificant.

MCC Highways

There are no highway grounds to sustain an objection to the application subject to conditions being imposed.

As part of the Transport Assessment a survey of the existing highway network and existing traffic flows was undertaken to establish whether there is sufficient capacity to accommodate the development proposal and associated traffic. Caldicot Road/Site Access priority junction, Caldicot Road/B4245 Mitel Roundabout were analysed and showed that they were currently operating within capacity.

To determine the likely level of trip generation following the development the TRICS database was interrogated and forecasted trip rates and junction capacity models were established for 2015 and 2020. The results of which demonstrate that all junctions along the local highway network will continue to operate within capacity. It should be noted that we would normally request a 10 year projected growth analysis however the network is shown to be operating well within capacity for the 5 year projected growth period therefore is considered negligible. In this regard no further analysis is deemed necessary. In light of the above it is accepted that the TAS demonstrated that the traffic generated by the proposed development will have no detrimental impact on the local highway network.

Parking - Existing Building - The TA states that the site is currently served by 588 parking spaces. 113 spaces will be lost as a consequence of the proposed development however it is proposed to provide an additional 53 spaces consented under planning application DC/2006/00243 within the site to replace those lost. 528 parking spaces would therefore be provided for the existing building. The Monmouthshire Parking Standards 2012 specify parking provision of 1 space per 40m² for offices in excess of 1000m². The existing building has a gross floor area of 20,021m² therefore parking provision of 500 spaces is required. The proposal demonstrates that 528 spaces will be provided for the existing building which exceeds the requirements set out in the Monmouthshire Parking Standards 2012.

Application Site - Proposed Retail Buildings and Public House – The TA states that a total of 54 car parking spaces will be provided for the public house and four retail units. For public houses the Monmouthshire Parking Standards 2012 specifies 1 car parking space to be provided per 3m² of public serving area. The proposed building has a public serving area covering a floor area of 465m² therefore 158 car parking spaces are required. For the four retail units the Monmouthshire Parking Standards 2012 specifies 1 car parking space to be provided per 60m² together with 1 operational space for shops less than 200m². The four retail units have a total floor area of 200m² therefore 4 spaces plus 1 operational space are required. The indicative site layout submitted with the application shows that the parking between the retail units and the public house have not been split in accordance with the parking requirements for the respective development. The parking has been split so that the retail units have 16 spaces and the pub has 38 spaces meaning the retail units are oversubscribed and the pub is below standard. When considering the overall parking provision for the proposed development 54 spaces is severely below the requisite standard of 163 spaces. However, to accommodate this shortfall the TA states that there is flexibility within the Castlegate Business Park to meet the

full requirements should the demand arise. Taking consideration of the overall car parking provision for the business park and the proposed improvements to provide the additional parking then the site as a whole can provide the requisite level of parking. However, we remain concerned that the car parking provision for the application site is below standard and are concerned how the existing car park will be managed to accommodate the shortfall. We would therefore request the applicant to demonstrate how this arrangement can be agreed and managed.

Pedestrian and Cycle Provision – There are two existing pedestrian access points to the site. The first is from the Portskewett direction where there is an existing footway on the eastern side of the sites junction which is accessible from the southern footway on Caldicot Road via an existing uncontrolled pedestrian crossing. The second pedestrian access is from the Caldicot direction where there is a footway at the southwest corner of the site which is accessible from the existing footway network on the southern side of Caldicot Road via an uncontrolled pedestrian crossing through an existing splitter island on the Caldicot Road arm of the Mitel roundabout.

The TA states that a new footway will be provided on the northern side of Caldicot Road adjacent to the site.

The existing pedestrian and cycle infrastructure within the vicinity of the development has been reviewed and whilst the existing network is typical of an urban/suburban environment the developer will be required to improve the existing pedestrian network by providing a new shared footway along the sites full frontage on Caldicot Road and the B4245 together with additional pedestrian crossings where required. In addition S106 contributions will be required to improve the local walking and cycling infrastructure.

Public Transport – There are existing bus stops within the vicinity of the development site which are within short walking distance offering services to Caldicot and Portskewett approx. every 30mins.

Drainage – The existing car park areas associated with the site connect into an existing sewer on Caldicot Road and then discharges into the adjacent Neddern Brook. It is therefore reasonable to assume that the site and off site sewer/drain has been designed and constructed to accommodate the accumulative run off from the highway and the existing development site. As part of the application proposals it is proposed to retain the aforementioned connection with the addition of an on-site soakaway to accommodate the sites additional surface water run-off. Whilst we have no objection to the principle of this proposal no drainage calculations or detailed drawings have been submitted for our consideration which include the proposed site and proposed replacement car parking areas for the existing site. We are satisfied however that this can be made conditional to any planning approval. It should be noted that soakaways shall not be positioned within 5m of the public highway.

Glamorgan Gwent Archaeological Trust

Given the number of prehistoric sites in the Neddern Valley, it is an area where it is possible that prehistoric settlements may have occurred, even though damage would have occurred to the archaeology in the 1980's when the business park was being constructed. There is still potential for archaeological remains to be encountered during development. A condition requiring a programme of archaeological works and a written scheme of investigation is requested.

4.2 Neighbour Notification

One letter of objection received.

Other pubs in Caldicot have closed indicating that business is not viable. There are 5 other pubs within the area. This development may lead to the closure of other pubs.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The application site lies on land which has been allocated in the LDP as a protected employment site (SAE2p). Policy SAE2 says that these sites are protected for industrial and business development (classes B1, B2 and B8 of the Use Classes Order). Policy E1 of the LDP says that proposals that will result in the loss of existing or allocated industrial sites to other uses will only be permitted where:

- 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.

Exceptionally, planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:

- (i) the proposal is for small scale retail uses which are ancillary to the main business / industrial activity; or
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.

5.1.2 A public house and retail units do not fall under the class of B1, B2 or B8 and therefore these service sector units are not strictly in accordance with the objectives of Policy E1 as it is not retaining the site for an industrial or business development. At present this land is being used as a car park and landscaping area in association with the Mitel Factory. Although the proposal would reduce the land available for industrial uses by approximately 0.8 hectare this does not equate to loss of industrial floor area as the development is on an area of surplus car parking. The site is well located for employment uses having good road access and being within an existing industrial area. It is unlikely that the land would be used to build new factory units given the number of existing units of various sizes in the adjacent Severn Bridge Industrial estate. However sufficient car parking provision should be retained to ensure the efficient running of the Mitel factory and any other future occupiers. The proposed public house and retail units are expected to generate approximately 30 full time equivalent jobs so although not strictly B Class employment uses, for which the land is being protected, the proposal will provide significant employment which is the underlying objective of Policy E1. There is no shortage of industrial land or premises available in this part of the County, indeed there are a number of vacant units and sufficient land allocated in the LDP to accommodate projected growth. The loss of this industrial/ business site would not prejudice the aim of creating a balanced local economy given the variety of industrial units still available in this area of Caldicot and the fact that the proposed use would generate employment opportunities. The proposed change of use would not directly lead to a loss of employment land given that the site is currently being used as a car park and the fact that the existing factory could continue to operate efficiently with the reduced level of car parking, which is currently underused. Although the proposal does not strictly accord with Policies SAE2 and the first part of Policy E1 of the LDP, it does not lead to the loss of industrial premises and does provide business opportunities and employment which is in line with the spirit of the policies, and the second part of Policy E1 allows for this type of development in exceptional circumstances. It is intended that

the proposed public house and retail units will enhance the facilities available for the employees on the business park and adjoining Severn Bridge Industrial estate and therefore add to the business environment; it may also act as a catalyst, attracting more take-up in the existing industrial units.

5.2 Impact on Caldicot Town Centre

5.2.1 Policy S6 of the LDP establishes a Retail Hierarchy in which Caldicot is classified as a County Town. The policy states that new retail developments will be focused in these main county towns. Proposals which would undermine the retail hierarchy will not be permitted. In considering this proposed development we need to look at its impact on the vitality and viability on Caldicot Town centre. Policy RET4 looks at this issue in more detail stating that the preferred location for new retail and commercial leisure developments will be in the designated Central Shopping Areas. This site is not within the CSA in fact it is almost 1 km to the East of the Town Centre. Policy RET4 then goes on to say that, 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 developments outside the CSA are considered they will be assessed against the following criteria.

- 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.

5.2.2 In order to assess the issues outlined in Policy RET4 the developers commissioned Planning Potential to conduct a Retail and Economic Assessment and this was submitted as part of the application. This was then independently reviewed by JWPlanning

5.2.3 Retail and Economic Assessment by Planning Potential

This assessment looked first at the Monmouthshire Retail and Leisure Study produced by DJD in April 2010 which found that there was a need for additional retail floor space with many Caldicot residents doing their comparison and convenience shopping outside of Caldicot, most noticeably in Chepstow and Newport. (This study was undertaken before the opening of the new Asda store in Caldicot). The analysis was looking to see if the proposed 200 m² of new retail floor space would have a material impact on Caldicot Town Centre. Their detailed analysis found that the impact of the proposed retail units would be negligible and would be barely noticeable in terms of the function of the town centre and its viability and viability. Even taking Asda into account the analysis found that there was sufficient expenditure capacity within the Caldicot area to support the proposed 4 retail units without taking trade from the town centre. It concluded that there was a quantitative need for the development and the proposal may also result

in some claw-back in the expenditure being lost to other retail centres such as Chepstow and Newport,

With regards to the need for the development the Planning Potential study concluded that:

- Impacts associated with the proposal in the design year (2021) are negligible and represent no threat to the vitality and viability of Caldicot or any other centre.
- The proposal represents no threat to investment on the basis of the impact and expenditure analysis set out in Appendix 1. The proposal, if permitted, will not act to deter investment in Caldicot or any other centre.

5.2.4 Sequential Site Assessment

A sequential assessment has been undertaken for this development proposal, which proposes main town centre uses in an accessible but 'out-of-centre' location for retail planning purposes, being located approximately 950m to the east of Caldicot town centre. Planning Potential has reviewed sites within Caldicot town centre that could feasibly be considered to be sequentially preferable to the application site. At the time there were 5 vacant retail units within Caldicot Town centre. It was considered that none of the vacant units within the town centre are of a size sufficient to accommodate the entire proposed development (200 square metres) and that none would represent suitable units that could be capable of meeting the local requirements generated by the business park and industrial estate. Therefore, for this reason alone, the vacant units within the town centre are not suitable for the proposed development and are not considered sequentially preferable to the application site. Edge of town sites were also considered and ruled out as not being suitable. This part of the study therefore concluded that the application proposals comply with the sequential 'test' and approach to site selection.

Conclusions of the Planning Potential Report:

- A demonstrable need existing (including in quantitative terms) for the proposed retail development;
- The proposed retail development will have a negligible impact on trade/turnover, vitality and viability within the town centre;
- The proposed development is of an appropriate scale and type with regard to the centre and seeks to fulfil a bespoke role in the Castlegate Business Park and Severn Bridge Industrial Estate area;
- The development will not have a detrimental impact on future public or private investment in the centre, indeed we are not aware that any such investment is proposed;
- As set out within the submitted Supporting Planning Statement, the site is accessible by public transport.

5.2.5 JWPlanning Response to the above report

PPW 2016 and the LDP 2014 specify criteria that must be satisfied before planning permission is granted for new retail and other forms of 'town centre' development in 'out-of-centre' locations.

These relate to – compatibility with the development plan strategy; the need for the proposed development; the existence of alternative sites in sequentially preferable locations; and impact on existing shopping centres. The retail spatial strategy set out in the Local Plan (Policies S6 and RET4) is clearly to focus new retail and other forms of 'town centre' development in existing centres, and most particularly in the development

plan defined CSAs. Being outside Caldicot CSA, the application proposal is inconsistent with this strategy. For the purposes of evaluating the current application, we accept use of the MRLS. The overall findings of the Study remain valid. However, caution is now required in respect of some of the input assumptions to the Study. In particular the Experian retail expenditure growth rates forecast at the time of the MRLS have not been achieved. At the time, Experian was forecasting a continuing annual growth of retail expenditure in the early part of the forecast period, whereas it actually declined over some of these years.

5.2.5.1 Need

Both PPW and Policy RET4 of the Local Plan require a test of 'need' to be satisfied, in respect of applications for new retail development and other 'town centre' uses. PPW notes that 'need' can be demonstrated in both quantitative and qualitative terms, but that *"precedence should be accorded to establishing quantitative need"*. Planning Potential states in paragraph 4.45 of the Assessment that with modest increases in market share the analysis demonstrates sufficient expenditure capacity to support the application proposal. In our opinion, because of their small scale and nature, the proposed units are unlikely to clawback much expenditure currently lost from Caldicot. However, we remain of the view that the application turnover would be very modest as compared with the overall (convenience and comparison) level of catchment area residents' available expenditure (as well as with the overall (convenience and comparison) turnover of the town centre. Employment areas are often lacking in support facilities for the working population, and this is sometimes evident from the presence of temporary mobile fast food facilities. There would be benefits from having better quality facilities to serve this estate. However, the Planning Statement provides no information on the type of retail/service facilities that might be attracted to the estate, and the Assessment confirms that *"at this stage no specific occupiers have been identified"*. However, it also states that *"It is expected that the retail units will be attractive to small-scale convenience goods uses, including bakeries and coffee shop uses, but it is anticipated that the units would be taken up by operators such as Subway or Costa coffee."*

Whilst a public house would be used by employees of the Industrial Estate, it would plainly serve a wider catchment area. The difficulties of the public house industry are well known, and have caused closure of many facilities throughout the country. New facilities are generally only proposed in areas of significant population or high accessibility. They are invariably promoted by multiple operators and often focus also on the restaurant business so as to draw trade from further afield and to enhance viability. The absence of information on occupation of the small units must lessen the weight that might otherwise be attached by the Planning Authority to the 'need' case for this element of the application proposal. Likewise the 'need' case for a public house in this location would be more credible if some evidence of interest by market operators was provided. However, even in the absence of more detail, the form and content of the application proposal is consistent with the stated aim to serve the needs of the Industrial Estate, and that this is sufficient for you to consider the 'need' case favourably.

5.2.5.2 Sequential Test

In this case, the applicants refer to the facilities serving the needs of the local business and working community of the Severn Bridge Industrial Estate. As stated above, if this 'need' justification is accepted then plainly it cannot reasonably be met by an alternative site / facility within the CSA / Town Centre. For example, a café/take-away facility to serve workers on the employment site needs to be close at hand - within walking distance. If it is accepted that the application proposal is to serve the needs of the Industrial Estate and the development has to be located within or close to the Industrial

Estate, a search for potential alternative sites / properties within or on the edge of the Town Centre is not necessary.

5.2.5.3 Impact of the development on the town centre

The key impact considerations set out in Local Plan RET4 are whether:

(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;

(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;

It is noted above that the MLRS expenditure figures are in need of updating. Also, it will only be possible to make reliable estimates of the turnover of the Town Centre, once the effects of the ASDA store can be seen/judged. Notwithstanding this, it can be concluded that the Class A1 retail quantitative impact of the application proposal on Caldicot CSA shops would be very small. The impact of the small units in qualitative terms is equally difficult to evaluate. In the absence of more information from the applicant, it is difficult to judge the types of Class A1 retail occupants that are likely to be attracted to this location. However, they will not be retail traders who need the footfall of a town centre location, nor is the location likely to be attractive for walk-in neighbourhood shops. The application site is not well located to residential areas. The most likely non-service uses could be specialist traders for whom a location is not important, as their customers will seek them out. The applicant's consultant refers to sandwich bars and coffee shops as likely occupants (Class A3 uses). These are found in town centres and the application site could therefore accommodate an occupant who might otherwise have located in Caldicot Town Centre. However, the application proposal is being promoted on the basis that it is to serve the needs of the local Industrial Estate. If this 'need' justification is accepted, then plainly it cannot reasonably be met by an alternative site / facility within the Town Centre which would not be within walking distance. Notwithstanding the current difficulties of the public house industry, it could be difficult to substantiate refusal of the public house element of the application proposal on the grounds of impact. Notwithstanding the uncertainties, in our opinion the quantitative and qualitative impact of the small retail / service units on the CSA is likely to be small.

5.2.5.4 Summary Findings

The Council's consultant accepts that the proposal could enhance the business environment of this area by providing conveniently located facilities for the Severn Bridge Industrial Estate. However, limited information has been supplied on prospective occupants, particularly in respect of Class A1 retail uses. Although a public house would be used by employees of the Industrial Estate, it would plainly serve a wider catchment area. Public houses are now invariably promoted by multiple operators and often focus also on the restaurant business so as to draw trade from further afield and to enhance viability.

The absence of more information on occupation of the small commercial units and public house lessens the weight that might otherwise be attached to the 'need' case for the application proposal. However, even in the absence of more detail, the form and content of the application proposal could be considered to be consistent with the stated aim to serve the needs of the Industrial Estate, in which case the 'need' can be considered favourably.

Notwithstanding the above uncertainties, the opinion of the Council's consultant is that the quantitative and qualitative impact of the small retail / service units on the CSA and town centre is likely to be small.

5.2.6 MCC Evaluation

It has been demonstrated that a need exists for the small retail units to serve the occupiers of the employment side especially in term of A3 use, for the workers on the surrounding business park and industrial estate. In quantitative terms there is sufficient expenditure capacity within Caldicot so that the proposed retail units will not adversely affect the viability or vitality of the town centre as they are catering for a different market and are not in direct competition with the town centre units. The proposed retail units, if providing a coffee shop or bakery or similar employment-supporting uses, can be seen to be providing quality facilities to the surrounding business park, facilities that are currently lacking. It is more difficult to establish if there is a need for a new public house in this location; that would rather depend on the type of service being provided and the particular operator. It is very likely that the public house will provide restaurant facilities for local workers but it is likely also to attract a wider catchment area. There is no evidence to suggest that it will be in direct competition with other public houses in the area as this depends on the type of facility being offered. In any case, the proximity of the pub/restaurant to Caldicot Castle and the associated overflow parking (albeit that some of the existing overflow parking would be lost to make way for this development) mean the pub/restaurant could complement an element of the County's tourism offer.

On balance there is a demonstrable need for the proposed development. With regards to the vitality and viability of Caldicot Town Centre, the turnover resulting from the proposed retail units will be very modest and will not take away from the town centre function as it is catering for a different market, i.e. the workers on the surrounding employment sites. The Council's retail consultant is of the opinion the quantitative and qualitative impact of the small retail / service units on the CSA is likely to be small and officers see no reason to disagree with this view. The retail units are very small and the public house would be of modest size, and it is considered to be of an appropriate scale that would sit comfortably within the plot surrounded by mature landscaping. It would not undermine Caldicot's place in the retail hierarchy. The analysis provided by Planning Potential has also demonstrated that the proposals would have no material impact on the vitality and viability of the town centre (or any other designated centre) and that they will not undermine future public or private investment in Caldicot.

The proposed site is in a very accessible location being on the roundabout off the B4245 and the road to Portskewett. A local bus service runs past the site four times a day and there is a bus stop within 40 metres of the site. Therefore the site is reasonably accessible to public transport facilities. The proposal therefore complies with criteria a) to e) of Policy RET4 of the LDP. It does not however comply with criteria f) as the site is on land that has been allocated for other uses i.e. employment land. This matter has been addressed in detail elsewhere in the report.

5.2.7 Flooding

The four retail units are within DAM flood zone A where there is little or no risk of flooding. The proposed public house is within flood zone C1 and C2 according to the DAM flood maps. Land in the C1 zone is protected by flood defences and the advice in TAN 15 is that development can take place subject to justification tests. C2 is land without significant flood defences where less vulnerable development can take place subject to justification. Since the manager's flat has been removed from the scheme the public house is classified as less vulnerable development. A Drainage Statement (revision B) was submitted by Robert Hitchins which showed that the minimum FFL to be 10.3 metres AOD. NRW reviewed this statement and offered no objection. It is however the responsibility of MCC to determine whether the risks and consequences of flooding can be managed in accordance with TAN15 which states under section 6.2:

“In Zone C the tests outlined in sections 6 and 7 will be applied recognising that however, highly vulnerable development and Emergency Services in Zone C2 should not be permitted. All other development should only be permitted within Zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in Zone C is necessary to assist, or be part of a local authority regeneration initiative or local authority strategy required to sustain an existing settlement; or*
- ii. Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlement or region;*

As stated above, neither the retail units nor the public house are considered to be highly vulnerable development. The site is part of an existing business park and is surrounded by existing business and industrial uses. The proposal will generate jobs and employment opportunities as well as attracting occupiers to the surrounding employment units by improving the quality of the area's offer. The businesses proposed will benefit the adjacent business and industrial park by providing enhanced services to the area and will also benefit the wider economy. The proposal therefore would contribute to the key employment objectives of the Council. The site is brownfield in nature and the FCA demonstrates that the consequences of flooding can be satisfactorily managed. The development is justified on these grounds under TAN15.

5.2.8 Biodiversity

The proposal involves the felling of some trees in the grass verge adjacent to the road. The application included a tree report which identified the trees to be felled. MCC's Tree Officer recognises that the trees to be felled are of low quality and that the application may be an opportunity to secure some new planting as part of a landscaping plan. This will form part of the reserved matters.

5.2.9 Drainage

It is proposed that the foul and surface water will drain into the existing system operated by Castle Gate Business Park. The drainage details will be considered as reserved matters but there may be scope to introduce a sustainable urban drainage system. The existing car park areas associated with the site connect into an existing sewer on Caldicot Road and then discharge into the adjacent Neddern Brook. It is therefore reasonable to assume that the site and off site sewer/drain has been designed and constructed to accommodate the cumulative run off from the highway and the existing development site. As part of the application proposals it is proposed to retain the aforementioned connection with the addition of an on-site soakaway to accommodate the site's additional surface water run-off. Whilst there is no objection to the principle of this proposal no drainage calculations or detailed drawings have been submitted for consideration which include the proposed site and proposed replacement car parking areas for the existing site. This can be made conditional to any planning approval. It should be noted that soakaways should not be positioned within 5m of the public highway.

5.2.10 Highway and parking considerations

MCC Highways accept that the applicant's Transport Assessment (TA) demonstrates that the traffic generated by the proposed development would have no detrimental impact on the local highway network. There is over capacity of car parking spaces for the existing development on Castlegate Business Park, however the proposed public house and retail units would require their own parking provision. The TA shows that a

total of 54 car parking spaces will be provided for these but there is a requirement for 158 spaces for the public house under the provision of the Monmouthshire Parking standards and an additional 5 spaces for the retail units. To accommodate this shortfall the TA states that there is flexibility within the Castlegate Business Park to meet the full requirements should the demand arise. Taking consideration of the overall car parking provision for the business park and the proposed improvements to provide the additional parking then the site as a whole can provide the requisite level of parking. However, Highways remain concerned that the car parking provision for the application site is below standard and are concerned how the existing car park will be managed to accommodate the shortfall. It is therefore required that the applicant will have to demonstrate how this arrangement can be agreed and managed. This would be achieved by imposing a condition requesting a parking management plan. The applicant has confirmed that the proposed units will be leased and parking controlled by the applicant (Castlegate Business Park Limited) as the owner of both the application site and adjacent land edged blue on the Location Plan submitted with the application. Therefore the solution is in the applicant's control and a condition requiring a parking management plan would be appropriate.

The TA states that a new footway will be provided on the northern side of Caldicot Road adjacent to the site. The existing pedestrian and cycle infrastructure within the vicinity of the development has been reviewed and whilst the existing network is typical of an urban/suburban environment the developer will be required to improve the existing pedestrian network by providing a new shared footway along the site's full frontage on Caldicot Road and the B4245 together with additional pedestrian crossings where required. In addition S106 contributions will be required to improve the local walking and cycling infrastructure. These requirements directly relate to the proposed development and are considered to fully meet the tests in the CIL Regulations.

5.2.11 Visual Impact

The application is in outline only. The indicative plan shows the four retail units on the eastern side of the access road and the pub on the western site, each with dedicated parking and some landscaping. The maximum height of the building would be 15 metres AOD for the retail units and 19 metres AOD for the public house. It must be remembered that the finished floor levels will have to be at least 10.3 metres AOD to meet with the requirements of NRW in relation to flooding. The building will be close to the Portskewett Road and set above the road. Therefore the proposed new buildings will be very visually prominent but will be seen in the context of the buildings on the surrounding business park and adjoining industrial estate and the scale and layout as indicated are considered acceptable in principle. The exact design and finishing materials of the buildings would be considered as part of the reserved matters.

5.2.12 Other issues raised

The fact that there are existing public houses operating in Caldicot and the issue of competition is not in itself a material planning consideration. Being located on the employment site, the pub/restaurant would largely serve a different market to neighbourhood or town centre establishments. It is acknowledged that the pub is likely to draw passing trade including visitors to Caldicot Castle but the extent of this draw is not considered to be significant.

6.0 RECOMMENDATION: Approve subject to a 106 agreement requiring a financial contribution towards highway improvements to the local highway network and infrastructure including improvements to pedestrian facilities for safer routes to local amenities. In accordance with the Active Travel Act 2013 a contribution of £20,000 is

required towards improvements to existing pedestrian crossing facilities to provide safer routes to local amenities. The proposed development together with land allocated for development north of the site, Crick Road, Portskewett will attract more pedestrian movement in the immediate area therefore the contribution will be put towards the improvement of off-site pedestrian and cycling facilities to the main residential areas of Caldicot Town. The improvements are, but not solely restricted to, the provision of a new controlled pedestrian crossing on the B4295 within the vicinity of Chepstow Road, the provision of additional footway and crossing facilities on Mitel Roundabout to promote and improve pedestrian and cycling links through the Caldicot Castle grounds, adjacent to The Lodge.

Conditions/Reasons:

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2. (a) Application for approval of all the reserved matters 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. Approved plans and documents where not indicative and maximum/minimum parameters.
3. The development shall be carried out in accordance with the list of approved plans set out in the table below.
4. No development shall take place until the applicant or their agent or successor in title, have secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing with the LPA.
5. No development shall commence until a drainage scheme for that element/ phase has been submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved scheme prior to the development being brought into use and retained as such thereafter.
Reason: To prevent overloading of the sewerage system.
5. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system
Reason: To protect the integrity of the public sewerage system.
6. No element of the development shall commence use until the following works have been completed:
 - (a) Provision of a new footway along the full site frontage on the northern side of Caldicot Road, and
 - (b) Alterations/improvements to existing pedestrian crossings on Caldicot Road and the B4245.
7. Prior to the commencement of development a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The

CPMP to set out details of how parking will be managed to ensure that the demand for car parking is met. Prior to beneficial occupation of the development the CPMP shall be implemented in accordance with the approved details and the site shall be operated in accordance with the approved details thereafter.

8. Finished floor levels for the public house shall be set no lower than 10.3 metres Above Ordnance Datum (AOD) (Newlyn)
Reason: To reduce the risk of flooding to the development and its occupants.
9. The retail units hereby approved shall be retained as four separate retail units. There shall be no amalgamation of the individual units into larger units.
Reason: To protect the viability and vitality of Caldicot Town Centre.