

Application Number: DM/2018/01071

Proposal: Provision of light industrial units with all associated works for use within B1, B2, and B8.

Address: Thompson & Thompson, Pill Way, Severn Bridge Industrial Estate, Portskewett Caldicot

Applicant: Messrs. Thompson and Thompson

RECOMMENDATION: Approve

Case Officer: Ms Kate Young

Date Valid: 02.07.2018

This application is presented to Planning Committee due to the objection from NRW that this redevelopment is in a C1 Flood Zone and that the FCA has failed to demonstrate that the consequences of flooding can be acceptably managed

1.0 APPLICATION DETAILS

1.1 This application seeks the re-development of a large plot of land on the Severn Bridge Industrial Estate in Portskewett, which is a protected employment site (SAE2 within the Local Development Plan (LDP)). The site is currently used as a car dealership. The proposal would create a small unit industrial estate comprising a total of 13 units. The proposal includes the erection of nine new light industrial units, and the conversion of the existing car showroom to create four further units. The existing access from Pill Row would be closed up and a new one created. Car parking and landscaping would be provided throughout the site.

1.2 This application has been advertised as a major development and a Pre-Application Consultation (PAC) report has been submitted as part of the application. The site is located within the Caldicot Development Boundary, a C1 Flood Zone, a Protected Employment Site, a Source Protection Zone and an Archaeologically Sensitive Area. The application is accompanied by a Transport Assessment, a Design and Access Statement and a Flood Consequences assessment.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01071	Provision of light industrial units with all associated works for use within B1, B2, and B8.		Pending Determination

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Development Boundary

S8 Enterprise and Economy

S9 Employment sites Provision

S12 Flood Risk

SAE2 Protected Employment Site

Development Management Policies

E1 Employment Land Protection

DES1 General Design Considerations

EP1 Amenity and Environmental Protection

EP3 Flood Risk

MV1 Development and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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 as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Portskewett Community Council - No objection

Glamorgan Gwent Archaeological Trust (GGAT) - No Objection.

The site is located close to an old Roman road but the site has been the subject of considerable development. It is unlikely to be an archaeological restraint to the proposed development.

Natural Resources Wales (NRW) - (28/06/19) Object to the proposed development as the proposals do not evidence that the potential consequences of flooding can be managed to an acceptable level.

We note this additional information has been submitted in relation to our previous responses, our references CAS-76501-S0D1, CAS-65575-B8Y6, your reference DM/2018/01071. In these responses we raised significant concerns in relation to flood risk and protection of groundwater. We also provided a Statutory Pre-Application response for this proposal (our reference CAS-57070-B2T1, their reference CM/ALJ/2234) on 27 March 2018

Flood Risk

The planning application proposes less vulnerable development (light industrial units). Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outlines of the Nedern Brook.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria i) to iii), then the final test iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level. We have reviewed the following additional information submitted in support of this application, email from Kate Young, Monmouthshire LPA, dated 10 June 2019 along with the updated FCA undertaken by ARK Ltd, Land at Severn Bridge Industrial Estate, NP26 5PU, dated October 2018. Our advice to you is that the additional information in combination with the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

Tidal Flooding The predicted flood level for the 0.5% plus climate change flood event (2090) is 9.58m AOD. We note that FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.18m. With the addition of the full climate change data (2094) this figure will increase. All aspects of the proposed development site (within the red line boundary) should be designed to be flood free in the 0.5% plus climate change flood event. Therefore, the proposed development does not meet the criteria in A1.14 of TAN15. According to NRW modelled flood risk data, the flood hazard at the site during a 0.5% plus climate change event is predicted to be 'Danger for all - includes the emergency services'.

The predicted flood level for the 0.1% plus climate change flood event (2090) is 10.33m AOD. We note that FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.93m. This exceeds the maximum depth of flooding criteria in A1.15 of TAN15. With the addition of the full climate change data (2094) this figure will increase. Therefore, the proposed development does not meet the criteria in A1.15 of TAN15.

We advise that no information has been provided on the other criteria in A1.15, including the maximum velocity of floodwaters.

Nedern Brook - No assessment of the potential flood risk from the Nedern Brook has been undertaken within the FCA. We have stated previously that the site lies within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outlines of the Nedern Brook. This brook may not only be tidally influenced. We would expect any assessment of the Nedern Brook to include an assessment of flooding elsewhere. The proposed development may alter flow routes across the site and may impact the neighbouring areas. Flood compensation may be required. We do not hold any flood risk data for the Nedern Brook.

Access/Egress

There is no flood hazard rating provided for the access/egress route for the site, but the FCA states depths of 1-2metres will be experienced to the west of the site (section 8.4). We would expect further details in relation to the access and egress for the site in the terms of hazard rating, depths and velocities. In summary we object to this application as submitted. TAN15 states that all aspects of the proposed development should be designed to be flood free in 0.5%/1% plus climate change flood events. Due to the significant depths of flooding predicted for the proposed development we do not consider the proposal can meet this requirement.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users

MCC Highways - No objection

The rationalisation of the multiple means of access as detailed on Drawing No. 2234/2 Proposed Layout is welcomed and will reduce access and egress conflict for all users of Pill Way and Lodge Way. The closure of existing access and the creation of the new access off Pill Way will require the applicant to carry out works within the public highway and to the satisfaction of the highway authority.

Welsh Water - No objection

Dwr Cymru Welsh Water can accept foul water only flows. The site is crossed by a public sewer. Conditions are outlined.

5.2 Neighbour Notification

None Received

6.1 EVALUATION

6.2 Strategic & Spatial Choices

6.2.1 Principle of Development

One of the Key Planning Principles of PPW10 is growing the economy in a sustainable way. It states that the planning system should enable development which contributes to long term economic well-being making the best use of existing infrastructure. It also encourages re-using previously developed land. Places which are productive and enterprising contribute to the seven goals of the Well Being of Future Generations Act and suggest that a Prosperous Wales can be achieved through the availability of employment land, amongst other things. In this case the site, which has previously been used for economic development is protected employment land allocated in the LDP and is located within an existing industrial estate. Planning Authorities are required to support the provision of sufficient land to meet the needs of the employment market and PPW10 requires that development plans should identify employment land and allocate an appropriate mix of sites to meet the need and provide a framework for the protection of employment sites. Paragraph 5.4.4 of PPW says that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in development plans should be protected from inappropriate development. Effective planning for the economy requires directing development and investment to the most efficient and the most sustainable locations. The site for this development on the Severn Bridge Industrial Estate is a most suitable site for economic development and is protected employment land that has an existing employment use on it, namely industrial units and car sales. It is surrounded by other employment uses and is in close proximity to the centre of population so that employees would be able to walk to their place of work. The principle of upgrading this employment site, refurbishing the existing units and providing a range of new industrial units of varying sizes accords with the objectives of PPW10 to encourage economic development in sustainable locations and to protect allocated employment sites.

Policy S9 of the adopted Monmouthshire Development Plan seeks to ensure the provision of employment land and premises of an appropriate scale in sustainable locations and to protect existing sites. This is further reflected in Policy E1 of the Development Plan which seeks the protection of existing Employment Land. Policy SAE2(p) Identifies Severn Bridge Industrial Estate as one of the protected employment sites to be used by classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987. This site is located within the protected designation therefore the principle of allowing B1, B2 and B8 Use Class development in this employment site is supported in the LDP. The proposal is to refurbish the existing industrial unit and divide it into 4 smaller units. This will involve re-cladding the building and subdividing it. The rest of the site is used as a show area in association with a car dealership. The whole site is used to display cars for sale. The site has been used for employment generating activities and the proposal involves the creation of 9 new industrial units within the existing designated employment use site. The end uses of the units are not known at this time as the development is speculative but many job opportunities would be created as a result of these new units. The Council is committed to providing new job opportunities and the provision of these new and refurbished units on an existing designated employment site would help towards fulfilling that commitment. The development of these units would help to create job opportunities for the residents of Caldicot at this time of economic uncertainty. The proposal therefore accords with the objectives of PPW10 and Policies S9, E1 and SAE2p of the adopted LDP.

6.2.2 Good Design/ Place making

The proposal involves re-cladding the walls of the existing building with silver grey steel cladding. The roof will remain as existing and some of the window and door opening are being moved. Units 6 to 9 will be housed in a building on the south west of the site adjacent to Pill Row and will measure approximately 40 metres long by 10 metres wide and by 6.7 metres high to the ridge. The walls will also be finished in silver grey steel cladding with a dark grey steel roof. There is provision for PV panels to be positioned on the south facing roof. There would be roller shutter

doors to the front of the building and personnel doors to the rear. Units 1 to 5 would be of a similar design and materials but would measure approximately 82 metres long by 15 metres wide and would be 7.3 metres in height to the ridge. On the Severn Bridge Industrial Estate there is a mix of industrial units surrounding the site, there is a range of sizes and styles with older brick built units and more modern ones finished in steel cladding of various colours. The design and finishing materials of the proposed and refurbished buildings is in keeping with the general character of this industrial estate and does respect the existing form, scale siting massing and materials of its setting. The proposal therefore accords with the objectives of Policy DES1 of the LDP

6.2.3 Impact on Amenity/ Promoting Healthier Places

There are no residential dwellings adjacent to this site, it being surrounded by existing industrial units. The new units can be seen to promote a healthier place in that the proposed units will incorporate some substantial landscaping providing a calm and tranquil space for future employees of the units. In addition these units are to be located within easy walking and cycling distance of the residential areas of Caldicot. This ability to walk and cycle to the place promotes healthier life styles and conforms to one of the key objectives of PPW10, that of facilitating accessible and healthy environments.

6.2.4 Sustainable Management of Natural Resources

The proposal, to renovate an existing unit and to build new units on existing employment land does contribute the objectives of PPW10 for the sustainable management of natural resources which includes land. An existing brown field site is being used rather than developing on a green field site. The fact that an existing building is being refurbished conforms with the idea of a more circular economy by re-using existing assets rather than building new units from scratch. The re-use of the existing building is supported. The existing site is considered to be appropriate for this type of development given that it is on an allocated industrial estate within walking distance of residential areas of Caldicot. The site already has a commercial use and is an area of hardstanding for the display of motor vehicles. The proposed landscaping scheme does introduce some landscaping, including trees, in an area where previously there was no planting. This therefore enhances the opportunity for ecology and biodiversity. The proposal does accord with the objectives of PPW10 for the sustainable management of natural resources.

6.2 Active and Social Places

6.2.1 Transport - sustainable transport issues (Sustainable Transport Hierarchy)

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with journeys by private motor vehicles being the least desirable. The redevelopment of this site does help with sustainable transport issues as the Severn Bridge Industrial Estate is within easy walking and cycling distance of large residential areas thereby giving employees living in Caldicot the option to walk or cycle to work. The site is also in close proximity to Caldicot Town Centre thus giving the employees opportunities to access all the facilities of the town centre in a sustainable manner.

6.2.2 Access / Highway Safety

A Transport Assessment (TA) (Technical Report 47117/2 June 2018) was submitted as part of the application and it demonstrates that there is only a minimal impact as a result of the proposal on the adjacent network as the overall increase in floor area is modest. As such, based on a very modest level of network peak hour impact, there is no necessity to undertake any further assessments that would be disproportionate to the size of the redevelopment proposal. The TA concluded that adequate levels of car parking can be provided within the site such that there will be no potential for any vehicles associated with the redevelopment to be parked off site on the adjacent highway network, and that the site is accessibly located to allow for travel to the site by modes other than single occupancy car use. The Council's Highway Officers are satisfied with the findings of the TA and offer no objections to the proposal.

At present there are two vehicular accesses into the site from Pill Way and a further access off Lodge Way. It is proposed to close off the two accesses on Pill Way and to provide one, more centralised access on the Western boundary of the site. The existing access on Lodge Way will remain unaltered. The Council's Highway Officers welcome these changes as they will reduce access and egress conflict for all users of Pill Way.

It is proposed to provide 55 car parking spaces on the site. The adopted Monmouthshire Parking standards require operational and non-operational parking and this is dependent on the type of activity operating from the premises. As these units are speculative an exact calculation cannot be completed but having regard to the submitted Transport Assessment and having regard to adopted standards, Highway Officers are satisfied that sufficient off street parking is available to avoid the need for vehicles to park off site. As mentioned above, this site is in a highly sustainable location with many employees being able to access the site on foot or by cycling so there can be a slight reduction in the standards.

6.2.3 Retail & Commercial Centres

The site is currently being used for car sales which is a sui generis use. The site is not suitable for general retail, being on an industrial estate and policies would not support a general retail development from this site which could compete with the town centre and may adversely affect the vitality and viability of the town centre. The proposal accords with the aspiration of using Severnbridge Industrial Estate as a commercial centre.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

This has been discussed at length above in paragraph 6.1.1 of this report.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

At present there is no landscaping on the site, it being just an area of hardstanding and one existing building. The proposal involves some tree planting within the car parking area and more substantial planting on the western boundary adjacent to Pill Way and also in the north east corner adjacent to the B road. Given that this is an existing industrial site within an existing industrial estate the landscaping enhancements are considered acceptable. A condition will be imposed to ensure that the planting is carried out in the first planning season and any trees that die in the first five years will be replaced.

6.4.2 Flooding

The site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outlines of the Nedern Brook. A Flood Consequences Assessment was submitted as part of the application and this has been revised during the course of the application. TAN 15 defines General industrial, employment and commercial development as "Less Vulnerable Development". TAN 15 promotes a risk-based approach to planning through a sequential test involving location justification, type of development and flooding consequences.

Paragraph 6.1 of TAN 15 states, "Much urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable, despite the overall aim to avoid flood risk areas, that some existing development will be vulnerable to flooding and fall within zone C. Some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land. Further development in such areas, whilst possibly benefiting from some protection, will not be free from risk and could in some

cases exacerbate the consequences of a flood event for existing development and therefore a balanced judgement is required."

Paragraph 6.2 states that all other new 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 a local authority strategy required to sustain an existing settlement¹; 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;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

The FCA submitted by the applicant is summarised as follows:

The site is in a C1 flood Zone affected by fluvial flooding from the Nedern Brook which is approximately 165 metres to the SW of the site. The Nedern Brook does have tidal influences from the Rover Severn which is approximately 1km to the south of the site. The site is right on the edge of the C1 Flood Zone. The land adjacent to the site in the north is classified as Zone B. The proposal is for "less vulnerable development".

- o No works or new footprint within 165m of top of bank
 - o TAN15 less vulnerable industrial development is appropriate at this location
 - o No flood compensation considered necessary
 - o Reduces flood risk overall: new resilience & 10% increase in permeable areas
- A Flood Response Management Plan is included, which considers people would be safe in the event of the flood, principally by:
- o Not being at / avoiding the site during potential flood events using EA Flood Warning
 - o Having a clear procedure (response and evacuation route) for when on the site and there is the likelihood of flooding / inundation
 - o Knowing when it is safe and appropriate to return to the site.

Given the ability to employ a flood response management plan that avoids the hazard, together with suitable evacuation procedures, as long as the flood resilient measures are incorporated, users understand the flood response management procedures and sign up to and understand the Environment Agency (NRW) Flood Warning scheme, it is considered likely that the proposed development can be constructed and operated safely in flood risk terms without increasing flood risk elsewhere and is therefore appropriate development in accordance with the TAN15.

The FCA assumes that the site could likely flood in the future under varying flood events. It is intended to let the buildings flood in the case of an extreme event. The assessment therefore concentrates on the hazard rating and flood warning management including suitability of evacuation. This is to ensure that people would be safe in the event of the flood, principally by:

- a) Not being at the site during potential flood events
- b) Having a clear procedure (response and evacuation route) for when on the site and there is the likelihood of flooding
- c) Knowing when it is safe and appropriate to return to the site.

NRW have reviewed the amended FCA submitted by the applicant and object to the proposal because the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

Tidal Flooding

The predicted flood level for the 0.5% plus climate change flood event (2090) is 9.58m AOD. We note that the FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.18m. With the addition of the full climate change data (2094) this figure will increase. All aspects of the proposed development site (within the red line boundary) should be designed to be flood free in the 0.5% plus climate change flood event. Therefore, the proposed development does not meet the criteria in A1.14 of TAN15. According to NRW modelled flood risk data, the flood hazard at the site during a 0.5% plus climate change event is predicted to be 'Danger for all - includes the emergency services'. The predicted flood level for the 0.1% plus climate change flood event (2090) is 10.33m AOD. We note that FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.93m. This exceeds the maximum depth of flooding criteria in A1.15 of TAN15. With the addition of the full climate change data (2094) this figure will increase. Therefore, the proposed development does not meet the criteria in A1.15 of TAN15.

Fluvial Flooding

NRW would also like the fluvial effects from the Nedern Brook to be taken into account but this is not included in the FCA.

Access/Egress

There is no flood hazard rating provided for the access/egress route for the site, but the FCA states depths of 1-2metres will be experienced to the west of the site (section 8.4). We would expect further details in relation to the access and egress for the site in the terms of hazard rating, depths and velocities.

MCC Evaluation of the Flooding Risk

The development needs to be demonstrate that it is justified under the tests outlined in paragraph 6.2 of TAN 15.

1. The proposal is regenerating an existing commercial site. The proposal is to upgrade this area of the Severn Bridge Industrial estate by recladding of the existing buildings and providing modern, fit for purpose units in place of the existing car sales yard. The proposal will include new landscaping in the form of tree and shrub planting that will reduce the area of hardstanding on the site. The proposal will regenerate this area of the industrial estate and provide job opportunities.
2. The site is located within a C1 Zone, in an allocated industrial estate, it is a protected employment site as defined in LDP policy. The regeneration of this site will definitely contribute to the key employment objectives by providing job opportunities in a sustainable brown field location.
3. The proposed redevelopment does concur with the main objectives of PPW10 as outlined above in the report and it does use previously developed land.
4. The potential consequences of flooding events have been considered in the FCA. In the worst case, the catastrophic failure of the tidal flood defences, the site could flood to a depth of 2.93 metres. This would be a similar case for many areas of Caldicot. While Officers agree that this depth of flooding would be unacceptable for new highly vulnerable residential development, it could be acceptably managed for a less vulnerable, commercial re-development on land that already has a commercial use and is surrounded by other commercial properties. The applicants have accepted in the FCA that in a catastrophic event they would evacuate the commercial buildings and let them flood. The occupiers of the buildings would sign up to the early warning system and have time to evacuate all of the buildings only returning when there was no longer a risk to life. Given that there is already a commercial use on the site and that part of this proposal involves refurbishing an existing building on a designated employment site, officers consider that the approach in the FCA is an appropriate one and therefore consider that the proposed redevelopment of the site can be justified through the application of the 4 tests.

However, as the modelling carried out by the applicant is incomplete and does not adequately examine the flooding effects from the Nedern Brook and any potential flooding impact on other property if the development is carried out, the application is presented for approval - subject to the FCA being extended as requested by NRW and the conclusions from that work being considered acceptable. Member support of this recommendation would give the applicant the confidence to proceed further with the additional FCA work. It is understood that NRW are looking to provide some guidance on this matter for the applicant in terms of data.

Members should be aware that if minded to approve this application contrary to the advice given by NRW, there is a need to notify NRW of this decision and that there is a possibility that the

application may be called in by Welsh Government.

6.4.3 Water (including foul drainage / SuDS), Air, Soundscape & Light

This application was submitted prior to the 7th January 2019 and is therefore exempt from the SuDS Regulations. Foul water will be disposed of by mains sewer and surface water will go to soakaway, there is sufficient land available within the site to accommodate this.

6.4.4 De-risking (contamination issues)

This site has previously been used as a car park but there is no known contamination of the site.

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

There have been no objections from local residents or the community council. The only objection is that from NRW in relation to flooding and this issue has been addressed in detail above

7.0 RECOMMENDATION: APPROVE subject to additional Flood Consequences Assessment work being undertaken to demonstrate that the risks of flooding in relation to the Nedern Brook and any impacts on third parties, are considered acceptable to the Council

Conditions:

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

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

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

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

3. Submission of landscaping condition.
4. Landscape implementation condition.