

**Application Number:** DM/2022/00331

**Proposal:** Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works.

**Address:** Land At Severn Bridge Industrial Estate, Pill Row, Caldicot

**Applicant:** Mrs Armstrong

**Plans:** Site Plan 1887-A1-01-C - , Elevations - Proposed 1887-A4-01 - , Tree Protection Plan B - , Location Plan 1892-A1-00 - , Other CIL QUESTIONS - , Other SUDS STRATEGY - , Other PHASE 1 GEO-ENV REPORT - A, Other PHASE 1 GEO-ENV REPORT - B, Other PHASE 1 GEO-ENV REPORT - C, Other PHASE 1 GEO-ENV REPORT - D, Design and Access Statement - , Other PHASE 1 GEO-ENV REPORT - E, Other PHASE 1 GEO-ENV REPORT - F, Other FCA - , Other FCA - (Final), Other SITE DETAIL SHEET - ECOLOGY - , Other STATEMENT OF COMMUNITY INVOLVEMENT - , Topographical Survey TOPOGRAPHICAL SURVEY - , Tree Survey TREE SURVEY - , Other UES PEA - (PT1), Other UES PEA - (PT2), Other UES PEA - (PT3), Other UES PEA - (PT4)

**Recommendation: APPROVE**

Application DM/2022/00331 was reported to Planning Committee in August 2023 with a recommendation to refuse. Planning Committee resolved to approved the application contrary to that recommendation. Below are the suggested conditions recommended to be attached to the consent.

- 1) Details of the access, appearance, landscaping, layout, levels 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 and further details are reserved for further consideration and approval.
- 2) 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: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990
- 4) Prior to beneficial use of the development, the parking spaces as proposed shall be constructed on site. The parking spaces shall thereafter be retained in perpetuity solely for the parking of vehicles in connection with the unit it serves.  
Reason: In the interest of highway safety and to ensure there is sufficient parking provision to serve the development.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no vehicular or pedestrian access to the site other than those approved in this consent.  
REASON: In the interest of highway safety.

- 6) Prior to the commencement of development a Construction Management Plan shall be submitted to, and approved by, the local planning authority. The plan should detail the proposed times of operation along with measures that will be undertaken to protect local residents and the wider environment from the health effects and potential nuisance resulting from noise, dust and fumes associated with the development works. Thereafter the scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of local amenity.
- 7) Prior to the beneficial use of the development hereby approved, a plan indicating the position, height, design and type of boundary treatment to be erected shall be submitted to and approved, in writing, by the Local Planning Authority. The boundary treatment shall be completed as approved before development comes into beneficial use.  
Reason: In the interests of visual amenity.
- 8) Prior to the construction of the development hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 9) Prior to the development hereby approved coming into beneficial use a Noise Impact Assessment shall be submitted to, and approved by, the local planning authority. The plan should detail the proposed times of operation along with measures that will be undertaken to protect local residents and the wider environment from the health effects and potential nuisance resulting from noise. Thereafter the scheme shall be implemented in accordance with the approved details.  
Reason: To safeguard the living conditions of local residents
- 10) 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 water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water 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.
- 11) 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 shall 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.
- 12) Prior to the commencement of development a tracking layout for articulated HGV's shall be submitted to and approved by the local planning authority. The development shall then be constructed in accordance with the approved details and maintained as such in perpetuity.  
Reason: In the interests of highway safety.
- 13) Works shall be undertaken in strict accordance with Section 4 (Evaluation and Recommendations) of the approved 'Preliminary Ecological Appraisal –Land at Pill Row by United Environmental Services (UES), dated August 2021' report. Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the local planning authority no more than three months later than the first beneficial use of the development commencing.  
Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

- 14) Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the local planning authority.  
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.
- 15) No removal of hedgerows, trees or shrubs, or building works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.  
Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).
- 16) Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bat roosting provision as detailed in "Preliminary Ecological Appraisal –Land at Pill Row by United Environmental Services (UES), dated August 2021" identifying location, positioning and specification shall be provided. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.  
Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.
- 17) Prior to the development hereby approved coming into beneficial use, the pedestrian access link as shown on the proposed plans shall be constructed and completed. The pedestrian link shall remain open for pedestrian use in perpetuity.  
Reason: In the interests of active travel
- 18) Prior to the commencement of development a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall consider the specific environmental and physical constraints of the immediate local area and the adjoining highway network. The CTMP shall include:  
o Traffic management measures.  
o Hours of working.  
o Measures to control dust, noise and related nuisances.  
o Measures to protect adjoining users from construction works.  
o Provision for the unloading and loading of construction materials and waste within the curtilage of the site.  
o The parking of all associated construction vehicles.  
o The development shall be carried out in accordance with the approved CTMP.  
Reason: In the interests of highway safety in accordance with Policy MV1 of the Monmouthshire Local Development Plan.
- 19) Prior to the commencement of development a tree protection method statement and an indicative services run layout plan for water, sewage, electricity, gas, telecommunications shall be submitted to and approved by the local planning authority, the development shall then be completed in accordance with the approved details.  
REASON: In the interests of the longevity of the Trees on site.
- 20) All planting comprised in the approved details of landscaping, as detailed on the approved plans shall be carried out in the first planting season (October - March) following completion of

the development or the development coming into beneficial use, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the approved landscaping is carried out.

## **PREVIOUS RECOMMENDATION: REFUSE**

Case Officer: Mr Adam Foote

Date Valid: 09.03.2022

### **This application is presented to Planning Committee upon request of the Head of Monmouthshire's Planning Department**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The application site comprises an undeveloped parcel of land within the settlement boundary for Caldicot as shown on the proposals map of the Monmouthshire Local Development Plan (LDP). The site is allocated for development for new industrial and business development under LDP Policy SAE1(h). The site is the last remaining undeveloped parcel of land allocated for industrial and business development in this area and would form part of the Severn Bridge Industrial Estate.

The site falls within a C1 flood zone as shown on the Development Advice Maps (DAM) that accompany the existing Technical advice note (TAN) 15: development and flood risk and is partly within zone 2 and zone 3 for river flooding and entirely within zone 3 for flooding from the sea as shown on the Flood Maps for Planning that will accompany the emerging TAN 15.

The site falls within a Source Protection Zone (SPZ) and is party within an Internal Drainage Board. There are a number of Tree Protection Orders covering Sycamore Trees along the southern boundary of the site.

### 1.2 Proposal Description

This application seeks outline consent including access, appearance and layout for the creation of 12 industrial units (use class B1, B2, B8) and associated works. Vehicular access is proposed to be gained via Castle Court on Severn Bridge Industrial Estate and a second pedestrian/cycle access point is proposed within the north/west section of the site. The industrial units adopt a utilitarian design which is considered to be a standard for the nature of development and the proposed use. The units are proposed to face into the site with parking bays separating the structures from the access road. Development is proposed set away from the site boundaries as to allow for SuDs features, additional landscaping/planting and to safeguard the existing hedgerows and trees. Additional detail in terms of scale, design and position of the development is illustrated in full on the submitted drawings.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2022/00331	Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works.	Pending Consideration	

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

## **Strategic Policies**

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  
S8 LDP Enterprise and Economy  
S9 LDP Employment Sites Provision  
SAE1 LDP Identified Industrial and Business Sites

## **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP2 LDP Protection of Water Sources and the Water Environment  
EP3 LDP Lighting  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
NE1 LDP Nature Conservation and Development  
SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage

## **4.0 NATIONAL PLANNING POLICY**

Future Wales - the national plan 2040  
Planning Policy Wales (PPW) Edition 11

## **Technical Advice Notes**

Technical advice note (TAN) 4: retail and commercial development  
Technical advice note (TAN) 5: nature conservation and planning  
Technical advice note (TAN) 10: tree preservation orders  
Technical advice note (TAN) 11: noise  
Technical advice note (TAN) 12: design  
Technical advice note (TAN) 15: development and flood risk (2004)  
Technical advice note (TAN) 18: transport  
Technical advice note (TAN) 23: economic development

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

Caldicot Town Council: Recommends approval  
Portskewett Community Council: Recommends approval  
Ecology: No objection subject to conditions  
Highways: Provisional holding objection  
Drainage: No objection to drainage, holding objection to flooding  
Environmental Health; No objection subject to condition  
Trees: Provisional holding objection  
GGAT: No objection subject to condition  
NRW: Objection on flooding grounds

### 5.2 Neighbour Notification

This application was advertised by means of x4 site notices, press notice and direct neighbour consultation. One representation in support of the proposed development has been received.

Numerous objections have been received with the main points summarised as; Loss of green/open space and impact upon ecology, Pollution (noise, light and air), detrimental impact upon traffic, loss of trees/hedgerow and a concern over the specification of the planting scheme, visual impact of the proposed development with particular reference to colour of the units, concern relating to drainage and flooding, question of the need for the development.

### 5.3 Local Member Representations

None.

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

This application has been screened under Schedule 2 of the Town and Country Planning (EIA) (Wales) Regulations 2017, and it is considered that the proposal does not raise significant environmental impact to require the proposal to be EIA development.

The application site is allocated within the adopted Monmouthshire Local Development Plan for industrial development (Policy SAE1) and is the final portion of land in the area allocated for business/industrial development with this proposal comprising the final portion of the Severn Bridge Industrial Estate allocations. It is therefore considered that the principle of industrial development on this site is acceptable and has been established. The allocation of this land is for B1 and B8 uses only, however given the existing B2 uses within the adjoining industrial estate no objection is raised to this application moving forward with a B1, B2, B8 use subject to a noise impact assessment being submitted demonstrating no unacceptable impact upon the living conditions of neighbouring occupiers, as this application is for outline consent it is considered that this can be conditioned for approval as a reserved matter. The inclusion of B2 uses is not considered to result in a significant departure from the allocation or the objectives of the Local Development Plan.

Therefore, the main issues to consider with regard to this proposal are; whether adequate access and parking arrangements can be provided, the development's impact on the character and appearance of the area, Flooding/flood risk and Ecological issues.

### 6.2 Sustainability

The application site is located within the settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The site is accessible via sustainable modes of transport and public transport. The submission includes the creation of a cycle/footpath within the north/west section of the site that will enhance the connectivity of the wider industrial area and encourage sustainable transport to and from the site. Additionally the proposal includes a cycle storage area which is considered to add to the sustainable credentials of the scheme and encourage active travel to/from site. It is therefore considered that the proposal meets the sustainability objectives supported by Local and National Planning Policy.

### 6.3 Place Making/Good Design

As stated above this site is allocated for industrial purposes and therefore the principle of erecting purpose built industrial buildings has been established. The layout and design of the scheme is utilitarian as is standard with many industrial estates/buildings which are designed for functionality. The layout as proposed would form a clear and legible extension to the existing industrial estate therefore given the context of the site and the proposed use of the buildings it is not considered that there would be any unacceptable adverse visual impact or impact upon the character of the area from within the context of the industrial estate. The site is visible from outside of the industrial estate, primarily Pill Row, a residential street that runs parallel with the site boundary to the west.

Given that the proposed buildings would be set off the boundary and additional planting is proposed as a buffer/screen it is not considered that the proposed buildings would result in any unacceptable adverse visual impact that would have an adverse impact upon the amenity of the area or character of the area when viewed from outside the site.

#### 6.4 Biodiversity/Green Infrastructure

The application site comprises an undeveloped parcel of land most recently used for the grazing of horses, the Preliminary Ecological Appraisal (Land at Pill Row by United Environmental Services (UES), dated August 2021) submitted in support of this application concludes that the site has limited ecological value with the majority of the site occupied by poor semi-improved grassland with areas of dense scrub and scattered trees around the boundaries of the site.

A tree survey, arboricultural impact assessment (AIA) and a tree retention and protection plan (TRPP) and a proposed planting plan by Mackley Davies Associates has been submitted in support of this application. The surveys identify a total of 45 individual trees and 3 groups of trees were recorded on site. The surveys identified 5 dead/moribund trees with a recommendation for removal, this includes one protected Sycamore on the south boundary. The proposed access onto Castle Court requires the removal of 6 trees including 2 protected Sycamore Trees (excluding the dead/moribund Syacmore) whilst another 2 trees are identified for removal to facilitate the internal layout. To compensate for this loss 21 trees are proposed to be planted within the site comprising of 5 Field Maple, 7 Alder, 3 Birch, s4 Oak and 2 Bird Cherry. The proposed replacement tree planting is considered to be sufficient mitigation for the loss.

The Council's Tree Officer has been consulted on this application and raises no objection to the proposed development however has lodged a holding objection as additional information has been requested in the form of a tree protection method statement and an indicative services run layout plan for water, sewage, electricity, gas, telecommunications, etc, including where such might exit the site to connect to existing service runs. It is considered that this information can be provided at RM stage and controlled via condition should this application progress with a positive recommendation.

In addition to the proposed tree planting the proposal includes the following ecological enhancements; bat boxes, bird boxes, native hedgerow, shrub and meadow planting. The Council's Ecologist has been consulted on this application and raises no objection to the proposed development concluding that the level of survey undertaken was appropriate and proportionate for the level of development and that the ecological mitigation as proposed was suitable as to support the application and meet the requirements as set out by PPW11 and section 6 of The Environment Wales Act to provide a net benefit in terms of biodiversity on site.

#### 6.5 Historic Environment

The application area is within the Archaeologically Sensitive Area of the Gwent Levels, defined for the significance of reclaimed land, managed drainage and buried land surfaces with settlement remains, and significant waterlogged deposits, dating from the prehistoric onwards. The area is c300m south/east of the Scheduled Monument of Caldicot Castle, and is on the western bank of Nedern Brook. Significant archaeological remains have been found in the park, including the Bronze Age Caldicot Boat, and areas of brushwood track and other waterlogged remains from the same date, associated with the Nedern Brook which was more used as a channel for small ships and boats during that period. No activity is noted in the proposed development area itself, however, the area is the last area of open ground and appears to have been pasture since at least the 1830s. It is therefore possible that features or artefacts may be located inside the application area, and the proposed development therefore will require mitigation. As a result, GGAT recommend that a condition, requiring the applicant to submit a detailed programme of investigation for the archaeological resource to be undertaken, should be attached to any consent. GGAT envisage that this programme of work would take the form of an archaeological watching brief during the associated groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for appropriate recording of human remains, and any sampling that may prove

necessary, postexcavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular; 016/2014. Should this application progress with a positive recommendation the recommended condition will be attached.

## 6.6 Landscape

The application site is within a built up area and would form an extension to the existing industrial estate, therefore no concern is raised to the proposed development in respect of its impact upon the landscape/landscape character in the area.

## 6.7 Impact on Amenity

The properties considered to be most impacted as a result of the development are those on Pill Row to the west of the application site. It is not considered that the built form of the development would have any unacceptable impact upon the living conditions of neighbouring occupiers in respect of outlook or loss of light. It is considered that the development is a sufficient distance from the closest neighbouring properties as to avoid any unacceptable impact and that the additional planting as proposed on the site boundary would reduce any impact further.

Regarding noise/odour any unacceptable impacts would be controlled via separate legislation however in this case the Council's Environmental Health Officer has been consulted and not raised issue/concern with the proposed development particularly given the layout of the proposed scheme with the units arranged to face into the site away from the closest residential properties therefore not dispelling noise/odour towards the nearby residential properties. No concern is raised by the Environmental Health Department on the basis of B1/B8 uses, however, as B2 uses are sought a Noise Impact Assessment will be required prior to the commencement of development to demonstrate that there would be no unacceptable adverse impact upon the living conditions of neighbouring occupiers. As this application is for outline consent it is considered this information can be provided at RM stage should the application progress with a positive recommendation.

## 6.8 Highways

The development is proposed with 2 access points, a vehicular and pedestrian access from Castle Court in the south and a cycle/pedestrian access in the north/west. The vehicular access from Castle Court has been designed to current design standards for new industrial estate roads and adoptable standards therefore no objection is raised in this respect. The turning head as proposed is also shown to be in accordance with current design standards as a vehicle tracking layout has been provided demonstrating that rigid HGV turning movements can be accommodated. However, no tracking layout has been submitted for articulated HGV's, The Local Highways Authority have requested this be amended to accommodate articulated HGV's. As this application is for outline consent such details can be controlled via condition and final design agreed at RM stage.

In accordance with the Active Travel Act 2013 the application site is shown to have appropriate active travel links to the existing pedestrian footway network throughout the Severn Bridge Industrial Estate and beyond to the Portskewett area. Furthermore, an active travel link is also proposed from the site directly onto the adjacent Pill Row, providing links to the wider Caldicot area and Town Centre.

In respect of traffic impact/generation the TRICS data base estimates that in the AM peak period 35 two way movements and 27 two way movements in the PM peak period would come from the proposed development. This has been considered by the Local Highways Authority who consider this to be minimal considering that the traffic will be absorbed within overall traffic generation from the existing Severn Bridge Industrial Estate, which is an historic and well established commercial industrial estate. Therefore, the impact on safety and capacity of the existing local highway network will not be exacerbated to the detriment of highway safety.



In respect of parking provision, each unit is proposed with 3 allocated spaces with additional disabled spaces throughout the site. Units 2, 4, 5, & 6, have satisfied their parking requirements under the local parking standards, however the remaining larger each have a shortfall of 1 space each. The Local Highways Authority have raised concern in this respect and requested that a revised layout showing additional parking provision is provided. In this case given the highly sustainable location of the site and given the additional sustainable/active travel provision proposed it is not considered that a shortfall of 1 space for the remaining units would result in any unacceptable impact. The current parking standards were adopted in 2013 and have therefore been superseded by both PPW 11 and Future Wales, both of which promote lower levels of parking provision within sustainable/suitable locations (see references below). It is considered that the shortfall as proposed is minor and should not result in the refusal of this application.

## **PPW11**

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places".

## **Future Wales**

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

## **6.9 Flooding**

The application site falls within a C1 flood zone as identified by the Development Advice Maps (DAM) that accompany the current TAN15 and is shown to be at risk of flooding from coastal/sea water and from the Nedern Brook (fluvial). An FCA and additional flood modelling of the Nedern Brook has been produced by the applicant in support of the proposed development. The FCA and flood modelling data has not been able to demonstrate that flood risk on site is acceptable in line with the tolerable limits as set by section A1.14 and 15 of TAN15. The TAN states that depths/information within A1.15 "should not be regarded as prescriptive provides indicative guidance on what is considered tolerable conditions for different types of developments". However, as the extent/depth of flood risk on site is considerably beyond the depths set out in the TAN it is not considered that the proposal can be supported on the basis of on-site flood risk. NRW has been consulted on this application and maintain their concerns in relation to flooding/flood risk and unless an FCA can be produced outlining that flood risk is acceptable in line with the requirements of TAN15 would object to the proposed development.

The FCA confirms that ground levels for the development site range between 7.08-8.68m AOD and it is proposed that the site will be raised to the level of the adjoining road to the south of the site, which is 8m AOD. Based on these proposed site levels (8-8.68m AOD), the FCA confirms;

### **A1.14 Criteria**

During a 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event, the predicted flood level is 9.12m AOD. Therefore, the development site is predicted to flood to maximum flood depths between 1.12m and 2.04m. This fails A1.14 criteria that states all development should be flood free during this event. During a 0.5% (1 in 200 year) plus climate change (LOD 2098) annual probability tidal flood event, the predicted flood level is 9.70m

AOD. Therefore, the development site is predicted to flood to maximum flood depths between 1.7m and 2.62m. This fails A1.14 criteria that states all development should be flood free during this event.

### **A1.15 Criteria**

During a 0.1% (1 in 1000 year) annual probability fluvial flood event, the predicted flood level is 8.54m AOD. Therefore, the development site is predicted to flood to maximum flood depths between 0.54m and 1.46m. This is beyond the tolerable limits of A1.15 criteria (<1000mm). During a 0.1% (1 in 1000 year) plus climate change (LOD 2098) annual probability tidal flood event, the predicted flood level is 10.48m AOD. Therefore, the development site is predicted to flood to maximum flood depths between 2.48m and 3.4m. This is beyond the tolerable limits of A1.15 criteria (<1000mm).

The proposed development has demonstrated negligible third party land flood related impact in the 1 in 100 year event and minimal third party land flood related impact in the 1 in 1000 year event, this has been corroborated by NRW therefore the proposed development is not considered to have an unacceptable adverse impact on flooding/flood risk off site it is not considered the proposed development conflicts with the requirements of section A1.12 of TAN15.

It is noted that within the NRW historic flooding dataset that the site has not historically flooded nor are there recorded historic flood events identified in the modelled reach of Nedern Brook. Land levels on site cannot be raised further without having an adverse impact upon flooding/flood risk off site.

The application site is within a C1 flood zone, this is classified as “Areas of the floodplain which are developed and served by significant infrastructure, including flood defences”, “Used to indicate that development can take place subject to application of justification test, including acceptability of consequences” With the nature of the development classified as “less vulnerable”. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified and accords with the tests outlined within section 6. The tests must be applied sequentially with the proposed development satisfying points i or ii and iii and iv. The tests are;

- 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 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; 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.

Test i is not applicable. The proposed development site is allocated for industrial development within the adopted LDP therefore test ii is met. The application site is an undeveloped parcel of land therefore does not meet test iii, however whilst the proposal does not strictly meet this definition its allocation for industrial development within the LDP is considered to outweigh this element of the tests and therefore is not considered to be a sufficient reason for planning consent to be withheld in isolation. However, the FCA submitted in support of this application has not demonstrated that flood risk on site is of an acceptable level as set out by sections A1.14 and A1.15 of TAN15 and therefore the proposal fails test iv. It is therefore considered that the proposed development is unjustified and contrary to the requirements of TAN15.

### **6.10 Drainage**

Given the scale and nature of the proposed development it will be subject of Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems; designing, constructing, operating and maintaining surface water drainage systems'. The applicant has provided a drainage scheme/destination for surface water

drainage and engaged with the Local Authority's Drainage Department in the form of a pre-app. No objection in relation to drainage has been raised by the LLFA in response to this application.

The site is within a SPZ and internal drainage board, Dwr Cymru Welsh Water have been consulted on this application and raise no objection in this respect. DCWW made comments relating to the presence of sewers in the vicinity of the application site and confirmed that they would not support operational development within 3 metres either side of the centreline of the sewers and requires that the location of these assets are to be determined prior to the commencement of development. This is controlled by legislation outside of the Town and Country Planning Act and therefore would not warrant the refusal of this application for planning consent. Should this application be supported an appropriately worded informative would be attached to the grant of planning consent. DCWW Raise no objection to the proposal subject to conditions.

### 6.11 Economic Development

This proposal is the final phase/parcel of land within the area that would form part of an existing industrial estate, the development would generate much needed employment space within the borough and meet the objectives of the adopted Monmouthshire Local Development Plan. The proposed development complies with LDP Strategic Policies S8 and S9 which aim to provide additional employment land and to deliver the Council's vision for sustainable economic growth.

### 6.12 Response to the Representations of Third Parties

The main points of the objections received will be addressed below;

Loss of green/open space – The land is private with no right of public access therefore is not a useable or community asset at risk. The site is allocated for development within the adopted LDP therefore the principle of the development is established and this point is given limited weight in the assessment of this application.

Impact upon ecology - The application has been accompanied by a number of surveys which identify a limited ecological value to the site. The proposed scheme has been designed to provide an ecological net benefit therefore this concern would not warrant the refusal of this application.

Pollution (noise, light and air) – The Council's Environmental Health Officer has been consulted on this application and raises no in principle concerns/objection to the proposed development however has required a `noise impact assessment should the application continue with a B2 use. Given the context of the site and if a noise impact assessment can demonstrate no unacceptable impact it is not considered that the development would have any unacceptable adverse impact upon the living conditions of neighbouring occupiers given the separation distances and general relationship between the site and the closest neighbouring dwelling(s). Should the application be considered for approval it is considered that conditions can adequately address impact in respect of noise/light and air pollution. The impact upon the living conditions of neighbouring occupiers has been considered within an earlier section of this report.

Detrimental impact upon traffic – This has been considered by the Local Highways Authority and is deemed to be acceptable therefore this point is given limited weight in the assessment of this application.

Loss of trees/hedgerow – It is considered that adequate mitigation has been proposed to compensate for the proposed development, this has been addressed within an earlier section of this report.

Concern over the specification of the planting scheme – The proposed scheme has been considered by the Council's Ecologist and Tree officer and is deemed to be acceptable therefore this point is given limited weight in the assessment of this application.

Visual impact of the proposed development with particular reference to colour of the units – the principle of erecting industrial style buildings is considered to have been established within the allocation of the land. However, it is not considered that the buildings would result in any unacceptable adverse visual impact that would be unacceptably detrimental to the amenity/character of the area. The proposed grey colour is not considered to be visually prominent or unacceptable within the context of the site.

Concern relating to drainage and flooding – The applicant has identified a drainage destination as part of this application and engaged within the SuDS pre-application service with the SAB at Monmouthshire Council, therefore no objection has been received from the drainage officer at MCC. Due to the scale of the development a SuDS application would need to be agreed prior to the commencement of development and constructed in accordance with the scheme. SuDS is separate legislation outside the remit of the T&CP Act therefore this consent can be obtained following the grant of planning consent. Drainage is a material consideration in the assessment of a planning application and it is considered that the applicant has satisfied the requirement for this application to proceed.

In respect of flooding, it has not been possible for the FCA to demonstrate onsite flooding/flood risk to an acceptable level in line with TAN15 and therefore this application is recommended for refusal.

Question of the need for the development – The LDP allocates land in accordance with an evidence base. Therefore the principle of the development was established when the LDP was adopted.

#### 6.13 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.

#### 6.14 Conclusion

The application site is allocated for commercial/industrial development within the adopted Monmouthshire Local Development Plan (Policy SAE19(H)). The site is within the settlement boundary in a sustainable location well served by local amenities and is accessible by both public and sustainable modes of transport. The development would provide much needed employment facilities within the borough and would support the economic objectives of the Council. The site at present has limited ecological value and the proposed development would adequately compensate for the losses required whilst providing a net benefit for ecology/biodiversity. No concern is raised in respect of highway safety or upon the living conditions of neighbouring occupiers. Additional information would be required in support of the final development however this is standard for outline planning consent and it is considered that all information currently outstanding could be controlled via condition and submitted at Reserved Matters stage. The application has not been able to demonstrate that flood risk on site can be managed to an acceptable level inline with sections A1.14 and A1.15 of TAN15 and therefore fails the justification tests within section 6 of the TAN. Therefore the proposed development is recommended for refusal.

### **7.0 RECOMMENDATION: REFUSE**

#### **Reason(s) for Refusal:**

The proposed development has failed to demonstrate that flood risk on site can be managed to an acceptable level in accordance with sections A1.14 and A1.15 of Technical advice note (TAN) 15:

development and flood risk (2004) and therefore represents unjustified development contrary to TAN15.