

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **6TH NOVEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **DISCHARGE OF CONDITION 6 (SUBMISSION OF A DEVELOPMENT BRIEF) ATTACHED TO OUTLINE PLANNING PERMISISON REF 049320 AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND**

APPLICATION NUMBER: **051025**

APPLICANT: **CRAG HILL ESTATES LTD**

SITE: **RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND**

APPLICATION VALID DATE: **13/07/13**

LOCAL MEMBERS: **COUNCILLOR C JONES**

TOWNCOMMUNITY COUNCIL: **SEALAND**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST AND DUE TO SCALE OF DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application to discharge condition 6 of permission 049320 to deliver “an employment led mixed use regeneration scheme, comprising a range of employment generating uses, local shops, residential development, public open space, surface water drainage improvements and new site access arrangements” as part of the strategic development site allocated in the UDP under policy HSG2a known as ‘The Northern Gateway’.
- 1.02 The main issues to consider are the mix of land uses proposed, road,

cycle, pedestrian and cycleway provision and connectivity, the flooding impacts and solutions proposed and the overall green infrastructure and open space proposals.

1.03 It is considered that the submitted details are compatible with the Councils own Framework Masterplan for the site.

2.00 RECOMMENDATION: TO DISCHARGE THE CONDITION IN ACCORDANCE WITH THE SUBMITTED DETAILS

3.00 CONSULTATIONS

3.01 Local Member
Councillor C Jones

Requests Committee determination due to the scale of the development.

3.02 Hawarden Community Council

No objections.

3.03 Head of Assets and Transportation

Recommend that the application be amended/further clarification is sought on the following in order to satisfy highway requirements;

- The routes coloured cream on the green infrastructure plan are all to be constructed as 3m wide shared footway/cycleway routes
- The linkage with the existing Sealand Avenue shall cater for public transport, walking and cycling and should be redesigned accordingly
- A 3m wide footway/cycleway shall be provided, on highway land, along the westerly side of the complete length of Sealand Avenue
- The width of the link to the PRDL land should be adequate to accommodate bus linkage (ie) min 7.3m
- Clarification that the proposed phase 2 on the phasing plan, contained within the design statement will bring forward the complete and useable link between Welsh Road and DIP
- Clarification that the Vectos paramics model included, within the capacity assessment for the proposed DIP signals, the redistributed flows from Garden City/Queensferry/Shotton as a result of the employment link road
- Clarification that the Vectos paramics model included, within the capacity assessment for the residential access (priority junction) onto Welsh Road, the provision of the bus gate.
- The phasing plan within the design statement does not indicate the full residential link to the internal roundabout
- The details for the district centre should be accessed from both the residential and employment spine road and should be designed to prevent rat running

- Turning heads will be required on the residential spine road and at the end of Sealand Avenue depending on the location of the bus gates
- The stopping up of the existing road to the industrial estate should be referred to
- The footway/cycleway link to the rear of The Leprechaun shall be replanned to connect to the existing adopted highway on Cedar Avenue
- The reference to the use of on street parking for residential purposes should be removed from the design statement

3.04 Head of Public Protection

No objection.

3.05 Natural Resources Wales

The FCA has looked at numerous scenarios which could result in flooding of the site – these include both tidal and fluvial sources as well as consideration of potential breaches of the River Dee’s flood defences.

The FCA has shown that, with the implementation of the required mitigation measures, the development itself complies with TAN15 (section A1.14 – i.e. flood free in the design flood event). The main mitigation measure – the implementation of improved flood defences from the A494 to the railway-line – will provide significant betterment to Garden City insofar that it will reduce the risk of the defence failing. This currently poses the most severe flood risk to Garden City.

The FCA has not shown that the site is fully compliant with TAN15 with respect to off-site flooding. Small increases are predicted on third-party land, although much of this increase is likely to be small (<30mm) and considered by the applicant to be below model tolerance. We suggest that it is for the Local Planning Authority to determine whether the small increases in flood risk to third-parties is outweighed by the betterment afforded by the improved defences and therefore the reduced risk of breach.

We recommend that the defence improvement works are extended to include the short stretch of defence immediately downstream to the railway-line.

Full mitigation for the fluvial flood risk to the site is dependent on works taking place on land outside the developer’s control. It has been demonstrated that part of the site can be developed without this work being completed; however it is unlikely that the site would be fully developable without the works being completed. These issues will need to be addressed as FCAs are produced for individual phases of the development (condition 12).

The detail of surface water drainage will need to be addressed as part

of FCAs for individual phases of the development (condition 8).

3.06 Public Open Spaces Manager

The proposals as presented require further consideration specifically to consider how sports and older children's needs can be better met by this proposal. We would suggest

- Amendment of application to include at least one full sized sports pitch (to accommodate senior football/rugby) with dedicated changing and shower facilities, car parking
- Amendment of application to include a wheeled play facility to accommodate bmx's and/or skate
- Amendment of application to include a second multi use games area

3.07 Others

Formal publicity is not required for such applications, only consultation with the relevant internal consultees and external statutory consultees however comments have been received from the neighbouring land owner PRDL in respect of issues raised in the submitted details. These have been considered in the consideration of the application where relevant.

4.00 SITE HISTORY

4.01 **049320** - Outline application for the redevelopment of a strategic brownfield site for an employment led mixed use development with new accesses and associated infrastructure including flood defences and landscaping. Approved 07/01/13.

5.00 PLANNING POLICIES

5.01 Flintshire Unitary Development Plan

STR1 – New Development

STR2 – Transport and Communications

STR3 – Employment

STR4 – Housing

STR7 – Natural Environment

STR8 – Built Environment

STR11- Sport Leisure and Recreation

GEN1 – General requirements for Development

GEN2 – Development Inside Settlement boundaries

D1 – Design quality, location and layout

D2 – Design

D3 – Landscaping

D4 – Outdoor Lighting

WB1 – Species Protection

AC2 – Pedestrian Provision and public Rights of Way

AC3 – Cycling Provision

AC8 - Buses

AC13 – Access and Traffic Impact

AC18 – Parking provision and new development
HSG2A – Strategic Mixed Use Development: Land North West of Garden City
HSG10 – Affordable Housing within settlement boundaries
S4 – Small scale shopping development within settlements
SR5 – Outdoor Play Space and new residential development
EWP17 – Flood Risk

The details comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

Outline planning permission 049320 was granted on 07/01/13 to deliver “an employment led mixed use regeneration scheme, comprising a range of employment generating uses, local shops, residential development, public open space, surface water drainage improvements and new site access arrangements” as part of the strategic development site allocated in the UDP under policy HSG2a known as ‘The Northern Gateway’. All matters were reserved for future consideration and the outline permission was subject to a number of conditions relating to principles of how the site would be developed.

7.02 Applications are now coming forward to discharge the pre-commencement conditions prior to the submission of reserved matters applications to bring the site forward for development. This application to discharge condition 6 is one of the first applications to be submitted. It was agreed at the consideration of the outline application by this Committee that the discharge of condition application which deals with the masterplan of the site should come before this Committee.

7.03 Condition 6 requires;

“Prior to the approval of reserved matters applications a Development Brief for the site comprising an illustrative land use Master Plan, green infrastructure plan and a flood mitigation plan for the built development and a Design Statement shall be submitted to the Local Planning Authority for approval and the development shall be carried out in accordance with the approved details, unless other wise agreed in writing by the Local Planning Authority.”

7.04 The submission to discharge this condition takes the form of;

- An Illustrative land use master plan
- Green infrastructure plan
- Flood mitigation plan
- Design Statement

prepared by Barnes Walker and Fletcher Rae, who brand the site “The Airfields”.

- 7.05 The submission is set against the aspiration to bring the site forward to deliver a high quality, employment led, mixed use development which will be sustainable, create employment and integrate with and support the local community. The discharge of pre-commencement conditions is the first stage in this process that will feed into and inform the detailed design of the first phases of development which be the subject of subsequent reserved matters applications. This process complies with the requirements of Policy HSG2A of the UDP.
- 7.06 The Design Statement for “The Airfileds” has a set of strategic aims and objectives for the development of the site these include;
- Set out design guidelines for each of the development parcels to control future Reserved Matters applications
 - To demonstrate a robust and efficient Flood Mitigation Strategy
 - To demonstrate that the site will have good connections to the wider landscape and surrounding land uses by all forms of transport modes including road, rail, bus and cycle way
 - To present a vision with supporting details for an attractive ecologically diverse Green Infrastructure
 - Phasing and delivery programme for the site
 - Create an uplifting vision that will make ‘The Airfields’ an attractive development opportunity
 - To explain clearly how an iterative design process has taken each of the site wide issues or constraints and turned them into a positive solution
- 7.07 The Design Statement includes a series of design responses to create a sense of place turning the site constraints into positive solutions. These include;
- Creating a drainage solution on a flat site with a large fluvial storage capacity into an interconnected stream system with supporting open channels and low lying areas for fluvial storage
 - Forming sculptural mounds to create interest to allow residential and industrial uses to be in close proximity
 - Creating a site wide sense of place through the use of landscaping treatments
 - Ensuring there are good pedestrian, cycle and rail links to the wider landscape
 - Separating traffic movements between the main employment and residential area of the development
- 7.08 The Design Statement sets the principles for the Illustrative land Use Masterplan with subdivision of the site into proposed land uses in a series of plots and pods. The Flood Mitigation Strategy, Green Infrastructure Plan, and the Open Space Strategy have been conceived as one from the outset.
- 7.09 The Flood Mitigation plan

In order to inform the level of flood risk to the site from both fluvial and tidal sources a detailed hydraulic modelling study has been undertaken by Weetwood. This has subsequently been utilised to develop a flood risk mitigation strategy for the site. The strategy is outlined within the Design Statement and illustrated in the Flood Mitigation Plan. This also forms part of the detailed site wide Flood Consequences Assessment (FCA) which has been submitted to discharge condition 12 of the outline permission.

7.10 This includes;

- Works to the River Dee, the Shotwick Brook Garden City Drain and the network of drainage channels that surround and run through the site,
- Finished floor levels for the development and the spine road,
- Landscape strategy,
- Surface water drainage scheme.

This has been considered by NRW in the context of the site wide development proposals as referred to in their comments.

7.11 Green Infrastructure Plan

The green infrastructure plan sets a number of 'common elements of place making'. These include;

- Screen mounds and feature earth works – to protect the housing development from the built form and activity of the employment areas and to separate the housing from Welsh Road and the A494. The form of the mounds will be landscaped into conical features across the site to contribute to the sense of place.
- Avenue trees along spine road – semi-mature stock along prominent routes
- Feature hedgerow and set piece trees – to establish a landscape theme along the sites road frontage along Welsh Road
- Woodland hedgerows – large scale hedgerows to enclose each parcel of employment land and to create bird habitat
- Native hedgerows and oak trees – frontage treatment along footpaths and cycle ways
- Flood storage areas and drainage channels – functional features will create interest within the landscape and habitat for waders
- Line and clusters of trees – to divide space between car parking areas and internal roads
- Set aside grassland – alongside Shotwick Brook to serve as an area of ecological continuity
- Place making stream system and focal open space – the stream course is both practical and aesthetic, whilst providing fluvial storage capacity within a contoured landform creating an attractive and practical areas for informal leisure use. This will include diverse planting and a range of benches and bridges.

- Community parks – Five community parks will be located strategically around the community providing play spaces for toddlers and young children
- Drainage fingers and green fingers – narrow open drainage channels are required alongside the principal access roadways within each housing pod
- Private gardens – will play an important part in creating an overriding sense of place

7.12 The Green Infrastructure will be established at an early phase of the development so each phase of built development will occur within an established landscape. The management of the green infrastructure will be undertaken by a private management company that will be established at the outset.

7.13 Access and Highways

This sets principles for the access arrangements for the Employment and residential development areas along with the cycle and footpath network.

7.14 Employment Development Access

- The access to the development will be via a priority junction with Welsh Road to the east, designed to allow left turn movements only to focus commercial development traffic movements at Deeside Industrial Park interchange to minimise traffic and environmental impacts
- To the northwest via a signal controlled junction with Parkway within Deeside Industrial Park
- Signage to the development from the north and south is proposed to focus commercial traffic towards Deeside Industrial Park Interchange
- Internal commercial spine road running east to west from Welsh Road to an internal four arm roundabout
- The commercial spine road links the internal roundabout to Deeside Industrial Park above the existing watercourse and cycleway/footpath
- To the south the internal roundabout links to the residential spine road
- Pedestrian and cycle facilities are provided on the commercial spine road separated from the carriageway by a verge
- Commercial spine road will be designed to accommodate bus movements and bus stops
- At the Welsh Road junction on the spine road approach a bus only lane is provided to allow buses only to turn right into Welsh Road

7.15 Residential Development Access

- Access to the residential elements of the development would be via a separate all movements priority junction with Welsh

Road

- Residential access road 30 mph providing access to the mix of uses in plot A (district centre)
- Through the residential area the residential distributor road will be 20mph with a horizontal realignment to reinforce this
- A form of traffic management will be required to achieve the objective of separating out commercial development and residential development traffic while allowing bus access. The favoured option is a bus gate on the residential distributor road from the internal roundabout to prevent the residential distributor road becoming a rat run

7.16 Cycle and Footpath Network

Provision of an extensive network of footpaths and cycle ways that are threaded throughout the green infrastructure. Key links are made to;

- Hawarden Bridge Station
- The River Dee bankside walks
- Cycle route No5
- Garden City

7.17 Employment Areas

The commercial plots are set out in accordance with the current outline planning consent with a central spine road with the commercial development to its north and residential development to its south. The plots are proposed to have the following mix of uses;

- Plot B – Hotel, restaurant, public house, car showroom uses (A1, A2, A3, B1, C1, D1 and D2)
- Plots C, D and E – industrial and storage and distribution (B2, B8)

7.18 In line with the proposed uses Plots A and B would have smaller scale buildings typically 1 up to 3 storey in height. As you move further into the site the building size would become larger to accommodate the industrial uses, with eaves heights of up to 30m. The nature of the plots would accommodate a range of building sizes which would be detailed in the subsequent reserved matters applications. Each plot would have its own dedicated parking and HGV service provision. BREEAM target ratings would be submitted specific to the detailed design proposals.

7.19 District Centre

The district centre would be on plot A at the site entrance between the residential access road the central commercial spine road. This location allows the functionality of the facilities to serve both the employment area and the residential development. The principle access to this area would be to the south from the residential development with access from the commercial spine road controlled to prevent it being used as a rat run. Buildings would be located along the eastern boundary along the road frontage and along its boundary with the residential properties. The proposed uses are food retail,

public house, medical centre and pharmacy, community centre and general retail covered by classifications A1, A2, A3, B1, C1, D1 and D2. It is anticipated the built form would be 1 or 2 storey with a central parking area and individual servicing provision softened by landscaping.

7.20 Housing Layout

The Design Statement has an aspiration “To create a place of distinct and consistent character, focused on and facing the core water management channels and their associated high quality landscape. The place will be green, tranquil and prioritise pedestrians and cyclists over cars It will be a desirable place to live and raise a family within a community..”

7.21 The parameters for the residential development are;

- Road layout – a residential distributor road with a 20mph speed limit and each housing pod would be accessed from this via a priority junction. Emphasis will be given to pedestrian and cycle movements with the use of shared surfaces.
- Housing Layout – Dwellings will be fronted towards the landscaped edges, roads and public open space to create a sense of place, utilising a variety of parking solutions.
- Built form – building heights would not exceed 3 metres, the roofscape will be of traditional form with pitched roofs of varying heights.
- Housing Design – dwellings should have obvious entrances and front doors with a consistent use of materials throughout. All dwellings on the edges of each pod will be rendered and have their roofs covered in a material of a single colour. Beyond the spine road a greater variety of materials will be utilised to create individual identities for each parcel of development.

7.22 Open Space Strategy

Creating a network of open spaces totalling 5 hectares that will allow pedestrians and cyclists to move easily through the community. There will be a 'Place Making Focal Open Space' which will form the centre piece of the open space Strategy with a balanced distribution of open space across the site. This takes the form of;

- Formal open spaces
 - Five equipped play spaces with an average size of 1100m² located between housing pod boundaries to provide a transition between differences in architectural style
 - Park areas will be enhanced with a range of sculpted lawns, feature tree, hedge and shrub planting
- Free play and multi-use pitch
 - A multi-use games area and large open free play games area will be provided in the south east corner of the site

- The focal open space has an area of 3.6ha and will define how residents move through the new community with a range of features
- A meandering stream bed leading to a series of open lakes and ponds
- Grass and gravel pathways allow ease of access
- A range of trees will define the space at the upper level
- Different mowing regimes, reed beds and clusters of shrubs will define space at the lower level
- A range of benches and seats
- A range of bridges and shelters

7.23 Ecology

Extensive ecological surveys have been undertaken of the site. The site is dominated by species poor grassland. The Shotwick Brook and Northern Drain form the northern and western edges of the site and Manor Drain is located along part of the southern boundary. These watercourse all contain pockets of marginal and emergent vegetation with scrub and rough grassland along the banks. The site is known to provide habitat for a number of species including common lizard, water voles, breeding and wintering birds and is also used by badgers and bats for foraging. The ecological strategy is designed to provide extensive wildlife habitats as part of the green infrastructure and flood mitigation strategy. These include;

- A designated wildlife area located in an undisturbed part of the site maintaining habitat connectivity to the existing brooks and hedgerows to provide habitat for a number of species
- Creation of ditches to provide optimal habitat for water voles
- Areas of wildflower rich grassland
- New ponds to support amphibians and invertebrates
- Native hedgerows will be created throughout the site to create wildlife corridors
- Woodland and scrub planting will provided habitat for breeding birds and trees
- The Northern Drain and Shotwick Brook will be reprofiled and areas of reedbed and marginal wetland vegetation will be created
- The green infrastructure scheme will provide foraging habitat throughout and around the site to ensure badgers and bats can continue to use the site
- Development opportunities within the built environment of the site to create roosting areas for bats and nesting features for birds. The existing bat roost building to the north of the development will be retained.
- The public open space provision will ensure that the residents have onsite facilities for recreation thus minimising potential effects of increased recreation on existing nature conservation sites within the local vicinity.

Once established the created habitats within the site will be managed in the long term by a management company with input from

biodiversity focused organisations.

7.24 The Framework Ecological Mitigation and Enhancement Strategy has been submitted and agreed by the Council and NRW to discharge condition 24 of the outline permission.

7.25 Renewable Energy

Detailed proposals would be evaluated and submitted specific to the detailed design proposals for each plot at the appropriate reserved matters stage.

7.26 Secured by Design

The principles of secured by design would be incorporated into the housing layouts at the detailed planning stage. Each employment plot is self contained allowing each plot to undertaken appropriate security measures and perimeter treatment.

7.27 Phasing Scheme

The initial phasing of the delivery of the master plan for the site involve enabling and infrastructure works to bring the brownfield site to a point where main development restrictions have been removed and primary infrastructure provided to the earlier phases of employment and residential development. Subsequent phases involve the development or sale of these plots before the completion/extension of the infrastructure to remaining plots and their subsequent development or sale.

Year 1	River Dee Embankment Strengthening works
Year 1	Road and landscape infrastructure including flood mitigation
Year 1 - 3	<ul style="list-style-type: none"> • Employment Plot C (B2/B8) 7.18 ha • District Centre Plot A (Public House, hotel, restaurant, small shops, crèche and doctors surgery, (A1,A2,A3,B1, C1,D1, D2) 2.22 ha • Residential Development Pod's 1 – 3 Total 8.03ha
Year 4 - 6	<ul style="list-style-type: none"> • Employment Plot B, (A1,A2,A3,B1, C1,D1, D2) 5 hectares and Plot D (B2/B8) 11.2ha • Residential Development Pod's 3 – 6 Total 10.03 ha
Year 6 - 8	<ul style="list-style-type: none"> • Employment Plots E

	(B2/B8) 19.73 ha and F (B2/B8) 6.23 ha • Residential Development Pod's 7 – 9 Total 7.46 ha
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- 7.28 Consideration of the issues raised
 The main issues to consider are the mix of land uses proposed, road, cycle, pedestrian and cycleway provision and connectivity, the flooding impacts and solutions proposed and the overall green infrastructure and open space proposals.
- 7.29 General layout and land uses
 Overall the approach taken with regard to the overall masterplanning ethos for the site sets a vision for creating an attractive environment and sense of place utilising the constraints of the site. The implementation of the strategic landscaping and road network will enable the site to accommodate a variety of uses without potential conflict between users and aims to create serviced plots to attract investors. The Green Infrastructure Plan and Flood Mitigation Plan together will establish a sustainable solution to the flood risk and surface water drainage issues whilst creating a high quality environment.
- 7.30 The masterplan reflects the proposed land uses and mix of uses put forward at the time of the outline planning application, although not formally agreed at that time. The Transport Assessment previously undertaken has therefore accommodated for this mix of development. This provides for 44 hectares of Employment Land (B2/B8), 7.22 hectares of Commercial Uses (A1, A2, A3, B1, C1, D1, D2) and 25.52 hectares of residential land. This could equate to approximately 700 houses at 30 per hectare.
- 7.31 At this stage the nature of the mix of uses of the commercial land which will include a District Centre to serve the existing and proposed communities is indicative and will be detailed during any subsequent reserved matters stage. The level of residential development on the site as a whole, has increased from the initial UDP allocation as a result of the evolution of the flooding and drainage solutions. Initially at the UDP allocation stage, it was considered that the flooding and drainage solution may take the form of large water bodies for storage purposes. However it is now considered that the River Dee strengthening works in combination with the proposed scheme set out in the green infrastructure plan flood mitigation plan provide a solution which does not require any significant amount of water storage bodies and therefore opens up more developable areas of land.
- 7.32 While the design statement and masterplan set out the phasing in general terms, the detailed phasing of each parcel is required to be submitted under condition 5 prior to the development of that phase. The level of detail provided as part of this application is therefore

deemed sufficient as this stage. Similarly while the Green Infrastructure Plan sets the strategic landscaping for the site as a whole the details for each phase will be submitted for consideration as the site comes forward for development in accordance with condition 19 of the outline permission.

7.33 The proposed masterplan and design statement put forward as part of this application is in accordance with the Council's own requirements as set out in the Masterplan Framework approved by this Committee on 4th September 2013.

7.34 Highways

It is considered that the masterplan shows the key highway, pedestrian and cycle linkages to the wider network in accordance with the previously agreed Transport Assessment. The comments set out by the Head of Assets and Transportation have been taken on board by the applicant and have been incorporated within a revised scheme. The applicant is willing to take on board all of the comments except for the requirement to provide a 3m wide footway/cycleway on highway land, along the westerly side of the complete length of Sealand Avenue. It is considered that is not financially viable to commit to this, at this stage.

7.35 From a planning point of view as the request for this element is for off-site works, it is difficult to insist on this through this form of application. In terms of discharging the masterplan condition, the applicants show a footpath/cycleway link to Sealand Avenue within their site. It is considered that any request to provide off site highway works in the form of an extension of the footway/cycleway along Sealand Avenue should be made through the subsequent reserved matters applications or through the discharge of the highway conditions.

7.36 Flood Risk

The Flood Mitigation Plan submitted as part of the application to discharge condition 6 is part of the overall site side Flood Consequences Assessment (FCA) submitted to discharge condition 12 undertaken by Weetwood. Natural Resources Wales in their assessment of the Flood Mitigation Plan element of this application have therefore also assessed the Flood Consequence's Assessment as a whole.

7.37 The FCA has looked at numerous scenarios which could result in flooding of the site – these include both tidal and fluvial sources as well as consideration of potential breaches of the River Dee's flood defences.

7.38 It is accepted that the most severe flood risk to the site would result from a breach of the River Dee's flood defences, anywhere between the A494 and the railway line. The FCA has shown that, with the implementation of the required mitigation measures, the development

itself complies with TAN15 (section A1.14 – i.e. flood free in the design flood event). The main mitigation measure; the implementation of improved flood defences from the A494 to the railway-line, will provide significant betterment to Garden City insofar that it will reduce the risk of the defence failing. This currently poses the most severe flood risk to Garden City.

- 7.39 In terms of overtopping of the defences, the FCA indicates that the proposed development platform levels would ensure that the site would be flood-free in an over-topping scenario – for a 0.5% annual exceedance probability (AEP) flood event with an allowance for sea level rise due to climate change over the next 100 years. This is compliant with the requirements of section A1.14 of TAN15.
- 7.40 However NRW highlight that the FCA has not shown that the site is fully compliant with TAN15 with respect to off-site flooding. Small increases to flood risk are predicted on third-party land, although these increases are likely to be small (<30mm). These areas are mainly along the routes of existing drainage channels on PRDL land with some very minor areas within the existing Garden City. The applicant's consultant Weetwood considers such increases are negligible both in terms of depth and extent and are considered to be significantly outweighed by the betterment afforded by the wider scheme to be below model tolerance. These potential flood risks would only ever be realised in extreme flood events (i.e. a 1 in 200 year (0.5% AEP) tidal level including 100 years allowance for possible climate change. Weetwood's FCA has been undertaken with the current situation on the PRDL site, i.e. no development, in order to ensure that it does not prejudice PRDL's ability to develop the site. This in turn may require some amendments to Hyder's FCA for the PRDL site in order for their site to meet with TAN 15.
- 7.41 NRW recommend that the defence improvement works to be undertaken by Welsh Government as part of the Enterprise Zone, are extended to include the short stretch of defence immediately downstream to the railway-line. Weetwood have undertaken a 'River Dee Embankment Breach Propensity at Hawarden Railway Bridge' report which concludes that the likelihood of a breach of the defences at this location is very unlikely as this stretch of defence is in good condition. NRW do not disagree with these conclusions however, as this section of defence is in third party control, there can be no guarantees that work to maintain the standard of protection will be undertaken in the future. However, this is on third party land and as such is out of the control of the applicants. It is also not within the remit of this application to be able to request the delivery of offsite works. NRW have previously agreed and accepted the extent of the defence improvement works which Welsh Government are due to undertake.
- 7.42 Full mitigation for the fluvial flood risk to the site is dependent on

works taking place on land outside the developer's control, namely the upgrading of a sub-standard culvert beneath the Sealand Bank Farm access road on the PRDL land. It has been demonstrated by Weetwood to NRW that all of the employment and commercial land can be developed, along with parcels 1 – 6 of the residential development without this work being completed. The remaining parcels of residential land (7 – 9) are unlikely to be capable of being developed until the works are complete. However this does not account for the flood mitigation works and drainage works required to develop the PRDL site. Depending on the phasing for PRDL, it may be that these works are completed as part of the development of the PRDL part of the site before they are required for the phases of this site. These issues will need to be addressed as FCA's are produced for individual phases of the development in accordance with condition 12 of permission 049320.

7.43 NRW are satisfied that the FCA has demonstrated that suitable mitigation measures could be implemented to ensure that the development is not at risk from surface water flooding and that runoff can be attenuated to ensure no impacts elsewhere. As the detail of the development proposals for the site are not yet known, the detail of surface water drainage will need to be addressed as planning applications are made for each phase of the development in accordance with condition 8 of permission 049320.

7.44 It is therefore considered that the Flood Mitigation Plan submitted as part of this discharge of condition application in respect of the requirements of condition 6 sets a framework for the site in terms of dealing with flood risk and surface water drainage. The FCA demonstrates that the development would be flood free. In terms of the potential increases in flood risk on third party land, the details of this will be dealt with as and when reserved matters applications come forward with their respective FCA's.

7.45 Open Space

The masterplan provides for 5 hectares of public open space. The Council's requirement in terms of Local Planning Guidance Note 13 Open Space is 4 hectares, however the designation of this as required by the Public Open Spaces manager is in a more formalised way that that proposed.

7.46 The masterplan provides a network of open spaces to encourage movement between the different residential areas within the site and also provide connectivity with the existing settlement of Garden City. Also the constraints of the site in terms of flood risk and drainage require an amount of land raising and the creation of a network of drainage ditches and open spaces. While these open spaces will be suitable for informal play provision, due to the flood risk issues it is not possible to provide an additional multi use games area, as this would increase the amount of impermeable surfaces. The details of the

open space provision for each phase of the development are controlled by a further condition on the outline permission. This would allow the consideration of the provision of a wheeled play facility during the consideration of the detailed provision at each phase of the development.

8.00 CONCLUSION

8.01 It is considered that the details submitted to discharge condition 6 are sufficient and meet the requirements of the condition.

8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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