

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4TH MARCH 2020**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE CONSENT FOR THE ERECTION OF 129 NO. DWELLINGS ON LAND AT FORMER CORUS SITE, GARDEN CITY**

APPLICATION NUMBER: **060411**

APPLICANT: **KEEPMOAT HOMES**

SITE: **LAND AT FORMER CORUS SITE, GARDEN CITY, DEESIDE**

APPLICATION VALID DATE: **19TH SEPTEMBER 2019**

LOCAL MEMBERS: **COUNCILLOR MS C M JONES**

TOWN/COMMUNITY COUNCIL: **SEALAND COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST & SCALE OF DEVELOPMENT**

SITE VISIT: **NO.**

1.00 SUMMARY

1.01 This is a reserved matters application pursuant to outline planning permission ref: 056540 which was for an employment led mixed use development and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation on land at Former Corus Site, Garden City, Deeside.

The original outline consent ref: 050125 was granted planning permission in 2014, and in recent years has been subject to a variation referred to as ref: 056540, a reserved matters permission for the Phase 1a enabling and infrastructure works along with the associated discharge of conditions attached to the varied consent ref:

056540. The Former Corus Site together with the neighbouring Airfields Site forms part of a long standing aspiration of Flintshire County Council and Welsh Government to bring forward a comprehensive, mixed use redevelopment in this area (referred to as a whole as the Northern Gateway) taking advantage of the strategic location and the availability of previously developed land.

This reserved matters application relates to the 1st phase of residential development at the Former Corus Site, which proposes the erection of 129 no. dwellings together with associated infrastructure, recreational space and landscaping. The proposed scheme would deliver a mix of 2, 3 and 4 bedroomed properties in a variety of house types.

This site forms part of the wider mixed use strategic allocation including housing, Policy HSG2A in the Flintshire Unitary Development Plan, the principle of development is therefore considered acceptable in planning policy terms. Issues in respect of design, layout, access, residential amenity, interface distances, flood risk and developer contributions have been negotiated and resolved.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation to provide the following:

- Provide the gifting of land (0.35ha) to Sealand Primary School.
- Payment of £10,000 in relation to ecological mitigation for wintering birds.
- Payment of £4,500 in relation to a Traffic Regulation Order
- Provide that a management company is incorporated for the management and future maintenance of the onsite public open space and communal landscaped areas.

Conditions

1. In accordance with approved plans
2. Samples of materials for external finishes
3. Specification for the type, location and amount of play equipment to be provided
4. Site levels shall be set at a minimum of 5.50m AOD
5. Finished floor levels of the proposed dwellings to be set at a minimum of 5.95m AOD
6. Access shall have a visibility splay of 2.4m x 43m in both directions

7. Facilities shall be provided and retained within site for parking and turning
8. Front of garage set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway
9. Positive means to prevent the run-off of surface water
10. Erection of acoustic fencing as per the recommendations of the Noise Assessment ref AA18-1114-R01v2 dated February 2019
11. Installation of acoustic glazing and ventilation to properties as per the recommendations of the Noise Assessment ref AA18-1114-R01v2 dated February 2019

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

Local Member

Councillor Ms C M Jones

Raises no objection to the proposed development but requests the application is reported to the planning committee in the interests of the site being brought forward and the proposed scale.

Sealand Community Council

No objections to the proposed development.

Highways Development Control

A swept paths analysis and a revised layout drawing had demonstrated there is an acceptable layout. The applicant's engineers have suggested the inclusion of parking restrictions to ensure there are no obstructions along the access route. A S106 agreement for the sum of £4500 will be required to fund a Traffic Regulation Order.

I recommend that any permission shall include a Section 106 agreement and the imposition of conditions.

Community and Business Protection

Raises no objection subject to the imposition of conditions relating to noise mitigation as per the recommendations of the noise assessment submitted.

Appropriate site investigations, remediation and verification reports which address Land Contamination required by condition(s) attached to the outline consent have been submitted and approved as part of the Phase 1a Enabling Works and separate discharge of condition packages. The site has therefore been subject to the relevant

treatment which has prepared it for its end use and there is no need to impose further conditions relating to this matter.

Welsh Water/Dwr Cymru

The principle of the onsite and offsite drainage proposals as indicated on drawing 7037/01 are considered acceptable, on the basis that surface water flows are discharged to a watercourse, and foul flows are discharged to a public foul gravity sewer.

Natural Resources Wales

As controlled by condition attached to the outline consent, the application is supported by a site specific Flood Consequence Assessment (FCA). NRW have reviewed the content together with the revised submission and confirm that provided the mitigation measures which includes raising site levels outlined in the FCA (including appendices) are fully implemented then they raise no objection to the reserved matters proposal. The FCA (including appendices) should form part of the approved list to any grant of permission which should also include a condition which requires the site levels to be set at a minimum of 5.50m AOD which will ensure that the development platform is flood free during all considered fluvial and tidal events.

The applicant has submitted an Ecological Assessment to inform the reserved matters application. NRW confirm that they are satisfied with the reserved matters ecological submissions and therefore raise no objection.

Public Rights of Way

Public footpath no.3 crosses the site and Public Footpath no. 1 abuts the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public rights of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before commencement of any of the development. The surface of the right of way must not be disturbed without lawful permission and development over the line of the public rights of way must not commence until any necessary diversion or extinguishment has been lawfully authorised under the appropriate legislation.

Education

Sealand CP School Calculations

School Capacity $215 \times 5\% = 10.75$, rounded to 11
Trigger for Contributions is therefore $215 - 11 = 204$

Number of Units, $129 \times \text{Primary Multiplier, } 0.24 = \text{Child Yield, } 30.96$
rounded to 31

Child Yield, 31 x Cost per Pupil Multiplier, £12,257.00 = Developer Contribution, £379,967.00

Current Numbers on Roll, 190 + Child Yield, 31 = Potential Numbers on Roll, 221

The Potential Numbers on Roll do exceed the Trigger for Contributions.

Potential Numbers on Roll, 221 – Trigger for Contributions, 204 = Potential Number of Contributions Sought, 17

Actual Number of contributions Sought, 17 x Cost per Pupil Multiplier, £12,257.00 = Contribution Required, £208,369.00

Connah's Quay High School Calculations

School Capacity 1200 x 5% = 60
Trigger for Contributions is therefore 1200 - 60 = 1140

Number of Units, 129 x Secondary Multiplier, 0.174 = Child Yield, 22.446 rounded to 22

Child Yield, 22 x Cost per Pupil Multiplier, £18,469.00 = Developer Contribution, £406,318.00

Current Numbers on Roll, 988 + Child Yield, 22 = Potential Numbers on Roll, 1010

The Potential Numbers on Roll do not exceed the Trigger for Contributions.

Conclusion

Primary School: Sealand CP School

- It has been agreed that the land owner will gift a parcel of land to the Council to enable the school site to be expanded to meet the future numbers on roll, based on anticipated pupils generated from the development.
- Therefore, it is our intention not to seek a Section 106 contribution for £208,369.00.

Secondary School: Connah's Quay High School

- It is our intention not to seek a Section 106 contribution.

Housing Strategy

I would advise that given that the Countryside planning application ref 059514 as the 1st phase of residential development on the Airfields site have delivered 10% affordable housing provision meeting in excess of the immediate demand in the Garden City area. There is a need to adopt a balanced approach to affordable housing provision

on the Northern Gateway as a whole and would therefore be satisfied that no affordable housing is provided on this application at the former Corus Site Phase 1 residential development given there being no evidenced need to be met and the risk of saturation of the scheme as a whole with affordable housing. I am mindful also that whilst there is no evidenced need, the applicant has made viability claims which have been accepted, and as such the applicant has demonstrated that there are significant infrastructure and flood mitigation costs which need to be absorbed in order to feasibly deliver phase 1 on this site.

Aura

In accordance with Planning Policy Guidance Note no. 13 Public Open Space Provision, the Council should be seeking developments for 100+ dwellings to provide in addition to the standard requirement for recreation space, to make provision for small-medium sized sports facilities such as tennis courts, bowling green, basketball courts.

Clwyd-Powys Archaeological Trust (CPAT)

Confirms there are no additional requirements for this reserved matters. The former estate dwellings recorded at Garden City have been archaeologically excavated by Oxford Archaeology, with the report received being considered acceptable.

Airbus

Airbus confirm there is no aerodrome safeguarding objection to the proposal based on the information provided.

North Wales Fire Service

The Fire Authority has reviewed the details submitted and raise no objections. Access to the properties from the road fed from Welsh Road can be achieved by priority vehicles.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

No representations were received.

5.00 SITE HISTORY

5.01 058868 Application for approval of reserved matters relating to the phase 1a enabling and infrastructure works following outline approval. (056540). Approved 30.08.19

056540 Application for variation of conditions 5 (mix of development and phasing), 32 (highway works) and 38 (off-site highway works) and removal of conditions 6 (highway works at Station Road/Asda junction) and 10 (flood defence works) following grant of planning

permission 054758 Outline application for an employment led mixed use development incorporating logistics and technology park (B1, B2, B8), residential (C3), local retail centre (A1), Hotel (C1), Training and skills centre (C2, D1) new parkland, conversion of buildings, demolition of barns, and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation. Approved 02.03.18

054758 Variation of conditions 6, 9 and 42 and removal of condition nos. 17, 18, 19 and 20 attached to planning permission ref: 050125 Approved 16.03.16.

050125 Employment-led mixed-use development, incorporating Logistics and Technology Park (B1,B2,B8) with residential(C3),local retail centre (A1), hotel (C1), training and skills centre(C2,D1),new parkland; conversion of buildings, demolition of barns; and associated infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/drainage works approved 13.05.14

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR7 – Natural Environment

GEN1 – General Requirements for Development

D1 – Design Quality, Location & Layout

D2 – Design

D3 – Landscaping

TWH1 – Development Affecting Trees & Woodlands

TWH2 – Protection of Hedgerows

L1 – Landscape Character

WB1 – Species Protection

WB2 – Sites of International Importance

WB3 – Statutory Sites of National Importance

AC13 – Access & Traffic Impact

AC18 – Parking Provision & New Development

HSG1 – New Housing Development Proposals

HSG2A – Strategic Mixed Use Development, Land NW of Garden City

HSG8 – Density of Development

HSG9 – Housing Mix & Type

HSG10 – Affordable Housing within Settlement Boundaries

SR5 – Outdoor Playing Space & New Residential Development

EWP12 – Pollution

EWP13 – Nuisance

EWP14 – Derelict and Contaminated Land

EWP16 – Water Resources

EWP17 – Flood Risk
IMP1 – Planning Conditions & Planning Obligations

SPGN No. 2 – Space Around Dwellings.
SPGN No. 8 – Nature Conservation and Development
SPGN No.9 – Affordable Housing
SPGN No. 11 – Parking Standards
SPGN No. 23 – Developer Contributions to Education
PGN No. 13 – Open Space Requirements.

National

Planning Policy Wales Edition 10, December 2018

TAN 1: Joint Housing Land Availability Studies
TAN 2: Planning & Affordable Housing.
TAN 5: Nature Conservation & Planning
TAN 11: Noise
TAN 12: Design
TAN 16: Sport, Recreation & Open Space
TAN 18: Transport

As the site forms part of the strategic mixed use allocation of HSG2A the principle.

7.00 PLANNING APPRAISAL

7.01 Introduction

The application seeks approval of reserved matters (access, appearance, landscaping, layout and scale) for the development of 129 no. dwellings pursuant to outline planning permission on land at Former Corus Site, Garden City.

7.02 Site Description

The site is situated within the urban area known as Deeside to the west of the A494 and to the south of the existing Deeside Industrial Park. It is bounded by the River Dee to the south with a tree lined footpath, the existing settlement of Garden City to the east and the cycle path/former railway line to the west. The B5441 Welsh Road runs along the site's eastern boundary and Hawarden Bridge Railway Station is adjacent to the site to the North West with the Wrexham-Bidston railway line running partially along the western boundary. To the north is the former RAF Sealand South Camp, otherwise known as The Airfields, forming the other half of the UDP allocation and is in separate ownership.

7.03 The 70 ha site is the former Corus Garden City site and comprises agricultural land and buildings namely Sealand Bank Farm and brownfield land with the Listed John Summers complex of buildings and formal gardens which were previously occupied by TATA Steel. The site is predominately flat and open in character. Sealand Bank Farm is accessed off Farm Road and the TATA steel complex has an

existing access off Welsh Road, which is currently used for emergency access only.

- 7.04 The application site has been subject to a reserved matters application which approved the phase 1a enabling and infrastructure works under ref: 058868. Phase 1 extends for 8.58ha and this reserved matters application covers an area of 3.46ha within that. The site comprises a flat parcel of land bound by a mix of post and rail fencing and hedgerow. The site is situated to the south-west of the site, fronting on Welsh Road, adjacent to the former Corus junction/access point. Public Right of Way 1 runs along the River Dee to the south and along the western boundary of the application site. There are a number of watercourses and ditches which include a number of engineered culverts.
- 7.05 Proposed Development
The application seeks approval of reserved matters (access, appearance, landscaping, layout and scale) for the development of 129 no. dwellings pursuant to outline planning permission ref. 056540 granted in 2018. Permission ref. 056540 is in itself a variation of condition application of outline consent ref. 050125 which was granted in 2014. This reserved matters application relates to the first phase of residential development of the Former Corus Garden City site.
- 7.06 The proposed development would involve the erection of 129 no. dwellings together with associated infrastructure and landscaping. The proposed scheme would deliver a mix of two, three and four bedroomed properties in a variety of house types, predominately terraced, semi-detached and detached properties. The mix of dwellings comprises 20 no. 2 bedroom, 81 no. 3 bedroom and 28 no. 4 bedroom dwellings.
- 7.07 The proposed scheme would comprise of two storey and two and a half storey properties, incorporating a palette of materials that includes brick external finishes under tiled roofs to reflect the local existing vernacular. Each dwelling will have the benefit of parking and rear private gardens.
- 7.08 The proposed development would benefit from two access points which feed onto the spine road accessed off Welsh Road. The recently approved Phase 1a enabling works comprise these works, which primarily focuses on preparing the site for development through installing the flood mitigation measures and raising land levels, however in terms of highways, improvements will be undertaken at the access road/junction into the site from Welsh Road, including re-profiling and raising a section of the spine road into the site to a height of 5.40m AOD (increase of 40cm), with footway/cycle ways to facilitate access into the residential plot subject to this application.

- 7.09 The scheme also includes the provision of high quality communal landscaped areas, to include a formal area of public open space (POS) designed to provide an equipped play area for children.
- 7.10 Principle of Development
The site forms part of the strategic mixed use development allocation HSG2A land North West of Garden City within the Flintshire Unitary Development Plan. As explained above, the Former Corus, Garden City site and the Airfields together make up the 'Northern Gateway', a comprehensive mixed use redevelopment which takes advantage of the strategic location and the availability of previously developed land. Both component sites have the benefit of outline planning permission which as part of the approved mixed use includes a residential contribution of 1,400 new homes (cumulative) to be delivered over a phased period. This is far greater than the 650 dwellings envisaged originally for the site. The Former Corus site alone has an agreed principle of 770 residential units.
- 7.11 It is also located adjacent to the settlement boundary of Garden City in the Flintshire Unitary Development Plan, which is a Category 'B' settlement with an array of employment opportunities and a selection of facilities and services, as the site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan and the principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.
- 7.12 Housing Land Supply/LDP
This site forms a significant part of the housing land supply in the Local Development Plan (LDP). Although this site has outline consent planning permission for mixed use development, it was allocated as a Strategic Site in the Preferred Strategy to re-affirm its importance in a sub-regional planning context. The site also forms an important element of the Council's on-going informal annual Housing Land Monitoring Study, recognising that within the terms of TAN1 the Council cannot presently undertake a formal Joint Housing Land Availability Study. It is therefore important in ensuring the present and future supply of viable and deliverable housing land which will contribute significantly to the ability of the LDP to demonstrate a 5 year supply of land on adoption.
- 7.13 A recent appeal decision ref. APP/H6955/A/17/3182282 land east of Tan y Bont, Main Road, Rhosrobin, Wrexham for a residential development of 189 no. dwellings considers the matters of Wrexham's emerging LDP, 5 year land supply and the weight to be afforded to TAN1. The Inspector in her appeal consideration acknowledged that whilst the site lies outside a defined settlement boundary, within the Green Wedge and was otherwise considered as 'speculative', "the current position in respect of the Council's housing land supply, the identified need to bring sites forward for development

prior to the adoption of the LDP in order to achieve the housing trajectory, and there being no immediate prospect of completions from proposed allocations in the LDP, considered that considerable weight should continue to be attributed to the need to increase housing land supply in the determination of the appeal.” The appeal was therefore allowed.

- 7.14 Drawing from the Inspector’s conclusions, a key factor was that the Council could not evidence that housing completions are keeping pace with the intended provision in the LDP. In the case of Flintshire completions are running slightly ahead of the LDP’s intended annual requirement, but The Airfields and Former Corus, Garden City Site(s) referred to as the Northern Gateway form a significant part of the housing land supply in the Local Development Plan (LDP), whereby the grant of planning permission for this 1st phase would demonstrate that this strategic allocated site is deliverable within the plan period, with housing completions anticipated shortly following a grant of permission. This would further demonstrate the Council’s ability, in the context of the LDP, to provide and maintain a 5 year supply of land for housing going forward, in accordance with PPW10.
- 7.15 Jeopardising this supply and commitment would not only be detrimental to the long term strategy for this site, but ultimately to the LDP, putting the Council at risk of being unable to robustly defend itself against unplanned, speculative development, whereby the argument of affording ‘considerable weight’ to the lack of a 5 year housing land supply, would have to be given greater consideration in the planning balance despite the disapplication of paragraph 6.2 of TAN1.
- 7.16 Viability
The application is supported with a financial assessment, which argues viability implications in respect of the requisite developer contributions sought. The assessment was independently assessed on behalf of the Council by an appointed valuer in January 2019 prior to the submission of this reserved matters scheme. This included a breakdown of construction costs, benchmark land values and site acquisition, estimated sales and marketing values of the properties and gross development value to determine the profit to be made.
- 7.17 The independent review acknowledges that in contrast to The Airfield’s site which received public advancements through the construction of the main spine road from Welsh Road, the former Corus Site has not benefited from such and therefore all investments in this part of the Northern Gateway has been acquired through the private sector as a means of ensuring the site is developable and deliverable, attributes which provide the Authority with confidence that the site remains a firm commitment, and will deliver the housing numbers it has been allocated. As such, the Phase 1a enabling and infrastructure works of the former Corus site approved under

ref.058868 involves very similar engineering approved on the Airfields site, this includes land clearance, remediation associated with contamination, the installation of significant infrastructure to include a modifications to the spine road and junction off Welsh Road, land raising and re-profiling to create development platforms, drainage, water supply and power, all of which will incur significant costs. This has a clear impact on the viability of the 1st phase of residential development coming forward.

- 7.18 The independent review concludes that the development of Northern Gateway is challenging. Early stage development is cost intensive and little value is generated for a considerable period; yet successful transformation can only be truly achieved through appropriate private sector investment at the earliest stage of development.
- 7.19 The recommendations advise that the Council would be wise not to enforce planning obligations at the earliest stage of development and to wait for later phases of development when the location had matured and values had risen. Strategic Development works best when it is delivered as a partnership between the public and private sector. The land owner is investing considerable upfront costs that, whilst they will create long term value for the owner, it is also benefitting the wider community, by creating new residential neighbourhoods and facilitating the delivery of new employment space. It will also generate new revenue from council tax and business rates. The applicant should therefore receive some flexibility in return for this.
- 7.20 In considering the above viability case and the independent review, I am mindful of the position set out within PPW10 concerning up-to-date development plans, site delivery and viability. Paragraph 4.2.21 of PPW10 sets out a clear stance that it is “for either the Applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred.”
- 7.21 In accordance with PPW10, it is considered that the applicant has reasonably and without obscurity demonstrated an exceptional circumstance that justifies a relaxation to the relevant policies which concern Affordable Housing, Education and Public Open Space. It is understood that in order to support the delivery of this 1st phase of residential development at former Corus Site, the Council needs to be mindful of the significant investments made to date, the economic

conditions and the developer risks faced in establishing this part of the Northern Gateway. The Council should however, be reassured that the outline consent imposes conditions which require such developer contributions to be provided in accordance with the relevant policies per phase of residential development, therefore allowing a reassessment of the provision and appropriate scrutiny to be reapplied to any exceptional circumstances raised in future phases. However, within the context of this application I consider significant weight should be given to the viability assessment for this 1st phase at the former Corus site for the reasons discussed.

7.22

- Education Commitment

It is clear from the examination of viability matters above that significant weight must be afforded to the viability assessment of this 1st phase of development in the overall planning balance.

Members are reminded that during the determination of the Countryside Reserved Matters Scheme ref.059514 1st Phase residential development at the Airfields, there was limited scope for physical expansion at Sealand Primary School and there was existing capacity at Connah's Quay High School. Members were advised at the time, that the limited scope for Sealand Primary School to expand was a matter that was recognised when outline planning permission was granted for development on the former Corus Site where Sealand Primary School is located. The relevant outline permission secures, by virtue of condition the requirement of a scheme to be submitted and agreed regarding the provision for a land transfer to be set aside adjacent to Sealand Primary School. As such the Section 106 agreement proposed would secure the gifting of such, this will enable the Sealand Primary school to expand to meet the increased capacity generated from residential development across both sites of the Northern Gateway.

The availability of additional land to Sealand Primary will allow for an identified project to increase capacity within which future phases of development, albeit subject to viability assessments may contribute. The evidence of an identified project will thus meet the tests of the current CIL regulations allowing the Council to reasonably request financial contributions going forward.

As there is sufficient capacity at Connah's Quay High School to accommodate pupils generated from this development no contribution would be sought.

7.23

- Affordable Housing

The Council's starting point for affordable housing in accordance with policy HSG10 for allocated sites within settlement boundaries is 30%. However, this site raises

different issues to 'normal' Greenfield development sites. As discussed above, the site has been subject to infrastructure works which aim to enable development to take place, this includes significant costs incurred in remediation, land raising and providing the necessary service points for access, utilities and power connections. Subsequently, the significant level of investment required has increased the land value and this has been demonstrated within the submitted financial assessment.

The independent review notes that various scenarios and variables have been tested, demonstrating that enforcing 30% provision of affordable housing alone together with full Section 106 contributions will result in the development being unviable. Therefore zero provision is proposed.

Members should be reminded that the Council can only request affordable housing provision based on evidenced need as per the policy HSG10, as such the Countryside Reserved Matters scheme ref. 059514 which was the 1st Phase Residential Development on the Airfields met and provided an oversupply to that need based on figures provided in May 2019.

Despite the zero provision, there is a need to adopt a balanced approach to affordable housing provision on the Northern Gateway as a whole. Housing Strategy have confirmed that they are satisfied that no affordable housing is provided on this application at the former Corus Site Phase 1 residential development given there being no evidenced need to be met and the risk of saturation of the scheme as a whole with affordable housing. Whilst there is no evidenced need, the applicant has made viability claims which have been accepted, and as such the applicant has demonstrated that there are significant infrastructure and flood mitigation costs which need to be absorbed in order to feasibly deliver phase 1 on this site.

Requesting affordable housing would therefore be unreasonable based on the fact that there is no evidenced need and the arguments made by the Applicant concerning development viability. Confidence however, remains that the controls imposed on the outline consent, allow for a reassessment of the provision for each phase of residential development thereafter, ensuring the level of provision reflects the wider demand as the site progresses.

7.24

- Public Open Space
Planning Guidance Note no. 13 requires developments for 100+ dwellings to provide in addition to the standard requirement for recreation space, to make provision for small-medium sized sports facilities such as tennis courts, bowling

green, basketball courts. Notwithstanding the need to ensure the development remains viable, the proposed site layout identifies a designated area of formal Public Open Space (POS) designed to provide a local equipped area for play (LEAP). However, in accordance with the PGN this would represent as a shortfall in POS provision.

Unlike most developments of this scale, the former Corus site is governed by an extant outline consent with conditions attached requiring the approval of details. Such details comprised the submission of a Development Brief which included an open space strategy for the provision of informal public open space (POS) for the Corus site as a whole, a very similar approach has been adopted on the Airfields site.

The POS strategy is illustrated on the Green Infrastructure Plan which aims to provide well designed landscaped informal POS throughout the site and its peripheries. The informal POS being provided includes a network of footways, paths and cycleways and open recreation areas designed to accommodate play and sporting facilities for a community of this size. The aim is to deliver this contribution over a phased period which is subsequently dictated by the phased development of the residential areas. The Phase 1a enabling and infrastructure works approval ref. 058868 included a large area of informal POS referred to as 'The Parkland' this area extends for 5ha and lies adjacent to this proposed 1st phase of residential development as seen in drawing no. 34 Rev.E.

The layout and design of the proposed housing scheme and its formal POS have been placed in a way that maximises the connectivity with the informal POS and providing accessible, safe links to existing community facilities within the area. I therefore consider that cumulatively both formal and informal POS has been provided, to service the 1st phase of residential development in accordance with the principles agreed on the outline consent. No further requirements for POS are therefore being sought.

It is my intention to impose a condition which requires a scheme for the type, location and amount of play equipment to be provided. This will be informed through discussion with the Council's Play Officer who is monitoring the amount, location and type of facilities being proposed per phase, concerning both informal and formal POS provision, to ensure all needs are accommodated.

Furthermore, the applicant confirms that the proposed areas of POS are not envisaged to be adopted or maintained by the Council. Therefore as part of the proposed Section 106 Agreement, provision will be made to ensure the formal POS

and landscaped areas are appropriately managed and maintained for the lifetime of the development.

7.25 Flood Risk

In accordance with the NRW Development Advice Map, the site is situated within Flood Zone C1, an area considered to be at flood risk, but served by significant infrastructure, including flood defences. It has therefore been accepted that The Airfield site is at risk of flooding, with the principle source being tidal, River Dee.

7.26 As part of securing outline planning permission (2014), a detailed Flood Consequence Assessment (FCA) which included extensive hydraulic modelling, and engagements with Natural Resource Wales (NRW), agreed the principles that flood risk could be appropriately mitigated, ensuring the site remained flood free during an event and that flood risk elsewhere was not increased as a result. The FCA demonstrated compliance with TAN15 and informed the design of the site wide flood mitigation scheme, to which any future reserved matters (phase of development) should relate.

7.27 As part of the mitigation for this site, an application ref. 050730 to strengthen the north River Dee embankment flood defences was submitted and approved. The scheme involved increasing the height of the defences to 7.20m AOD and reinforced the protection against a tidal breach, not only to the 'Northern Gateway' site but to Garden City and surrounding areas. The phase 1a reserved matters application ref. 058868 for the development enabling works involved implementing the agreed mitigation scheme, which included re-profiling the site and raising site levels to create development platforms. The site works approved will see land levels raised to a minimum post development level of 5.50m AOD with finished floor levels of the proposed dwellings to be set at a minimum of 5.95m AOD.

7.28 Further to the site wide mitigation plan having been agreed, the outline consent attaches a condition which requires the submission of a 'specific' FCA relating to that phase to be submitted and assessed in accordance with TAN15. This was to facilitate necessary detailed consideration of the reserved matter proposals. This reserved matters application is therefore supported by a detailed FCA prepared by RSK, dated May 2019. As flood risk is a dynamic constraint, the requirement to provide an updated assessment of the flood risk relating to the end use or phase of development acts as a safeguarding mechanism, allowing a reassessment of the risks and mitigation proposed, the degree of which is subsequently dictated by the end use in terms of whether it relates to 'less' or 'highly' vulnerable development in accordance with TAN15.

7.29 As anticipated the proposed residential development is still considered as highly vulnerable development in accordance with

TAN15, stating that highly vulnerable development can be considered in Flood Zone C1 subject to the application of the TAN15 Justification Test and satisfying specific TAN15 acceptability criteria. The FCA submitted with this reserved matters has reviewed the outline parameters for mitigating flood risk, this comprises the modification of ground levels with the creation of floodable areas and raised development platforms (minimum 5.50m AOD). At a level of 5.5m AOD the development platform will be set at 0.77m and 95cm above the 0.5% tidal and 1% fluvial flood levels with 100 years' climate change allowance, respectively. In addition the FCA also clarifies that the finished floor levels of the residential units should be set at approximately 5.95m AOD. The units will therefore;

- ➤ Have a minimum freeboard of 140cm above 1% AEP fluvial flood levels with 100 years climate change allowance;
- Be set more than 122cm above the 0.5% AEP tidal flood levels with 100 years climate change allowance; and
- Be set above the 0.5% AEP tidal flood level (5.79m AOD) with 100 years climate change allowance and a sea levels uncertainty allowance (95% confidence bound).

7.30 The potential impact of the proposed development (raising site levels and alterations of drainage channels) on flood risk elsewhere has been quantified by comparing the results of the existing site layout simulations with the proposed development layout simulations. To provide a detailed assessment of the relative changes in flood depths throughout the floodplain, a series of water level difference maps comparing the pre- and post-development maximum water levels have been included.

7.31 NRW therefore raise no objection subject to the imposition of a condition which requires the site levels to be set at a minimum of 5.50m AOD and finished floor levels at 5.95m AOD, ensuring that the proposed development is flood free during all considered fluvial and tidal events.

7.32 Highways
The application site will benefit from two points of vehicular access which will feed out onto the spine road which provides access to Welsh Road. The vehicular accesses to the site and modifications to the spine road including the junction onto Welsh Road form part of the approved works under the Phase 1a enabling and infrastructure consent (ref. 058868). The drawings provided demonstrate that the proposed access points are a safe and suitable standard to accommodate the traffic associated with the proposed development and therefore accords with the relevant UDP policy AC13.

7.33 Footpaths will be provided along the internal road network and residential spine road to connect up to the continuous footways and segregated cycleway along Welsh Road. Additional footpath/cycle

links will be provided from the development to Welsh Road via the informal POS to the south of the application site. The proposed footpaths and cycle links are considered to accord with Active Travel Legislation.

7.34 There will be 1 car parking space provided for the 2-bedroom dwellings; 2 spaces provided for the 3-bedroom dwellings; and, 3 spaces provided for the 4 bedroom dwellings. All parking spaces will be contained within the curtilage of each dwelling either on driveways or in garages. The submitted parking layout therefore complies with the requirements of the outline approval and the maximum parking standards as set out in SPGN 11.

7.35 It is considered that the information provided accords with the requirements of the outline permission, the Highways Authority therefore raises no objection to the development subject to the imposition of conditions and the discharge of the relevant highway conditions attached to the outline consent prior to commencement.

Character & Appearance

7.36 The site and areas to the north west and south, with the exception of the Deeside Industrial Park, are predominantly rural in character, with many areas having been previously developed, cleared and left to overgrow. However, to the north east/east lies established residential development whereby the prevailing house types are semi-detached two storey properties with the exception of a cluster of bungalows along Hawthorn View.

7.37 The existing dwellings in Garden City consist of a mix of architectural styles with no dominant character. They include a range of materials including pebble dash, red brick and rendering. The development comprises a majority two storey and two and a half storey scheme. The development would deliver a mix of terraced, semi-detached and detached properties with pitched roofs and boxed dormer windows. The external materials of which will be tiled roofs with a mixture of red multi brick and solid course detailing to the surrounds of window and door openings. This combined with boxed dormers, brick opening details and porch features all adds variation and interest to the development.

7.38 The site layout is conventional in style and is considered to reflect the general layout of surrounding roads and properties where the dwellings directly front onto the access and estate roads. The character and design of the proposed development has been informed in part by the pattern and appearance of the existing and recent new build developments seen within the Northern Gateway and wider County, which are of a modern suburban appearance, and in part informed by the need for a development that responds not only to the physical constraints of the site but also to the current housing market requirements. The latter indicates that there is no shortage of

larger, detached four or five bedroom 'executive-style' houses, but a general need for smaller, more affordable family dwellings with three bedrooms.

7.39 A development which is dominated by larger, detached, 'executive-style' houses would not be in keeping with the existing pattern of development within the locality and would be contrary to both national and local planning policies, which seek to ensure that new housing developments include a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs.

7.40 The density of development equates to approximately 37.07 dwellings per ha for this particular application. HSG8 of the Flintshire Unitary Development Plan advises that on allocated sites, the general minimum net housing density should aim to achieve 30 dwellings per ha. Whilst the proposed density is significantly more than the stipulated minimum of 30 dwellings per ha in accordance with Policy HSG8, the approved details of the outline consent set density and height parameters for the mixed use site, for which it was agreed that the density range for the residential development would be set between 25 – 40 dwellings per ha. The proposed layout, scale and density of the development is therefore in accordance with the outline permission. This approach is also supported by PPW10 which states at paragraph 3.47 that "higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools."

7.41 A detailed landscaping scheme forms part of the submitted details, which shows the landscaping proposals to comprise of grass and shrubbery strips to the sides of the driveways to provide visual interest as well as demarcate the boundaries between public and private spaces and between units. Whilst the site resembles an open plot of land, the introduction of planting, shrubbery and a mixture of trees to the front gardens, landscaped area and the public open space areas will allow the development to harmonise, encourage ecological enhancements and add to the rural character.

Residential Amenity

7.42 In consideration to the siting, orientation and distance of the proposed dwellings, none of the proposed units would cause an unacceptable reduction or harm to the amenities of the any future occupiers in terms of privacy, loss of light or obtrusiveness. In terms of the size of the proposed garden depths, separation distances between the proposed dwellings etc these meet the guidelines within the SPGN no. 2 'Space Around Dwellings' by ensuring no instances of habitable rooms directly facing and where this is the case, separation distances meet the standard of 22m.

S106 Contributions and CIL Compliance

7.43 The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. Be necessary to make the development acceptable in planning terms;
2. Be directly related to the development; and
3. Be fairly and reasonably related in scale and kind to the development.

7.44 The gifting of 0.35ha to Sealand Primary School has been agreed by the Landowner as a means of allowing Sealand Primary School the ability to expand the facility in order to accommodate future pupil capacity. There have not been 5 contributions towards this project to date.

7.45 A payment of £10,000 towards a scheme of ecological mitigation for wintering birds, which has been coordinated with the RSPB and the Council. The applicant has agreed to pay this sum to aid towards the long term management of this scheme. Such a requirement is controlled via condition no. 23 imposed on the outline consent ref.056540. Through the payment of such, condition no. 23 can effectively be discharged. There have not been 5 contributions towards this project to date.

7.46 A payment of £4,500.00 towards a Traffic Regulation Order requested by the Highway Authority is required. There have not been 5 contributions towards this project to date.

7.47 It is considered that the contributions required meet the Regulations 122 tests.

8.00 CONCLUSION

The site forms part of the strategic mixed use development allocation HSG2A land North West of Garden City within the Flintshire Unitary Development Plan.

It is also located adjacent to the settlement boundary of Garden City in the Flintshire Unitary Development Plan, which is a Category 'B' settlement with an array of employment opportunities and a selection of facilities and services, as the site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan and the

principles embodied in Planning Policy Wales. In this context therefore, there is a clear policy framework supporting the principle of residential development on the site. This comprehensive report details in full the areas that required scrutiny, this being the principles of the outline consent, the viability claim, flood risk, highways, character and appearance and the impact on residential amenity of future occupiers. It is considered that these matters have been satisfied, and I therefore recommend that planning permission is granted subject to conditions, and the completion of a legal agreement as set out within paragraph 2.01 of this report.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Katie H Jones
Telephone: (01352) 703257
Email: katie.h.jones@flintshire.gov.uk