

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **27th SEPTEMBER 2023**

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

SUBJECT: **FULL PLANNING APPLICATION FOR B1 (b) (c), B2 and B8 EMPLOYEMENT SPACE, WITH ANCILLARY B1a OFFICE USE; ASSOCIATED SERVICING AND INFRASTRUCTURE INCLUDING PARKING; VEHICLE AND PEDESTRIAN CIRCULATIONS; CREATION OF NEW ESTATE ROAD; EARTHWORKS TO CREATE DEVELOPMENT PLATFORMS; LANDSCAPING; CREATION OF DRAINAGE FEATURES; ELECTRICAL SUBSTATION; PUMPING STATION AND ECOLOGICAL WORKS**

APPLICATION NUMBER: **FUL/000506/23**

APPLICANT: **POCHIN GOODMAN (NORTHERN GATEWAY) LTD (PGNGL)**

SITE: **LAND AT FORMER CORUS SITE, NORTHERN GATEWAY, GARDEN CITY, SEALAND, FLINTSHIRE CH5 1PY**

APPLICATION VALID DATE: **24TH MAY 2023**

LOCAL MEMBERS: **COUNCILLOR CHRISTINE JONES**
COUNCILLOR DALE SELVESTER

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

REASON FOR COMMITTEE: **DUE TO THE SCALE OF THE DEVELOPMENT**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is a full planning application for the proposed erection of five industrial units with associated infrastructure on land at the former Corus site, Welsh Road, Garden City. Together with the adjacent land known as the Airfields the two component parts make up the Northern Gateway a strategic mixed use site.
- 1.02 Whilst there is an extant outline planning permission for the land in question, the parameters of scale as approved back in 2014 do not meet with the current market demands. As the proposed building heights exceed the outline consent a full planning application has been submitted.
- 1.03 The five industrial units vary in height and design depending on the intended end user. In total 1,086,038 ft² / 100,901 m² of internal floor space is to be created. The application is supplemented with comprehensive assessments to support the proposal covering highway safety, ecological matters, flood risk, landscape and visual impact for example.
- 1.04 The application site is identified in the Local Development Plan under Policy STR3A as a key strategic site delivering both housing but also industrial and employment opportunities to the county. The location of the site within the Deeside Enterprise Zone is important in delivering the growth context as set out in Future Wales which identifies Wrexham and Deeside as a National Growth Area. Initial employment opportunities will be during construction phases but based on the industry standard the development could generate circa 1086 direct jobs on the site at the operational stage, alongside additional indirect jobs and beneficial multiplier effects.
- 1.05 Matters including the impact on heritage assets, flood risk, ecological implications and highway safety have been fully assessed and are considered to be compliant with local and national planning policy.
- 1.06 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlined at Paragraph 2.01 of this report and the applicant entering into a Section 106 Agreement to secure the long term maintenance of the estate roads, Public Rights of Way and sustainable travel linkages.

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 establishment of a Management Company for the

management and future maintenance of the internal estate roads, Public Rights of Way and sustainable travel linkages.

Conditions

1. Time limit on commencement
2. Compliance with approved plans
3. Submission of a drainage scheme
4. No surface water run off from increases to roof areas
5. Submission of a CEMP
6. Submission of an Amphibian Conservation Plan
7. Implementation of landscaping scheme
8. Details for the prevention of surface water run off onto the Highway
9. Submission of a Construction Traffic Management Plan

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application

3.00 CONSULTATIONS

3.01 **Local Member Councillor Christine Jones:** – No formal response received following discussions with the case officer

Local Member Councillor Dale Selvester: – No response received at time of writing report

Sealand Community Council: No objections received

Highways Development Control: Following the initial consultation amended details have been requested and received. The details are considered acceptable subject to the applicant entering into a Legal Agreement to secure the maintenance of the estate roads, PROW and sustainable travel links .

Community and Business Protection: The land contamination assessment report provided is limited but reasonable. No further information is expected to be provided with respect to land contamination.

Welsh Water/Dwr Cymru: No objection subject to the inclusion of conditions relating to the submission of a drainage scheme and surface water discharge.

Natural Resources Wales: Flood risk – No objection following the submission of additional information.

Protected species – No objections to the proposed mitigation subject to the inclusion of conditions

Airbus: No aerodrome safeguarding objection

Welsh Government: No objections given with regards to the A494 trunk road

Public Rights of Way: No formal response received following re-consultation

Ramblers Association: The proposal will require a diversion of a footpath No 3 and the Ramblers Association reserve the right to comment in detail at DMMO/diversion stage. Every effort should be made to keep path open via a concessionary route during construction. The path will change from a rural path to part of an industrial estate and should be hard-surfaced, and incorporated into the overall walking route network of the estate.

4.00 PUBLICITY

4.01 Site Notice displayed – no responses received at time of writing report

5.00 SITE HISTORY

5.01 There is a complex and lengthy planning history to the Northern Gateway site and accordingly the most relevant applications to this particular plot are listed below.

063591

Application for the approval of Reserved Matters following outline approval for the erection of 400 dwellings
Approved 30.03.22

060411

Application for approval of reserved matters following outline approval (056540) for the erection of 129 no. dwellings. Approved 28.10.21

059635

Application for removal of conditions 6, 8, 11 and 32 and variation of conditions 7, 31, 36 and 44 following grant of planning permission. (056540).
Approved 05.06.20

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 Local Development Plan

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR3A: Strategic Site: Northern Gateway

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR7: Economic Development, Enterprise and Employment

Policy STR8: Employment Land Provision

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure

Policy STR14: Climate Change and Environmental Protection

Policy STR15: Waste Management

Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel
Policy PE1: General Employment Land Allocations
Policy PE2: Principal Employment Areas
Policy EN6: Sites of Biodiversity Importance
Policy EN8: Built Historic Environment and Listed Buildings
Policy EN14: Flood Risk

Adopted Supplementary Planning Guidance

SPGN No. 8 – Nature Conservation and Development

SPGN No. 11 – Parking Standards

National

Planning Policy Wales Edition 11, February 2021

TAN 5: Nature Conservation & Planning

TAN 11: Noise

TAN 12: Design

TAN 15: Development and Flood Risk

TAN18: Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

This application seeks full planning permission for five industrial units to create B1 (b) (c), B2 and B8 employment space with ancillary B1a office space on land at the former Corus site, Welsh Road, Garden City. For clarity the proposed B1, B2 and B8 use classes are defined as:

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

Class B2. General industrial

Use for the carrying on of an industrial process

Class B8. Storage or distribution

Use for storage or as a distribution centre.

7.02 The site already has an extant outline planning permission for a mixed use development for:

'Mixed-use development, incorporating Logistics and Technology Park (B1, B2 and 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 associate infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/ drainage works at Northern Gateway, Land off Welsh Road, Deeside.'

- 7.03 Due to changing market demands following the grant of outline planning permission which extend beyond the remits of the extant consent the applicant is seeking a full planning permission rather than reserved matters.
- 7.04 The Northern Gateway site comprises of the former Corus Garden City site and the former RAF Sealand site. The Northern Gateway site spans a vast area and is owned by Praxis Real Estate Management Ltd (Praxis) and Pochin Goodman Northern Gateway Ltd (PGNGL). The northern part of the wider Northern Gateway (former RAF Sealand) site is owned by Praxis with the southern part (former Corus site) owned by PGNGL
- 7.05 Site Description
The application site is located on the western edge of the Garden City, a settlement within the Sealand area of Flintshire. The nearest town centre is Queensferry which is approximately 1 mile to the south of the Site.
- 7.06 The site occupies a strategic location, not only within Flintshire, but also in a sub-regional and national spatial context. Located next to Deeside Industrial Park, the site lies strategically within the wider Deeside area and is well served by the local trunk road network with access from Welsh Road (B5441). To the east of the B5441 Welsh Road lies the A494 trunk road.
- 7.07 The loosely 'L' shaped site is located to the south western plot of the Former Corus Garden City site and measures approximately 35.88 hectares (88.65 acres) in size. It is bound to the south by the River Dee and the Shotton Point complex of buildings to the south west. The west the application site is bordered by Route 5 of the Sustrans National Cycle Network, whilst the adjacent Airfields site sits to the North.
- 7.08 Proposed Development
The application proposes the erection of five industrial units with associated infrastructure works. As noted above there is an extant planning permission for similar development on this parcel of land but no Reserved Matters has been sought or granted.
- 7.09 In their supporting statement the applicant confirms that since the granting of outline planning permission in 2014 market demands have altered and in response to this larger units are being sought. In particular, the outline planning permission is subject to height parameters which are not operationally suitable given the potential end users of the units. For clarity the proposed units are outlined below:

Proposed Unit	Total GIA	Proposed Maximum Building Height (to ridge)	Previously Approved Maximum Building Heights
Unit 1	387,826 ft ² / 36,031 m ²	22m	18-20m
Unit 2a	56,575 ft ² / 5,256 m ²	16.5m	18-20m
Unit 2b	113,390 ft ² / 10,535 m ²	19m	18-20m
Unit 3	37,000 ft ² / 3,440 m ²	14m	18-20m
Unit 4	491,247 ft ² / 45,639 m ²	22m	Parts of Unit 4 cover a range between 12-15m and 18-20m

- 7.10 The Proposed Development will provide 100,901 m² (1,086,038 ft²) GIA of floorspace across the site. This will be accommodated across 5 no. of buildings, ranging in size to include B1 (b) (c), B2 and B8 employment uses providing a mix of industrial, storage and distribution accommodation with ancillary office use. Despite the increase in building heights the total floorspace being proposed for the site is 19,099 m² less than the previously consented B2/B8 floorspace set out in the outline planning permission.
- 7.11 Principle of Development
The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan.
- 7.12 Both this application site, the Former Corus, Garden City and the adjacent Airfields site 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.
- 7.13 Both component sites have the benefit of outline planning permission which as part of the approved mixed use including residential and employment. The Northern Gateway Strategic site continues to remain an allocated site commitment in the recently adopted Local Development Plan (LDP). In addition, the site sits within the Deeside Enterprise Zone and is important in delivery the growth context set out in Future Wales which identifies Wrexham and Deeside as a National Growth Area.
- 7.14 The site's allocation for mixed use, including the recently approved local district centre, reflects both the strategy of the Flintshire Local Development Plan and the principles of PPW11 at a national level. The submission of this application to bring forward crucial industrial units

and resulting employment opportunities is welcomed in delivering the ambitions of the masterplan for this site. In this context therefore, there is a clear policy framework supporting the principle of the proposed development on this site.

7.15 Impact on Heritage Assets

The Southern boundary of the proposed development site is adjacent to the former John Summers office complex which contains a number of Cadw and locally listed heritage assets. The Shotton Steelworks Garden is registered Grade II listed for the survival of the layout, formal structure and much of the major planting of a formal garden and forecourt designed to complement the adjacent office buildings and form an integrated design.

7.16 The main office building dates from 1907 and is listed for the definite architectural character of this early 20th century. In addition, there are separate office buildings which are also separately Listed.

7.17 The employment land allocated which encompasses the entirety of the application site is located closest to these heritage assets. Conservation Officers have been involved from pre-application stage and have influenced the overall design and layout of the proposed development.

7.18 The application is supplemented with a Built Heritage statement and Landscape and Visual Impact Assessment which conclude that careful design and use of external materials will mitigate any visual impact on the setting of those heritage assets. In addition, the wider site context with existing units on Deeside Industrial Estate and the recently approved industrial units on the adjacent Airfields site (including the ICT papermill) will form of cohesive backdrop of industry which is reflective of the buildings former use.

7.19 Overall, it is considered that the proposed development will cause no impact on heritage assets.

7.20 Flood Risk

The site lies entirely in Zone C1 as defined by the Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk (2004) and within the TAN15 Defended Zone according to the Flood Map for Planning (FMfP).

7.21 A Flood Consequences Assessment (FCA) has been supplied with the application which presents an assessment of risk based on the 2013 agreed flood risk parameters. The FCA has identified that the site is at risk from a number of sources in the baseline scenario, including tidal flood risk from the River Dee, and fluvial flood risk from Shotwick Brook/Garden City Drain.

- 7.22 In order to mitigate the identified flood risk, raising of the development platform and finished floor levels is proposed. The FCA states that the finished floor levels will be set between 5.075 m AOD and 5.35 m AOD, which complies with the previously agreed design finished floor level. However, some parts of the development platform would be set below the agreed design level, with some areas as low as 4.0 m AOD (the loading bays).
- 7.23 As there is a deviation from the agreed levels, the mitigation measures provided within the FCA do not strictly comply with the previously agreed flood risk mitigation strategy. However, it is noted that the FCA explains that the perimeter of the development platform will be set to a level of 5.075 m AOD, meaning that the outer perimeter of the platforms would be raised to the agreed design level. Whilst the proposed levels do not comply with the previously agreed flood risk mitigation strategy, NRW confirm that having lower levels within the development platform does not significantly compromise the principles of the agreed flood risk mitigation measures on the basis that the perimeter of the surrounding development platform is at or above the agreed minimum level.
- 7.24 The applicant has provided operational reasoning for the lower floor levels on the loading bays which has been accepted by NRW. Accordingly, the mitigation measures recommended within the FCA are considered acceptable and the risks associated from flooding can be adequately managed.
- 7.25 Drainage
Dwr Cymru/Welsh Water confirm that there is capacity within the public sewerage network in order to receive the domestic foul only flows from the proposed development site, however it appears that the applicant proposes to discharge foul flows directly into the rising main. The applicant has been advised that is not permissible, but an alternative point of connection is possible. Accordingly it is recommended that a drainage strategy for the site, shall be appropriately conditioned, implemented in full and retained for the lifetime of the development. Surface Water drainage will be dealt with through the separate SAB application process.
- 7.26 Ecological Implications
The application adjoins the following protected sites –
- Dee Estuary Special Area of Conservation (SAC),
 - River Dee and Bala Lake SAC,
 - The Dee Estuary Special Protection Area (SPA), and
 - The Dee Estuary Ramsar
- 7.27 The application is supplemented by a comprehensive Ecological Assessment which considers the impact of the development on the nearby protected sites and species. The Assessment confirms that

mitigation for habitat loss is already being delivered through implementation of the site wide Framework Ecological Mitigation Strategy (FEMS) covering the whole of the Northern Gateway development on the former Corus Garden City site submitted and approved with the original outline planning permission on the site.

7.28 Potential construction phase impacts on retained habitats (i.e. root compaction on hedgerows/trees) and habitat degradation through dust pollution/surface water run off are to be mitigated through the implementation of a Construction Environmental Management Plan (CEMP) and installation of root protection fencing around retained trees which can be secured by way of a suitably worded condition.

7.29 Highway Safety

The application is supported by highway design details including the internal estate road layout and parking and turning facilities. Access to the site is via the spine road already approved under the earlier enabling works Reserved Matters consent.

7.30 The internal estate roads will not be adopted by the Highway Authority and will instead be maintained by the landowners PGNGL. Providing that the applicant enters into a Legal Agreement that secures the maintenance of the estate roads, Public Rights of Way and sustainable travel links then no objection is received from the Highways Authority.

7.31 The proposed parking facilities accord with the Councils SPGN No.11.

7.32 Public Rights of Way

Public Right of Way (PROW) currently runs on the western side of the existing landscape bund that runs parallel to the Shotwick Brook along the eastern boundary to proposed Unit 1. The removal of part of the existing bund and the proposed drainage attenuation provision as proposed alongside Unit 1 and Unit 2B, will require diversion of the PROW, albeit on a similar route parallel with the existing PROW, alongside the proposed drainage swale. The PROW diversion will be applied for separately and the Ramblers Association will be consulted at that stage.

7.33 S.106 and CIL Compliance

The infrastructure requirements arising from the 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.

7.34 It is considered that the requirement to form a management company for the maintenance of infrastructure on the site meets the Regulation 122 tests.

8.00 CONCLUSION

This application seeks planning permission for the erection of five industrial units for Uses B1 (b) and (c), B2 and B8 with ancillary B1 (a) on land at the former Corus, Northern Gateway.

The proposed development will provide important employment opportunities and is key in delivering and supporting the ambitions of not only the Local Development Plan but also the growth as identified in the Future Wales Plan.

The scale of the development is substantial with building heights at a maximum of 22 metres. However, significant consideration needs to be given to the wider context of the site with Deeside Industrial Park and the existing (and committed) units on the adjacent Airfields providing the backdrop.

Careful design consideration has been given to mitigate any impact on the adjacent heritage assets and the Conservation Officer raises no concerns.

With no objections from statutory or third party consultees it is considered that the application is fully compliant with both local and national planning policy and I therefore recommend that planning permission is granted subject to the applicant entering into a S106 Agreement and the imposition of conditions 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

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