

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **26<sup>th</sup> JUNE 2019**

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

**SUBJECT:** **APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL FOR THE ERECTION OF 283 NO. DWELLINGS AT RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND.**

**APPLICATION NUMBER:** **059514**

**APPLICANT:** **COUNTRYSIDE PROPERTIES PLC.**

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

**APPLICATION VALID DATE:** **8<sup>TH</sup> FEBRUARY 2019**

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

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

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

**SITE VISIT:** **YES**

**1.00 SUMMARY**

- 1.01 This is a reserved matters application pursuant to outline planning permission ref: 058990 which was 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 on land at RAF Sealand south camp, Welsh Road, Sealand.
- 1.02 The outline consent was granted planning permission in 2013 and in recent years has been subject to a variation, reserved matters

permission for infrastructure and enabling works along with the associated discharge of conditions attached to the outline consent. The Airfields and the Former Corus, Garden City site forms part of a long-standing aspiration of Flintshire County Council and Welsh Government to bring forward comprehensive, mixed use redevelopment in this area (referred to as 'the Northern Gateway'), taking advantage of the strategic location and the availability of previously developed land.

- 1.03 This reserved matters application relates to the 1<sup>st</sup> phase of residential development at The Airfields, which proposes the erection of 283 no. dwellings together with associated infrastructure, recreational space and landscaping. The proposed scheme would deliver a mix of two, three and four bedroomed properties in a variety house types.
- 1.04 This site forms part of the wider mixed use strategic allocation to include housing, Policy HSG 2A 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, 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:
- Control the provision and transfer of 28 no. (10%) affordable homes to the identified RSL (Wales & West). The affordable housing shall comprise of 12 no. 2 beds and 16 no. 3 bed units.
  - Provide that a Management Company is incorporated for the management and future maintenance of the onsite public open space and communal landscaping areas.

**Conditions:**

1. Time Commencement
2. In accordance with Approved Plans
3. Samples of materials for external finishes
4. Specification for the type, location and amount of play equipment to be provided
5. Site levels shall be set at a minimum of 5.70m AOD
6. Finished Floor Levels to be submitted and approved prior to commencement
7. Facilities shall be retained within each plot for the parking of vehicles in accordance with the submitted scheme

8. The detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads and external footway/cycleway linkages to be submitted and approved
9. Positive means to prevent the run-off of surface water from any part of the site onto the highway

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**

#### **3.01 Local Member**

##### **Councillor Ms C M Jones –**

Fully supports the application, however requests the application be heard at Planning Committee due to the proposed scale. In addition the Local Member provides the following comments:

The above application is developing nicely with much of the infrastructure now in place. The Sealand residents are looking forward to the house building commencing and the proposed facilities, which will really enhance the area. The local school, Sealand CP will welcome the development, as this will improve school numbers, our nursery this year has fewer numbers on roll than in previous years. The school would certainly benefit from improvements to the building and green space on site. The conception of the Northern Gateway has been around for nearly thirty years, just before I became a Community Councillor. Plans have been put forward, consultations taken place with residents, but no one really believed it was going to happen.

The fact that work is happening, roads built and utilities being constructed has brought such excitement to the area. When the RAF site closed, it left a sadness in the Ward, it was such a massive part of our community. The area has been derelict and lifeless since we lost the camp, so to see this massive area being developed at last is such an achievement and a huge improvement to the area. The economic benefit to my Ward and Flintshire is huge, especially with it's position being adjacent to Deeside Industrial Park. It will bring a new life to the community, which is much needed. Sealand needs this development, for the new houses, the facilities and green space and work opportunities. It will bring life back into Sealand and Garden City, since the loss of the RAF base. We have waited so long and i feel that we are now moving forward at a pace. Let's hope we can get the first brick laid on the first house, to give the residents hope for the future. So many of our young adults have had to move away from their families to other areas, as there has been nowhere for them to live or work. It will be great to have employment on the doorstep, with

housing nearby for local people and people moving into the area. I hope when this application comes to committee it is considered favourably.

#### Sealand Community Council

The Community Council raises no objections to the proposed development.

#### Highways Development Control

The outline consent imposes a number standard conditions which requires details to be submitted and approved by the Local Planning Authority prior to commencement. The details provided thus far are considered acceptable and do not prevent the approval of the reserved matters application. The Highways Authority therefore raises no objection to the proposal subject to the imposition of specific conditions relating to parking, positive means to deal with surface water run-off and details of the layout and design of the internal estate roads and cycle way/footway linkages.

#### Community and Business Protection

No adverse comments to make. Details in relation to noise are controlled by condition attached to the outline consent for the site, which remain to be submitted and approved by the Local Planning Authority.

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 1 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

No objection to the proposal. There remains appropriate conditions relating to a scheme for foul, surface water and land drainage to include water supply in place which must be submitted and approved prior to the commencement of the development.

#### 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 5.70m AOD which will ensure

that the development platform is flood free during all considered fluvial and tidal events.

NRW are satisfied that the former Garden City Drain West culvert structure has now been diverted as part of the Phase 1 Enabling Works approved ref: 057404, and that the former culvert structure has been removed and ground re-instated. NRW have received information directly from the contractors undertaking the Phase 1 works regarding the culvert removal and its reinstatement. NRW are therefore satisfied that the proposed development layout would not adversely affect these construction works.

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.

#### Airbus

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

#### Public Rights of Way

Public Footpath No.3 abuts the site but does not appear to be affected by the proposed development. The footpath must be protected and free from interference during the construction phase.

#### Education

In accordance with SPGN no.23 Developer Contributions for Education, the nearest schools that would be impacted by the development are Sealand CP School (Primary) and Connah's Quay High School (Primary). The impact on pupil numbers that this proposed development will have, indicate that Sealand CP School (Primary) would have the greatest need for additional capacity. Therefore the financial contributions requested are as follows:

#### **Schools Affected: Primary School: Sealand CP School**

School capacity  $215 \times 5\% = 10.75$  (rounded to 11)  
 $215 - 11 = 204$  Trigger point for contribution is 204 pupils

(no. of units)  $283 \times 0.24$  (primary formula multiplier) = 67.92 (68 no. of pupils generated)  $\times$  £12,257 per pupil (building cost multiplier) = £833,476

Actual pupils  $191 + 68$  (from the multiplier) = 259 does exceed the trigger of 204.

$259 - 204 = 55 \times$  £12,257.00 = £674,135.00 (cannot ask for more contributions than the development generates)

Contribution requirement would be £674,135.00

**Schools Affected: Secondary**  
**School: Connah's Quay High School**

School capacity of **1200** x 5% = 60 (rounded up or down) 60  
Capacity 1200 - 60 = 1140 Trigger point for contributions is 1140 pupils

(No. of Units 283 x 0.174 (secondary formula multiplier) = 449.24 (49  
No. of pupils) generated x £18,469 per pupil (Building Cost multiplier)  
= £904,981

Actual pupils 1038+49=1087 does not meet trigger of 1140

**Contribution requirement would be £0**

Conclusion

Primary – Sealand CP School

- It is our intention to seek a Section 106 contribution.

Secondary – Connah's Quay High School

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

Aura

In accordance with Planning Policy Guidance Note no. 13 Public Open Space Provision, the Council should be seeking sporting and play facilities to meet the needs of a community of this size. These facilities would take the form of a formal ball court, wheeled play area, an open recreation area for community use, together with an enclosed play area. This provision should not be less than 13,000m<sup>2</sup> and specifications for the construction, provision and location is to be approved by the Council.

Housing Strategy Manager

The application is to develop 283 no. dwellings on a strategic site in Deeside. The policy requires a 30% provision of affordable housing on site for development of over 1.0ha or 25 dwellings. The applicant is proposing 28 (10%) affordable units on site.

Evidence of need

The Local Housing Market Assessment (LHMA) for Flintshire identifies an annual shortfall of 228 affordable units.

As at May 2019 the following is the level of need for affordable housing (i.e. affordable rent) based on the nearby areas of Garden City, Queensferry and Sealand as the site will in effect be establishing its own housing market.

	<b>Affordable rent</b>
1bed flat	1
2 bed flat	1
2bed house	4
3bed house	7

The applicant is proposing to provide 10% affordable housing provision on site, which has been considered as part of a viability scheme appraisal. The mix of 2 and 3 beds for affordable rent through Wales and West Housing Association, which meets the immediate demand in the area. I would recommend that the demand for these affordable units are monitored as part of Tai Teg register so we can start to establish the wider demand for the area to inform future phases. In addition, I support the provision of market rent properties on site as there is a demand in Flintshire for good quality market rent properties.

I support this application.

Emergency Services:

NHS

From a Public Health perspective, it is considered that the design and layout of the proposed scheme replicates similar patterns of new build developments seen in other locations within the county, though it would seem the proposed density is high. The proposal includes two new areas of Public Open Space together with significant tree planting, high quality landscaping and footpaths/cycleways which link into the wider open space network around the site and surrounding area, as such these areas encourage an active lifestyle and benefit wellbeing. It is considered that the provision being proposed is appropriate and accessible by all. We therefore raise no objections.

North Wales Fire Service

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

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

7 no. objection letters received upon the following grounds:

- Insufficient Public Transport within the locality
- Local shops, schools and services are too far to walk to
- Over dominance
- Loss of trees
- Loss of wildlife
- Increase traffic

- Increase noise
- No bungalows proposed
- Increase overlooking and loss of privacy to properties along Hawthorn Avenue
- Loss of a view that has been enjoyed for 35 years
- Devaluation of property
- Water run-off from the rear of the site into existing neighbouring gardens
- Fencing will inhibit evening light
- Increase in flooding concern due to the proposed development works

## **5.00 SITE HISTORY**

5.01 **058990** Application for removal or variation of a condition following grant of planning permission. (049320) – Approved 25.10.18

**058950** Application for approval of reserved matters phase 1 informal landscaping and POS following outline approval. (049320) – Approved 13.03.19

**058531** Application for the approval of details reserved by condition no. 27 (construction management plan) attached to planning permission ref. 049320 – Approved 02.08.18

**058514** Application for the approval of details reserved by condition nos. 5 (phasing scheme) 6 (development brief), 30 (highway works/transport implementation strategy), 34 (framework travel plan) and 38 (scheme for the layout, design and timetable for implementation of works) attached to planning permission ref. 049320 – Approved 24.08.18

**058508** Application for the approval of details reserved by condition nos. 5 (construction environmental management plan) and 6 (ecological compliance audit report) attached to planning permission ref. 057404 – Approved 07.08.18

**058506** Non-material amendment following grant of planning permission 057404 – Approved 06.07.18

**058452** Non-material amendment following grant of planning permission 057404 Amendment to shape of area for proposed temporary stockpiles of imported fill materials – Approved 14.06.18

**058244** Application for approval of details reserved by condition No5 & No6 attached to planning permission ref 057404 – Partially Discharges 17.05.18

**057404** Application for approval of reserved matters following outline approval 049320 for phase one enabling works comprising an access

road, surface water drainage, landscaping and engineering works to create developments platforms – Approved 09.03.18

**054488** Reserved matters application for phase 1 of the highway works and associated infrastructure works following outline approval 049320 for a mixed use development and associated infrastructure – Approved 01.03.16

**051764** Temporary contractors compound to facilitate flood defence strengthening works – Approved 15.04.14

**051139** Discharge of condition no.24 (Framework Ecological Mitigation and Enhancement Strategy) attached to planning permission ref: 049320 – Approved 25.09.13

**050730** Engineering works to provide flood defence strengthening along 1.5km of the River Dee embankment, to include sheet piling to a maximum depth below ground of 12m and a minimum height of 7.2m AOD and a proposed temporary access route and site compound – Approved 25.06.13

**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

## **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 283 no. dwellings pursuant to outline planning permission on land at The Airfields, RAF Sealand South Camp, Sealand.

### **7.02 Site Description**

The Airfield site is located within the urban fringe about 1.5km north of Queensferry and adjacent to Garden City. Immediately to the north is the Bangor to Chester Sustrans cycleway and footpath and Deeside Industrial Park. To the west and south west is agricultural land and the River Dee. To the east lie existing residential development and Welsh Road, with the A494 trunk road and network beyond.

**7.03** The site comprises brownfield land formerly occupied by RAF buildings and green fields. Access to the site can be achieved by the approved spine road ref. 054488 and the residential spine road currently under construction as part of the approved 1<sup>st</sup> phase enabling works ref.057404, both access points feed off Welsh Road.

The site borders existing council owned industrial units to the north of, and accessed through, Garden City.

- 7.04 The application site forms part of the first phase of development at the Airfields, and is divided into two parcels on either side of the residential spine road. The larger part of the site comprises land (approximately 6.53 hectares) to the south-east while the smaller part of the application site (approximately 0.82 hectares) lies to the north of the spine road. The application site is bordered to the east by residential dwellings at Hawthorn View and Cedar Avenue.
- 7.05 Proposed Development  
The application seeks approval of reserved matters (access, appearance, landscaping, layout and scale) for the development of 283 no. dwellings pursuant to outline planning permission ref. 058990 granted in 2018. Permission ref. 058990 is in itself a variation of condition application of outline consent ref. 049320 which was granted on 7th January 2013. This reserved matters application relates to the first phase of residential development of the wider strategic site.
- 7.06 The proposed development would involve the erection of 283 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 mews, semi-detached and detached properties. The mix of dwellings comprises 44 no. 2 bedroom, 195 no. 3 bedroom and 44 no. 4 bedroom dwellings. The development scheme aims to deliver a wide range of open market, market rent and affordable properties on site, with 28 no. units (10%) allocated as the affordable housing provision, all of which are to be transferred and managed by an identified Register Social Landlord (RSL) with a split that comprises, affordable rent and ownership.
- 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 and render external finishes under tiled roofs to reflect the existing vernacular. Each dwelling will have the benefit of parking and rear private gardens.
- 7.08 The proposed development includes the construction of three new access points from the new residential spine road currently under construction as part of the 1<sup>st</sup> phase enabling works. This spine road is accessed off Welsh Road. The scheme also includes the provision of high quality communal landscaped areas, comprising two formal areas of public open space (POS).
- 7.09 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 Airfields and the Former Corus, Garden City 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. 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 Airfields site alone has an agreed principle of 725 residential units.

- 7.10 It is also located within 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.

7.11 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.

- 7.12 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.

- 7.13 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 1<sup>st</sup> 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.
- 7.14 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.
- 7.15 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 April 2019. 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.
- 7.16 The independent review acknowledges that to date The Airfields Site has received public advancements through the construction of the main spine road from Welsh Road. However, the majority of the investment 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 1<sup>st</sup> phase enabling works of The Airfields approved under ref.057404 which is nearing completion, involved land clearance, remediation associated with contamination, the installation of significant infrastructure to include a new residential spine road, land raising and re-profiling to create development platforms, drainage, water supply and power have all incurred significant costs. This has a clear impact on the viability of the 1st phase of residential development coming forward.

- 7.17 The independent review concludes that early stage development of this site is increasingly challenging, of which is evident given that the site has lay dormant since outline planning permission was granted in 2013. It is considered that the assessment submitted is robust with an accurate portrayal of the sales and land values in this location. It recognises the intensive early stage costs of development, the slow return and that rigid adherence to planning policy in these early stages of development can overburden the costs that a developer needs to carry and that this will lead to market failure. The assessment has set out various scenarios, to include the impact that these variables will have on the Residual Land Value. The independent review has appraised three scenarios as follows;
- 10% on site affordable housing and no Section 106 contributions;
  - 30% on site affordable housing with no other Section 106 contributions and;
  - 30% on site affordable housing with full Section 106 contributions as required by planning policy and guidance.
- 7.18 The appraisals demonstrate that a scenario of 30% provision of affordable housing alone and/or together with full Section 106 contributions will have a severely negative impact on the land value and would therefore render the proposed scheme nonviable at this stage. In fact, the 10% scenario also identifies an element of risk to development viability. Despite the lower offer of affordable housing commitment, the assessment has clearly demonstrated that given the current economic conditions, developing the site remains challenging.
- It is therefore considered that the Applicant's offer in respect of affordable housing is a fair one and their commitment, despite the risks, to deliver a large residential scheme on an allocated site has clearly been demonstrated.
- 7.19 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."*

- 7.20 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 1<sup>st</sup> phase of residential development at The Airfields, the Council needs to be mindful of the significant investments made to date, the economic conditions and the developer risks faced in establishing this site. 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 1<sup>st</sup> phase at The Airfields for the reasons discussed.
- 7.21 Education  
It is clear from the examination of viability matters above that significant weight must be afforded to the viability assessment of this 1<sup>st</sup> phase of development in the overall planning balance.
- 7.22 However, regardless of the viability case put forward, it is considered that due to the limited scope for physical expansion at Sealand Primary School and the existing capacity at Connah's Quay High School, it is unlikely that any financial contributions would be justified.
- 7.23 Sealand Primary School, although having some capacity does not have sufficient capacity to accommodate all the 68 primary school aged children likely to be generated from the completion of the proposed development. If the school had an identified project to accommodate the physical expansion, this would enable the developer to make a contribution to increasing capacity at Sealand Primary School. As such there is no project in place that would justify and enforce the requisite developer contribution, that would mitigate any adverse effect on the socio-economic well-being of communities as a result of the proposed development, or that it is necessary or properly related to the development. Despite this, the school site is tightly constrained with limited scope for extension within the current footprint. In the absence of a confirmed project to which the contribution would be put, it is considered that enforcing this contribution would be entirely unreasonable as the school cannot utilise it to provide an increase in capacity. It would therefore fail the tests of the current CIL regulations.
- 7.24 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 adjoining site (former Corus, Garden City site) where Sealand Primary School is located. The 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. The details of which are yet to be agreed. However, the provision of such will enable the Sealand Primary school to expand to meet the increased capacity generated from residential development across both sites. Such a project to expand will be a reasonably identified project to increase capacity within which future phases of development, albeit subject to viability assessments may contribute.

7.25 On account of this 1<sup>st</sup> phase of residential development at The Airfields, whilst it is premature to the above mentioned land transfer, there is no project in place to date that would allow contributions to be made in accordance with the relevant SPGN. As such this would fail the tests of the current CIL regulations. Furthermore, the Viability Assessment has clearly demonstrated that the developer's contribution has reached a threshold beyond which it is not possible to pursue any additional financial contributions. Therefore it is not considered reasonable or possible to request such a payment as identified.

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

7.27 Affordable Housing

Policy HSG10 states that where there is a demonstrable need for affordable housing to meet local needs the Council will take account of this as a material consideration when assessing housing proposals. The policy states where this need exists the Council will negotiate with developers to provide 30% affordable housing. Paragraph 11.77 of the FUDP clearly states that "where schemes do not make provision for 30% affordable housing it will be required that developers ensure the proposal is sufficiently justified to the satisfaction of the Council as to why an exception to the policy should be made".

7.28 It is clear that Policy HSG10 affords the Council the ability to consider a full justification by a developer for providing less than 30% affordable housing. It is clear that 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 made has increased the land value and this has therefore been demonstrated within the submitted financial assessment. As explained above, the independent review notes that various scenarios and variables have been tested, demonstrating that enforcing 30% provision of affordable housing alone and/or together

with full Section 106 contributions will result in the development being unviable. However, the assessment has identified that 10% provision in respect of affordable housing is feasible despite the challenges faced.

7.29 The proposed development would make provision for 10% affordable housing, which would equate to 28 no. units being provided. The provision would comprise a mix of 12 no. 2 bedroom and 16 no. 3 bedroom properties agreed to be transferred and managed by a local Registered Social Landlord (RSL), the proposed Section 106 legal agreement reflects this. In addition to the affordability element, the development would provide a mix of house types with a significant number of two and three bedroom properties available on the open market and as market rent, and by virtue of the housing market in this area these would be affordable by nature.

7.30 The Housing Strategy Manager has been consulted as part of the application and has identified the current level of need for affordable housing (i.e. affordable rent) within the Garden City, Queensferry and Sealand areas. The need is as follows:

	<b>Affordable rent</b>
1bed flat	1
2 bed flat	1
2bed house	4
3bed house	7

7.31 In accordance with the evidence of need, the proposed 10% (28 units) for this 1<sup>st</sup> phase of residential development would meet the immediate demand of 13 units within the area. It would in fact provide an over provision of 15 units. The Housing Strategy Manager therefore considers that in order to secure the 1<sup>st</sup> phase of residential development at The Airfields in the current economic climate and following the independent conclusions, it would not be viable to request additional affordable housing or commuted sums, especially as the current need is fully met. However, confidence 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. The Housing Strategy Manager therefore supports the provision and mix of affordable housing as well as supporting the provision of market rent properties on site.

7.32 Drawing similarities with this application, an Inspector in her appeal consideration to allow the development of 119 dwellings ref APP/P9502/A/17/3182422 Land adjacent to Cerrigcochion Road, Brecon, Powys acknowledged that *“the contribution level that is being proposed recognises the Authority’s evidence of need and has been determined by the financial viability of the scheme. The reduced contribution, in this case, reflects the economic realities of the site.*

*Consequently, a contribution secured by way of a S106A would be consistent with the LDP policies to secure affordable housing and the Viability Assessment has confirmed the level of the provision that the development can afford. In this context, the proposal and provision of affordable housing is fully justified in line with the advice in Planning Policy Wales, Technical Advice Note 2 'Planning and Affordable Housing' 2006 and Welsh Government's 'Delivering Affordable Housing using Section 106 Agreements: A Guidance Update' 2009."*

7.33 Public Open Space

Planning Guidance Note no. 13 requires developments for 200+ dwellings to provide sporting and play facilities to meet the needs of a community of this size. Such facilities would take the form of a formal ball court, wheeled play area, an open recreation area for community use, together with an enclosed equipped play area. This provision would not be less than 13,000m<sup>2</sup>. Notwithstanding the need to ensure the development remains viable, the proposed site layout identifies two areas dedicated as formal public open space, the total area of the formal public open space being provided equates to 6,596m<sup>2</sup>. This would result in a shortfall of 6,404m<sup>2</sup>.

7.34 Despite the shortfall, the proposed on-site provision is considered to be proportionately distributed with the two areas located to the north east and south of the application site. Unlike most developments of this scale, The Airfields 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 Airfields as a whole, the principle of which was approved under ref.058514. 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.

7.35 To date, a reserved matters application ref.058950 for the 1<sup>st</sup> phase of informal POS in accordance with the POS strategy and Green Infrastructure Plan has been submitted and approved. The 1<sup>st</sup> phase of informal POS coincides with the 1<sup>st</sup> phase of residential development subject to this application, concerning land to the south and south west of the application site, running along the boundary. The total area of informal POS and landscaping provided at this location amounts to 15,000m<sup>2</sup>. 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, totalling 21,000m<sup>2</sup>, to service the 1<sup>st</sup> phase of residential development in accordance with the principles agreed on the outline consent. No further requirements for POS are therefore being sought.

- 7.36 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.
- 7.37 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.
- 7.38 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 and fluvial as secondary via Garden City Drain.
- 7.39 As part of securing outline planning permission (2013), 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.
- 7.40 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 1st phase reserved matters application ref. 057404 for the development enabling works involved implementing the agreed mitigation scheme, which included reprofiling the site and raising site levels to create development platforms. The site works completed to date have raised the site levels from 4.73m AOD to a minimum post development level of 4.96m AOD.

- 7.41 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.
- 7.42 This reserved matters application is therefore supported by a detailed FCA prepared by Waterco, dated March 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.
- 7.43 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.
- 7.44 The FCA submitted with this reserved matters has reviewed the outline parameters for mitigating flood risk, and notes that whilst site levels have been raised to a minimum of 4.95m AOD, this would still result in potential flooding on site in respect of the thresholds set for highly vulnerable development in accordance with TAN15. The FCA confirms that a maximum flood level during the 0.5% AEP (year 2013) tidal breach event with 95% confidence bounds would result in levels of 5.35m AOD. Therefore in order to facilitate gravity drainage, proposed site levels will be set at a minimum of 5.7m AOD. As such it can be concluded that, when the development levels are considered, the development site will remain flood free during all events up to and including the 0.5% AEP plus 100 years climate change and breach event, including 95% confidence bounds. The risk of fluvial and tidal flooding is therefore considered to be very low.
- 7.45 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.
- 7.46 NRW therefore raise no objection subject to the imposition of a condition which requires the site levels to be set at a minimum of 5.70m AOD, ensuring that the development platform is flood free during all considered fluvial and tidal events.

7.47 Highways

Vehicular access to the development will be provided from the Phase 1 residential spine road which is currently under construction, and provides access to Welsh Road. A Transport Implementation Strategy (TIS) has been prepared by Vectos Transport Consultants to support the reserved matters application.

7.48 The vehicular access points will form priority junctions within the main spine road. The location of these access points has already been approved through the reserved matters application for the highway works (ref. 054488). The TIS demonstrates 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.

7.49 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 west of the application site. A new footpath will also be created along the southern boundary of the site, linking the new Public Open Space to the south west to the Public/informal Open Space to be provided to the south of the reserved matters scheme. The proposed footpaths and cycle links are considered to accord with Active Travel Legislation.

7.50 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.

7.51 The application is also supported by a Residential Travel Plan prepared by Vectos (ref. VN81175), the submission of this detail is controlled by condition attached to the outline consent. The report details a strategy which aims to encourage future occupants of the site to use sustainable modes of transport, demonstrating that a reduction in the number of car journeys to and from the site can be achieved. 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.

7.52 Character and Appearance

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

overgrowth. 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, with the rear gardens of these properties backing onto the south east boundary of the application site.

- 7.53 The existing dwellings in Garden City consist of a mix of architectural styles with no overarching character. They include a range of materials including pebble dash, red brick and rendering. The bungalows along Hawthorn View are red brick, while the properties on Cedar Avenue comprise of cream render detached homes set back from the road.
- 7.54 The development comprises a majority two storey and two and a half storey scheme. The development would deliver a mix of mews, semi-detached and detached properties with pitched roofs and velux roof lights. The external materials of which will be tiled roofs with a mixture of brick and render walls, with solid course detailing to the surrounds of window and door openings. This combined with roof lights, brick opening details and porch and bay window features all adds variation and interest to the development.
- 7.55 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 County and surrounding areas, 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.
- 7.56 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.
- 7.57 The density of development equates to approximately 38.5 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.*”

7.58 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. Existing planting and trees would be retained where possible, however I note that the majority of vegetation was cleared as part of the site clearance works for Phase 1. Acknowledging the loss, new planting, shrubbery and a mixture of trees to the front gardens, landscaped area and the public open space areas will compensate the initial loss, encourage ecological enhancements and add to the rural feel of the development.

7.59 Impact on Existing and Proposed Residents

It is considered that the distances between proposed and existing properties meets the minimum distance separation guidelines outlined in SPGN no. 2 Space Around Dwellings. The proposed and existing properties would in most cases be offset and face diagonal to a gable end or face back to back, with properties along the north-east boundary, Hawthorn View being most at risk. The cluster of properties along Hawthorn View are bungalows. The distances from the first floor habitable rooms including garden depths and land level changes range between 22 and 31m, with the majority of cases being within the mid-range.

7.60 In consideration of the siting, orientation and distance of the proposed dwellings relative to existing residential properties, none of the proposed dwellings would cause any unacceptable reduction or harm to the amenities of the existing 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 also meet the guidelines within the SPGN no. 2 ‘Space Around Dwellings’.

7.61 Other Matters

Concern has been raised that bungalows are required. However, there is no planning policy requirement which controls the type and volume of residential accommodation. The matter of increased noise has been raised but there is no evidence to substantiate that the volume of noise from this development would be significantly greater than any other use in this urban location. Furthermore, the matter

raised regarding the devaluation of property and the loss of a private view are not matters that are considered to be material planning considerations and therefore cannot be given sufficient weight in the determination of this application.

## **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.

8.01 It is also located within 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 occupiers both existing and new. 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.

## **8.02 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.

8.03 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.

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

8.05 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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