

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **30th MARCH 2022**

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

SUBJECT: **APPLICATION FOR APPROVAL OF RESERVED
MATTERS FOLLOWING OUTLINE APPROVAL
(059635)**

**APPLICATION
NUMBER:** **063591**

APPLICANT: **BELLWAY HOMES**

SITE: **FORMER 'CORUS GARDEN CITY SITE', WELSH
ROAD, GARDE CITY, DEESIDE**

**APPLICATION
VALID DATE:** **11TH OCTOBER 2021**

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

**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 an application for the approval of reserved matters following the grant of outline planning permission on land at the former Corus Garden City site. The original outline consent reference 050125 granted 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.
- 1.02 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 most recent variation to the outline consent is ref. 059635 to which this reserved matters application relates.

- 1.03 The Former Corus Site together with the neighbouring Airfields Site forms part of a long standing commitment of Flintshire County Council and Welsh Government to bring forward a comprehensive, mixed use redevelopment in this area (known as a whole as the Northern Gateway) taking advantage of the strategic location and the availability of previously developed land.
- 1.04 This reserved matters application relates to plot 4 of the residential development at the Former Corus Site, and proposes the erection of 400 no. dwellings together with associated infrastructure, recreational space and landscaping. The proposed scheme would deliver a mix of 1, 2, 3 and 4 bedroomed properties in a variety of house types including apartments and houses.
- 1.05 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.
- 1.06 Issues in respect of design, layout, access, residential amenity, interface distances and flood risk have been negotiated and resolved.
- 1.07 The application is supported with a financial assessment, which argues viability implications in respect of the obligatory developer contributions sought towards the provision of affordable housing and education contributions. This assessment has been independently examined and it is considered satisfactory that a financial contribution of £970,600 is sought towards Hawarden High School and Sealand Primary School. Due to the committed provision of affordable housing already on the site, there is little demand to provide additional units and accordingly, in this instance it is considered reasonable to allocate the entire developer contribution towards enhancing education provision.

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:
 - Payment of a financial contribution towards Education of £970,600.00 to Sealand CP School and Hawarden High School;

- The establishment of a Management Company for the management and future maintenance of the onsite public open space and communal landscaping areas.

Conditions

- Compliance with the approved plans
- Site levels shall be set at a minimum of 6.0m AOD
- Submission of active travel plan including off-site pedestrian linkages
- Siting, layout and design of the means of the temporary construction site access
- Parking and turning of vehicles.
- The front of the garages shall be set back a minimum distance of 5.5m behind the back of footway line or 7.3m from the edge of the carriageway in the case where the crossing of a grass service margin verge is involved.
- Detailed layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of the internal estate roads
- Prevention of surface water run-off onto the highway
- Submission of a Full Travel Plan and Transport Implementation Strategy (TIS)
- Completion of off-site highway works prior to occupation
- Installation of acoustic glazing/ventilation

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 – Requests committee determination due to the scale of the development.

Sealand Community Council

No response received at time of writing report

Highways Development Control

No objections received but suggests the imposition of conditions on any planning permission if granted.

Public Rights of Way

No public rights of way are affected by the proposed development

Community and Business Protection

Suitable noise levels can be achieved for the proposed dwellings as long as certain glazing/ventilation is used for certain dwellings.

Therefore, it is advised that acoustic glazing/ventilation is installed on the properties for which it is required as specified in the applicants report.

Welsh Water/Dwr Cymru

No objections raised.

Natural Resources Wales

Raises no objection with regards to matters of flood risk and special areas of designation (SAC and SSSI). Concerns have been raised with the long term habitat management plan submitted with the applicant but these have been clarified by the applicant.

Ecologist

Key ecology features are located outside of the red line boundary with mitigation agreed as part of the previously approved Ecological Framework Mitigation Strategy (EFMS) for the whole site. The landscape details provided are in line with these earlier approved details.

Airbus

No aerodrome safeguarding objections

Education

Request an education contribution of £870,247 towards Sealand CP School and a contribution of £1,274,361 towards Hawarden High School.

The contribution would be spent towards a new science block extension and remodelling at Hawarden High School whilst the contribution towards Sealand Primary would also be used towards extension and remodelling of the school building in order to create greater capacity.

Housing Strategy

Seeks the provision of 30% affordable dwellings on the site despite immediate demand for the immediate and Queensferry/Shotton area being met. Officers have sought further clarification with regards to the evidenced demand for additional affordable units on this site. Unfortunately no response has been received at the time of writing this report.

Clwyd Powys Archaeological Trust (CPAT)

The archaeological report by Oxford Archaeology for the excavation of the houses in the adjacent plot to the south has been received,

approved and forwarded to the Historic Environment Record. No outstanding archaeology needs to be completed within the red boundary area marked on the location plan for Parcel 4. The WSI for archaeological work in plots elsewhere beyond Parcel 4 has also been approved.

Welsh Government Highways

The outline planning permission for this site required the completion of a number of off-site highway works once the development reached a trigger. That trigger has been met but the works not completed. Recommends the inclusion of a condition requiring that those works be completed prior to occupation of the first dwelling.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification letters posted. One letter of objection received raising the following:

- Concerns over the scale of the development, mainly focussed on the total number of new homes arising from the site.
- Lack of infrastructure
- Lack of access to health care services
- Potential electricity disruptions

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.

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 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

EWP17 – Flood Risk

Adopted Supplementary Planning Guidance

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 11, February 2021
TAN 2: Planning & Affordable Housing.
TAN 5: Nature Conservation & Planning
TAN 11: Noise
TAN 12: Design
TAN 15: Development and Flood Risk
TAN 16: Sport, Recreation & Open Space
TAN 18: Transport

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

7.00 PLANNING APPRAISAL

7.01 Introduction

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.

7.02 The outline permission for the PGNGL area of land grants the delivery of up to 770 residential dwellings on their site.

7.03 This application is for the erection of 400 residential dwellings and associated internal infrastructure on plot 4 of the PGNGL site.

7.04 Site Description

The application site spans 13.9 hectares and is currently open land which is bounded by Farm Road to the north. Farm Road is a residential road serving a large number of dwellings. Generally, the other areas surrounding the site are farmland / fields.

7.05 Phase 4 specifically, is made up of fields of pasture land dived by post and rail fencing which can currently be accessed via Farm Road. Existing trees and hedgerows form the north, east and western boundaries.

7.06 The site sits immediately adjacent to the defined settlement boundary of Garden City with the majority of the settlement located to the south. Sealand Primary School is located adjacent to the site off Farm Road. Taking in the wider context of the site, further north is Deeside

Industrial park which comprises of commercial and industrial units whilst to the west is the industrial complex of Tata Steel. Queensferry is the nearest larger settlement located to the south where there is access to a range of amenities.

7.07 Proposed Development

The application proposes the erection of 400 new dwellings with associated infrastructure and public open space. The proposed dwellings comprise a mix of one and two bed apartments and two, three and four bed dwellings comprising a mix of mews, semi-detached and detached dwellings. The Ballister house type has rooms in the roof and incorporate dormer windows (2.5 storeys). The remaining house types are all 2-storey.

7.08 Some dwellings will have shared parking areas. Each dwelling will have two parking spaces with larger dwellings with three spaces. The Souter / Glover house types comprise a combined 1 bed ground floor apartment (the Souter) and 2 bed first floor apartment (the Glover) and will be provided with one parking space per unit.

7.09 The application site will be accessed from two points at the south western boundary. The southernmost access point is already pending approval as part of reserved matters application (ref. 062409) for the enabling works. The second access point into the application site is proposed in a slightly different location to that pending approval as part of the aforementioned application.

7.10 Both access roads extend into the site towards cross junctions. The highway layout comprises a series of looped roads and cul-de-sacs. Traffic calming is proposed in the form of raised tables where appropriate at junctions the location of which are shown on the layout plan as hatched areas.

7.11 Separation distances are achieved between proposed dwellings and the highways infrastructure and sustainable drainage infrastructure such as swales. These are located outside of the red line boundary of the current application, but fall within the scope of the wider infrastructure application (ref. 062409).

7.12 Overall, dwellings are set back from the road with a front garden and driveway area. Dwellings are proposed to address street corners and enhance natural surveillance throughout the development. Each dwelling is proposed with a front and rear garden and 1, 2 or 3 car parking spaces either to the front or side of the respective unit. All properties are provided with designated areas for storage of waste and recycling bins.

7.13 A number of different house types are proposed but remain similar in terms of materials and design. The net area of the site is 11.81 ha and

the net density of the development is 33.87 dwellings per hectare [dph].

- 7.14 Overall, the proposals include 1.78 ha of on-site public open space (POS) of recreational value. This is located in three areas of POS connecting the south east of the site towards the north west of the site. These include footpath connections to accommodate cycle / footpath links towards the Lane End development to the south east and towards the commercial development at the north west of the site. The proposals have also been developed to connect through the site providing a key active travel route across the proposals. Boundary treatment comprises a mix of hedgerows and planting as well as close boarded fencing to residential gardens and railings to the site entrance and around the play areas. Some rear gardens back onto site boundaries however access to swales for maintenance has been incorporated into the layout.
- 7.15 Principle of Development
The site forms part of the strategic mixed use development allocation HSG2A land North West of Garden City within the adopted Flintshire Unitary Development Plan.
- 7.16 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. 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.
- 7.17 The former Corus Garden City site has outline permission for 770 of those total number of residential units.
- 7.18 The Northern Gateway Strategic site continues to remain an allocated site commitment in the emerging Local Development Plan (LDP) currently at examination. As such the development of this site is a key part to supporting the overall housing delivery as part of the current UDP and the supply going forward as part of the LDP.
- 7.19 As identified above the site is located immediately adjacent to the settlement boundary of Garden City as identified 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. The site's allocation for mixed use reflects both the strategy of the Flintshire Unitary Development Plan and the principles of PPW11 at a national level. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.

7.20 Viability Assessment

The application is supported with a financial assessment, which argues viability implications in respect of the obligatory developer contributions sought as part of SPGN No9 (affordable housing) and No23 (education). The assessment was independently assessed on behalf of the Council by an appointed valuer in March 2022. This included a breakdown of construction costs, benchmark land values; site acquisition; estimated sales and marketing values of the properties and gross development value to determine the profit to be made.

7.22 The valuer concluded that the full developer contributions as triggered by policy (30% affordable provision and full education financial contributions of £2,144,608) would render the development unviable. All parties agree on this point. However the Council requested that an alternative offer could be achieved which would satisfy the policy demand. The viability assessment concluded that a total of £970,600 could be derived from the development whilst ensuring that the site could be adequately built out.

7.23 The Applicant and landowner have agreed to meet this request, which would be secured by the proposed S.106 Legal Agreement. PPW11 paragraph 4.2.21 states that matters concerning viability is for the decision maker to decide on, having regard to all the circumstances of the case ensuring that the request for community benefits is not so unrealistic that it would unreasonably impact upon the site's delivery. Detailed matters with regards to affordable housing and education contributions will be examined in due course but as an overarching principle, the alternative offer of £970,600 is considered acceptable.

Education

7.24 Education colleagues were consulted on the application and advised that in line with SPGN No.23 the nearest and most suitable schools to the development are Sealand Primary and Hawarden High School. They determine that based on the size of the development it is reasonable to calculate that a further 94 pupil places for primary and 68 pupil places for secondary would be generated.

<u>School Information</u>		
	Nearest Primary School	Nearest Secondary School
School Name	Sealand CP School	Hawarden High School
Age Range	3-11	11-18
School Capacity	215	1145
Number on Roll (1)	180	1137
Surplus Places	35	8
Surplus Percentage	16.28%	0.70%

5% of Capacity (2) Trigger for Contributions (95% of Capacity)	11 204	57 1088
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**Contribution
Calculator**

Factor	Primary	Secondary
Net Number of Dwellings Multiplier	394. 0.24	394. 0.174
Potential Child Yield from Development	94.56	68.556
Potential Child Yield from Development (2) Contributions per Pupil	95. £12,257.00	69. £18,469.00
Potential Amount of Contributions Sought	£1,164,415.00	£1,274,361.00
Potential Child Yield from Development (2) Number on Roll	95. 180.	69. 1,137.
Potential Number on Roll	275.	1,206.
Potential Number on Roll Trigger for Contributions	275. 204.	1,206. 1,088.
Potential Number of Contributions Sought (3)	71.	118.
Potential Number of Contributions Sought Potential Child Yield from Development	71. 95.	118. 69.
Maximum Number of Contributions Sought (4)	71.	69.
Maximum Number of Contributions Sought	71.	69.

Contributions per Pupil	£12,257.00	£18,469.00
Total Contributions Sought	£870,247.00	£1,274,361.00

From the information as set out above it is clear that both primary and secondary schools would have a capacity issue as a result of the proposed development, with records indicating Hawarden High School being over-prescribed largely due to parental choice. As such, there is a significant need and demand for education services to expand both schooling facilities in order to accommodate the additional number generated by the development. As Members will note above, the total requested from the Education department totalled in excess of £2 million pounds in contributions. Whilst this would have been preferential, the viability assessment as submitted by the applicant and independently verified confirms that this level of contribution would make the scheme unviable.

- 7.26 Members will recall in previous residential applications for the Northern Gateway site that the Council's Education department have undertaken feasibility studies for the schools with the greatest demand, which concluded that there is scope to expand Hawarden High School. This would take the form of a new science block and school remodelling which the financial contributions from the proposed development would facilitate.
- 7.27 In terms of the primary school need, phase 1 developments at the Northern Gateway gifted an area of land adjacent to the school which would facilitate its future expansion. Therefore financial contributions are sought to expand Sealand Primary School together with any necessary remodelling. The Council are satisfied that, in line with CIL Regulations, neither of the identified school projects have been afforded 5 contributions to date.
- 7.28 Given the current school capacity numbers, the need to expand the schools competes with the need for affordable housing within the immediate locality of the site. Taking all planning matters into consideration, on balance the educations/school needs have been considered greatest at this time, and the reason for this is explained in further detail in the affordable housing section of the report.
- 7.29 Affordable Housing
Policy HSG10 of the Flintshire Unitary Development Plan states that, where there is a definable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals.
- 7.30 The policy states where this need exists the Council will negotiate with developers to provide 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”.

- 7.31 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 also clear that this site raises different issues to ‘normal’ Greenfield development sites. As discussed above, the site has been subject to an independent viability review which acknowledges that there has been costs incurred to enable development to take place, there is also a market value benchmark as a result of the 1st phase of development and therefore a more realistic view to development viability at the Northern Gateway. As explained above, the independent review notes that various scenarios and variables have been tested, demonstrating that enforcing 30% provision of affordable housing together with full Section 106 contributions will result in the development being unviable.
- 7.32 Whilst the 30% provision is recognised as being unachievable a lower percentage of 10% has been considered, which matches similar provision on the Airfields site.
- 7.33 The Housing Strategy Manager has confirmed that the housing need for the immediate area is as follows:

Affordable Purchase					
	1 bed flat	2 bed flat	2 bed house	3 bed house	4 bed house
Garden City				2	
Queensferry			2	2	
Sealand				1	
Shotton			1	10	

Affordable Rent					
	1 bed flat	2 bed flat	2 bed house	3 bed house	4 bed house
Garden City	1	2	4	3	
Queensferry		2	3	5	
Sealand			1	3	
Shotton		1	10	11	

It is clear from the figures above that there is a demand for affordable housing in the locality, and when one considers the wider area there is a particular lack of 1 and 2 bedroom houses/flats. However, there is noticeable lack in the numbers of people actually on the affordable register in this area. It is noted that the numbers may increase once planning consents are granted or construction commences but at this time the register appears low.

- 7.34 Members will be aware that this site is located immediately adjacent to the Clwyd Alyn (Housing Association) development site (plot 1b) which is an entirely affordable scheme of 100 dwellings. Consideration

needs to also be given to the approved commitments arising from extant planning permissions across the whole of the Northern Gateway site, which at the time of writing this report totalled a further 64 affordable units.

- 7.35 Whilst the importance of affordable housing should not be underestimated, it must be considered in the planning balance. Good place making is about providing sustainable and desirable areas where people are able to choose where they wish to live. With a commitment of 164 units already on this site, significant weight needs to be given as to whether there will be a demand for a further 40 affordable units arising from this development. In excess of 200 affordable units, within a relatively small geographical area compared with the rest of Flintshire seems unviable and unattractive to potential Registered Social Landlords or future occupiers. This matter has been raised with the Council's Housing Strategy team who did not provide any contradictory opinion or evidence.
- 7.36 Balancing the argument for affordable housing provision and the need for education contributions to support the local schooling system sways to the latter. The capacity issues at the schools is obvious and it seems logical, when there is limited viability to recommend that any commitment from the developer be focussed on maximising education contributions to benefit the local schools. This together with the fact that the Northern Gateway site has already meet the immediate demand for affordable units and more as identified on the register. It is therefore not reasonable to request affordable housing to be provided when the Council cannot reasonably demonstrate substantive evidence for the additional provision in surplus to the oversupply provided by the Northern Gateway as a whole.
- 7.37 Highway Matters
Primary accesses to plot 4 are provided from the vehicular access road approved as part of previous reserved matters approval (ref. 062409) for the enabling works on residential phases 1b, 2 and 3 The locations of these accesses have therefore already been assessed by the Local Highway Authority and approved.
- 7.38 Overall, the vehicular access to the proposed development will be provided from the residential spine road providing a direct link to the B5441 Welsh Road. The accompanying Transport Implementation Strategy sets out the details of the proposed access including pedestrian and cycle links. The internal access arrangements to the residential development provide footways to adoptable standards. The layout proposes a network of pedestrian footways, shared spaces and pedestrian only routes to provide good permeability across the site. The footways are located along the spine road and within the internal network. The footways will also provide access to the bus stops located on Welsh Road.

- 7.39 The details submitted include an “approved Green Infrastructure plan” which indicates the provision of a number of offsite pedestrian routes however a number of these routes are omitted from the layout plans. Both the Transport Assessment and the Framework Travel Plan submitted in support of the application make reference to the importance and encouragement of Active Travel. External links that are indicated for pedestrian use must be designed to accommodate shared cycle use.
- 7.40 On balance, it is considered that the Active Travel proposals can be adequately achieved on site and this can be secured by way of a condition on the consent.
- 7.41 There will be a mix of parking provision across the site with 1 car parking space for the 1 and 2 bedroom apartments whilst the larger dwellings will be provided with 3 car parking spaces. The submitted parking layout therefore complies with the requirements of the outline approval and the maximum parking standards as set out in SPGN 11.
- 7.42 The Construction Management Plan indicates the provision of a “temporary” construction site access; as this access is likely to be used for a significant period of time, full layout and construction details should be submitted for further approval and as above it is considered that these details can be secured via condition.
- 7.43 Furthermore, consultations have been carried out with Welsh Government Trunk Roads Authority who whilst raising no objection to the proposed development, do request the imposition of a condition which follows the conditions imposed upon the outline consent. This condition requires the off-site highway works as identified on the outline consent and as triggered by the cumulative development of the Northern Gateway, are undertaken prior to occupation of the proposed development. In conclusion, subject to the inclusion of conditions as noted in 2.0 then no objections to the proposal are raised from the position of Highway safety.
- 7.44 Flood Risk
The outline planning permission for this site required that for each reserved matters application an updated Flood Consequences Assessment (FCA) be undertaken.
- 7.45 A Flood Consequences Assessment has been submitted in support of this reserved matters application although it is noted that the FCA relies upon some earlier work undertaken at the site which was prepared in support of the reserved matters application for the enabling works associated with Phases 1b, 2 and 3 (planning reference 062409). This FCA established the development platform levels and flood mitigation measures including the creation of flood storage areas.

- 7.46 The earlier FCA presents an assessment of flood risk based on the hydraulic modelling work submitted by Arcadis in support of application 062409, which identifies the site to be at risk of flooding from fluvial (Garden City Drain) and tidal (River Dee) sources in the baseline scenario. The key mitigation measures established under the agreed flood mitigation plan are outlined within the FCA, and include setting the development platform levels at 5.5 m AOD and setting the finished floor levels of all properties at 5.90 m AOD.
- 7.47 These measures ensure that the flood risk posed in the 1% AEP fluvial event with an allowance for climate change (including blockage) and the 0.5% AEP breach event with an allowance for climate change are appropriately mitigated. The development platform level has already been approved under application 062409.
- 7.48 The updated FCA as submitted states that finished floor levels will set at 6.0 m AOD. It is considered that the mitigation measures are therefore in accordance with the agreed flood mitigation plan. This is replicated in the submitted drawings which show the proposed levels at 6.0m AOD.
- 7.49 In respect to the impact on flood risk elsewhere, the enabling works for the Phase 2 works have been considered under application 062409. This includes the creation of the development platforms and compensatory storage required to offset the impact of the raised platforms, so the proposal considered under this application is not expected to have an impact on flood risk elsewhere. This is supported by the pre and post development modelling undertaken in support of application 062409.
- 7.50 Subject to the development being undertaken in accordance with the detailed proposed level plans submitted with the application and outlined in the FCA then the development is considered compliant with policy EWP17 of the FUDP and TAN15.
- 7.51 Ecological Matters
The loss of habitats was fully assessed as part of the original outline planning application for this site and was considered to be acceptable subject to proposed mitigation. Overall, the habitats management plan as submitted with this application report demonstrates that the proposed landscaping on this site (together with other mitigation proposed outside the boundary of this application) is considered to be sufficient to mitigate for the loss of any habitats caused by the proposed development at The former Corus site as a whole. The proposed landscaping details will support those mitigation measures and for that reason the Council's Ecologist raises no objection.

Layout, Character and Appearance

- 7.52 The application confirms that the final layout has been designed to accord with the parameters set by the outline planning permission as well as local site constraints and other design considerations.
- 7.53 The building orientation and layout have been designed to create an inward facing development and to overlook visually attractive areas such as public open space. Each plot has been designed to include private garden space and parking.
- 7.54 Road hierarchy has been formed through the implantation of different road widths and materials including the use of shared surfaces. The layout has been designed to create a legible street pattern that is easy for use by pedestrian and cyclists. Each plot has its own landscape front gardens and secure rear gardens with areas of hardstanding allocated for bin storage.
- 7.55 The layout has been designed to take into account appropriate interface distances to other proposed dwellings and existing dwellings as set out in SPGN No2. The applicant has ensured that consideration has been given to the area of POS to ensure natural surveillance and to provide buffers between the proposed housing and proposed highways infrastructure / future commercial development to the north west.
- 7.56 A varied mix of house types are proposed within this phase of the development but remain similar in terms of materials and design. This provides variation and provokes interest and enhanced legibility within the site. Windows on the dwellings are positioned to provide surveillance and overlook the public realm, specifically on corner plot dwellings. The elevational styles and proposed materials of the dwellings complement the surrounding housing that exists in the local area. The material palette includes red brick and grey or red roofs.

Residential Amenity

- 7.57 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.

Other Matters

- 7.59 The application has been accompanied by a comprehensive noise assessment. This has been reviewed by the Council's Community and Business Protection section who confirm that suitable noise levels can be achieved for the proposed dwellings as long as certain glazing/ventilation is used for certain dwellings.
- 7.60 Therefore, it is recommended that that acoustic glazing/ventilation is installed on the properties for which it is required as specified in the applicants report.
- 7.61 Whilst the comment in relation to access to healthcare or lack of is noted, the Council is not responsible for maintaining or securing the provision of this service. This responsibility lies with the Health Board, Betsi Cadwaladr who have been included as consultee as part of the preparation and consultation of the emerging LDP. As such, the Council has appraised the Health Board of the LDP's planned development and housing allocation, therefore allowing them time to consider whether there is additional need for healthcare facilities within the areas identified for future growth, such as the Northern Gateway. To date, no indication of a capacity issue has been confirmed by the health board.
- 7.62 S.106 and CIL Compliance
The infrastructure and monetary contributions that can be required 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.
- 7.63 As triggered by the proposed scale of the development, there is a developer requirement towards primary and secondary education. In line with SPGN no. 23 the nearest and most suitable schools to the proposed development are Sealand CP School and Hawarden High School. Following the verification of the viability assessment submitted, the Developer has agreed to provide a total payment of £970,600 towards primary and secondary education. The monies will be split between the two identified schools and spent on providing a new science block Hawarden High School and general school

remodelling. Both projects are confirmed by Education Services and have not received more than 5 contributions towards these projects to date.

- 7.64 It is considered that the contribution required meets the Regulation 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 immediately adjacent to the settlement boundary of Garden City in the Flintshire Unitary Development Plan, which is a Category 'B' settlement with access to a variety 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 report details in full the areas that required approval following the outline consent. These matters include the viability claim, flood risk, highways, ecology, 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 the imposition of 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: Claire Morter

Telephone: 01352 703299

Email: claire.e.morter@flintshire.gov.uk