

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **21st JUNE 2023**

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

SUBJECT: **APPLICATION FOR APPROVAL OF RESERVED
MATTERS FOLLOWING OUTLINE APPROVAL
063145**

**APPLICATION
NUMBER:** **RES/000658/22**

APPLICANT: **BELLWAY HOMES LIMITED (NORTH WEST)**

SITE: **NORTHERN GATEWAY (PHASE 3), FORMER
CORUS LAND, WELSH ROAD, GARDEN CITY**

**APPLICATION
VALID DATE:** **11TH NOVEMBER 2022**

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

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

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

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application for Reserved Matters approval following the grant of Outline planning permission on land at Phase 3, former Corus, Northern Gateway.
- 1.02 The application proposes the erection of 54 semi-detached and detached dwellings with associated car parking and landscaping. Of the 54 dwellings, 10% will be affordable dwellings whilst the applicant will enter into a S106 Agreement with the Council to provide a financial contribution of £225,000 in lieu of the remaining 10% provision. The decision to secure a split provision to avoid a

cumulation of affordable housing in one location (given the consent for 100 affordable dwellings on Phase 1 of the PNGGL land), and to provide greater choice for future occupiers within the wider Garden City Sub-Market Area. This approach has been agreed in collaboration with the Councils Housing Strategy department.

- 1.03 As members may recall the whole of the Norther Gateway site has required significant initial expenditure in terms of enabling works which has impacted on viability and the level of contributions which could be sought. Phase 2 of the PNGGL development prioritised education contributions over affordable housing due to viability and the provision the affordable scheme on Phase 1. As the development progresses however those initial costs have reduced and therefore full contributions are now being sought.
- 1.04 In addition to the affordable housing provision the applicant intends to make a contribution of £166,221 towards educational facilities (provision of an additional science block) at Hawarden High School.
- 1.05 Neither project has received more than 5 contributions and therefore would be compliant with CIL regulations.
- 1.06 The principle of the development has been established through the granting of outline planning permission and the details as proposed in this application accord with both local and national planning policy. Matters including amenity, highway safety and flood risk have been considered and are acceptable.
- 1.07 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlines at Paragraph 2.01 of this report and applicant entering into a Section 106 Agreement.

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:
 - a. Payment of a financial contribution towards Education of £166,221 at Hawarden High School;
 - b. Payment of a financial contribution towards Affordable Housing of £225,000
 - c. The establishment of a Management Company for the management and future maintenance of the onsite public open space and communal landscaping areas including the permitter grassed areas

Conditions

1. Time limit on commencement
2. In accordance with the approved plans

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 Chief Officer for Planning, Environment & Economy be given delegated authority to REFUSE the application.

3.00 CONSULTATIONS

3.01 **Local Members:** No responses received at time of writing report

Sealand Community Council: No objections raised

Highways Development Control: Following the submission of amended details the proposal is considered acceptable from a highway safety perspective. Matters including parking and turning, point of access and layout are covered by conditions on the outline planning permission.

Public Rights of Way: Public Footpath No. 1 abuts the site but appears unaffected by the development. The path must be protected and free from interference from the construction.

Welsh Government: No objection subject to the inclusion of a condition relating to off-site Highway works

Community and Business Protection: No objection

Welsh Water/Dwr Cymru: No objection to the proposal subject to the compliance with drainage conditions as imposed on the outline planning permission.

Natural Resources Wales: No objection subject to the inclusion of the Flood Consequences Assessment in the list of approved documents.

Conservation: No objections

North Wales Fire and Rescue Authority: No objections

Housing Strategy: No objections subject to the 20% affordable housing provision. Agree to the approach to split the allocation in terms of 10% of the units (5) to be provided on site with a contribution of £225,000 to be utilised in the Garden City Sub-Market Area. Given

the evidenced demand for all property types Housing are content that the contribution can be used for an identified project.

Capital Projects (Education): Requests a contribution of £166,221 to provide additional facilities at Hawarden High School. No contribution required for Sealand CP.

4.00 PUBLICITY

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

5.00 SITE HISTORY

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

063591 Application for the approval of Reserved Matters following outline approval for the erection of 400 dwellings Approved 30.03.22

060411 Application for approval of reserved matters following outline approval (056540) for the erection of 129 no. dwellings. Approved 28.10.21

059635 Application for removal of conditions 6, 8, 11 and 32 and variation of conditions 7, 31, 36 and 44 following grant of planning permission. (056540). Approved 05.06.20

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

056540 Application for variation of conditions 5 (mix of development and phasing), 32 (highway works) and 38 (off-site highway works) and removal of conditions 6 (highway works at Station Road/Asda junction) and 10 (flood defence works) following grant of planning permission 054758 Outline application for an employment led mixed use development incorporating logistics and technology park (B1, B2, B8), residential (C3), local retail centre (A1), Hotel (C1), Training and skills centre (C2, D1) new parkland, conversion of buildings, demolition of barns, and associated infrastructure comprising construction of accesses, roads, footpaths, cycle paths, earthworks, and flood mitigation. Approved 02.03.18

054758 Variation of conditions 6, 9 and 42 and removal of condition nos. 17, 18, 19 and 20 attached to planning permission ref: 050125 Approved 16.03.16. 050125 Employment-led mixed-use development, incorporating Logistics and Technology Park

(B1,B2,B8) with residential(C3),local retail centre (A1), hotel (C1), training and skills centre(C2,D1),new parkland; conversion of buildings, demolition of barns; and associated infrastructure comprising construction of accesses, roads, footpaths/ cycle paths, earthworks and flood mitigation/drainage works Approved 13.05.14

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

Policy STR1: Strategic Growth

Policy STR2: The Location of Development

Policy STR3A: Strategic Site: Northern Gateway

Policy STR4: Principles of Sustainable Development, Design and Placemaking

Policy STR5: Transport and Accessibility

Policy STR11: Provision of Sustainable Housing Sites

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

Policy STR14: Climate Change and Environmental Protection

Policy STR15: Waste Management

Policy PC1: The Relationship of Development to Settlement Boundaries

Policy PC2: General Requirements for Development

Policy PC3: Design

Policy PC4: Sustainability and Resilience of New Development

Policy PC5: Transport and Accessibility

Policy PC6: Active Travel

Policy HN1: New Housing Development Proposals

Policy HN2: Density and Mix of Development

Policy HN3: Affordable Housing

Policy EN6: Sites of Biodiversity Importance

Policy EN8: Built Historic Environment and Listed Buildings

Policy EN14: 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

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. This application is for the erection of 54 residential dwellings and associated internal infrastructure on phase 3 of the PGNGL site.

7.03 Site Description

The application site is part of the residential area of the mixed use development which in total spans 1.50 hectares and is currently open land. Phase 3 specifically, is made up of fields of pasture land dived by post and rail fencing which can currently be accessed via Farm Road. The surrounding area is a mix of agricultural land, residential land and industrial land. The site is bound by the approved residential developments of Phase 2 to the north-east, and Phase 1B to the south-east. The dwellings proposed as part of these applications consist of 1, 2, 3 and 4 bed dwellings comprising 1– 2.5 storey homes. To the north-west is approved employment land within the wider Northern Gateway site. Applications for reserved matters approval are still outstanding. The River Dee is located 75m to the south west of the application site

7.04 On the adjacent parcel of Northern Gateway Reserved Matters consent has been granted for housing developments; commercial units and a district centre

7.05 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.

7.06 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 StreeL. Queensferry is the nearest larger settlement located to the south where there is access to a range of amenities.

7.07 Proposed Development

This application proposes the erection of 54 dwellings together with the associated public open space [POS], internal roads, footpaths and other related works.

7.08 The proposed dwellings comprise a mix of one and two bedroom apartments and two, three and four bedroom dwellings comprising a mix of mews, semi-detached and detached dwellings. The mix of dwellings is as follows:

- 18 No. four bedroom detached
- 7 No. three bedroom detached
- 18 No. three bedroom semi-detached
- 2 No. two bedroom semi-detached
- 2 No. two bedroom apartment
- 1 No. one bedroom apartment

7.09 The Ballister house type has rooms in the roof and incorporate dormer windows (2.5 storeys). The remaining house types are all 2-storey. The net area of the site is 1.50ha and the net density of the development is 35.95 dwellings per hectare [dph] which is largely driven by the smaller house types.

7.10 Phase 3 is proposed to be accessed from the existing currently unnamed highway to the north-east. The internal road layout of the parcel comprises a looped road providing access to dwellings. Some dwellings are accessed from shared private driveways. Traffic calming is proposed in the form of raised tables where appropriate at corners of the proposed looped estate road..

7.11 Sustainable drainage infrastructure to serve Phase 3 is 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. The applicant has given consideration to a consistent building line fronting onto the main spine road to the north, in line with feedback received from officers during pre-application engagement. Dwellings are proposed to address street corners and enhance natural surveillance throughout the development.

7.13 Principle of Development

The site forms part of the strategic mixed use development allocation STR3A: Strategic Site: Northern Gateway within the adopted Flintshire Local Development Plan.

7.14 Both this application site, the Former Corus, Garden City and the adjacent Airfields site together make up the 'Northern Gateway', a comprehensive mixed use redevelopment which takes advantage of the strategic location and the availability of previously developed land.

- 7.15 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.
- 7.16 The former Corus Garden City site has outline permission for 770 of those total number of residential units. The Northern Gateway Strategic site continues to remain an allocated site commitment in the recently adopted Local Development Plan (LDP). As such the development of this site is a key part to supporting the overall housing delivery as part of the LDP.
- 7.17 As identified above the site is located immediately adjacent to the settlement boundary of Garden City as identified in the Flintshire Local Development Plan, which is a Tier 2 Local Service Centre settlement with an array of employment opportunities and a selection of facilities and services. The site's allocation for mixed use, including the recently approved local district centre, reflects both the strategy of the Flintshire Local Development Plan and the principles of PPW11 at a national level. In this context therefore, there is a clear policy framework supporting the principle of residential development on this site.
- 7.18 Contributions
As Members will be aware, significant enabling works were required across the entirety of the Northern Gateway site which required upfront investment. When previous Reserved Matters applications have been considered, evidence in terms of viability had been independently assessed and resulted in lower provision of affordable housing and/or education contributions. For example Phase 2 of the PGNGL land resulted in a contribution towards Education but no affordable housing provision.
- 7.19 As infrastructure works are completed, that initial investment lessens and accordingly, whilst viability is still a material planning consideration, in this instance full contributions to improve local infrastructure are being sought.
- 7.20 Education
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.
- 7.21 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.
- 7.22 From the information provided by Education colleagues 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.

- 7.23 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. A contribution of £166,221 is sought for those works.
- 7.24 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. At this time however, due to the cost of the gifted land no financial contributions are sought.
- 7.25 The Council are satisfied that, in line with CIL Regulations, the identified school project has not been afforded 5 contributions to date.
- 7.26 Affordable Housing
Policy HN3 of the LDP sets out the percentage of affordable dwellings required on sites with ten dwellings or more based upon the housing market area they fall into. The application site sits within the Garden City sub market area where 20% affordable housing is required on site. The application is for 54 dwellings therefore circa 11 units should be for affordable housing.
- 7.27 Although there is demonstrable demand for most property types, 2 and 3 bed houses are most in demand for those registered on the affordable housing register. Whereas for those registered on the social housing register the greatest demand is for 1 and 2 bed roomed properties. There is also demand for larger 4+ bed homes (156).
- 7.28 The applicant is proposing to meet the 20% affordable requirement but through a split of 10% on-site provision and a financial contribution of £225,000 for the remaining 10%. This approach has been agreed with the Councils Housing Strategy department who have agreed that the contribution will be utilised within the same Sub-Market Area with a specified project which will be secured through the Section 106 Agreement.
- 7.29 Whilst the approach to split the Affordable Housing provision into on-site and an off-site contribution has not been utilised on Northern Gateway previously, significant consideration needs to be given to the location and dispersal of the affordable housing provision in both the immediate and wider area. Members will be aware that this site

sits close to Phase 1 which is an entirely affordable scheme for 100 dwellings. Therefore, in order to avoid a cumulation of affordable housing in one location, and to provide greater choice for future occupiers, it is agreed, with Housing Strategy colleagues that in this case a contribution to be utilised off-site within the wider Sub-Market Area is appropriate.

- 7.30 The affordable housing provision meets with the requirements of policy HN3.
- 7.31 Highway Safety
Phase 3 is served by an access which has been constructed as part of the enabling works reserved works consent. The applicant has engaged with the Highways Authority with regards to the provision of private drives and sustainable travel.
- 7.32 Matters including parking and turning and layout are covered by conditions attached to the outline planning permission.
- 7.33 As Members may be aware from other applications across Northern Gateway, the outline planning permission required that off-site highway works be carried out at a particular trigger point of the development. At the time of initial consultation with Welsh Government those works had not been completed and accordingly it was recommended that a condition be imposed requiring that the works be completed prior to occupation. Both Welsh Government and the Highways Authority are satisfied that the works have now been satisfactorily completed and therefore the condition is not now necessary.
- 7.34 Flood Risk
The planning application proposes highly vulnerable development (residential). Natural Resources Wales (NRW) Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers / Sea).
- 7.35 A Flood Consequences Assessment (FCA) was submitted in support of this application which demonstrates that the risks and consequences of flooding are manageable to an acceptable level.
- 7.36 The FCA refers to an earlier FCA undertaken at the site by Arcadis in support of the Reserved Matters application for the enabling works associated with Phases 1b, 2 and 3 (planning reference 062409). The Arcadis FCA established the development platform levels and flood mitigation measures, including the creation of flood storage areas.
- 7.37 The current Waterco FCA refers to the hydraulic modelling undertaken by Arcadis, concluding that the site is at risk of flooding

from fluvial (Garden City Drain) and tidal (River Dee) sources. The mitigation measures that have previously been established under the agreed flood mitigation plan are outlined in the report, including setting development platform levels at 5.5m AOD and setting the finished floor levels of properties at 5.90m AOD.

- 7.38 These measures ensure that the flood risk posed to the site in the 1% AEP fluvial event with an allowance for climate change (including blockage) and the 0.5% AEP tidal breach event with an allowance for climate change is suitably mitigated. The development platform level has already been approved under application 062409.
- 7.39 Based on the recommended mitigation measures in the Waterco FCA, it is noted that finished floor levels will set at 6.0m AOD or higher. Detailed proposed levels are shown on the Principal Levels Layout Plan, which demonstrates that the finished floor levels of the dwellings will be set at 6.0m AOD or higher.
- 7.40 For the impact on flood risk elsewhere, the impacts of the enabling works have already 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 by Arcadis in support of application 062409.
- 7.41 NRW are satisfied that the updated information complies with the previously agreed flood risk mitigation measures and the application therefore complies with Policy EN14 of the LDP and TAN15.
- 7.42 Layout, Character and Appearance
The design proposal is characterised by a range of residential house types. The character of adjacent new estates is established created by partnered and other major developers forming the sites immediate context in terms of design indicators and characterisation. There is a mix of low-rise residential dwellings consisting of 1 to 4 bedroom houses, the mix consists of detached and semi- detached properties providing a street scene of modern and sympathetic architectural styles. 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.
- 7.43 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. Each plot has been designed to include a private garden space and dedicated parking.. 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.

7.44 Whilst the density of development is higher than set out in Policy HN2 of the LDP this is largely down to the choice of smaller house types. 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. Space Around Dwellings. 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.

7.45 Residential Amenity

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 by ensuring no instances of habitable rooms directly facing and where this is the case, separation distances meet the standard of 22m.

7.46 Other Matters

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.

7.47 As triggered by the proposed scale of the development, there is a developer requirement towards primary and secondary education and affordable housing. In line with SPGN no. 23 the nearest and most suitable schools to the proposed development are Sealand CP School and Hawarden High School. The Developer has agreed to provide a total payment of £166,221 towards secondary education at Hawarden High School which has not received more than 5 contributions towards these projects to date.

7.48 In addition, the developer is proposing to make a contribution of £225,000 in lieu of additional affordable dwellings on the site. No more than 5 contributions for this sub-market area have been received to date.

7.49 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 STR3A land North West of Garden City within the Flintshire Local Development Plan. It is also located immediately adjacent to the settlement boundary of Garden City in the Flintshire Local Development Plan, which is a Tier 2 Local Service Centre 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 Local 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.

8.01 This report details in full the areas that required approval following the outline consent. These matters include the contributions for education and affordable housing, flood risk, highways, ecology, character and appearance and the impact on occupiers both existing and new.

8.02 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.

8.03 Other Considerations

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

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

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

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the

achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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