

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **21st July 2021**

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

SUBJECT: **APPLICATION FOR VARIATION OF CONDITION NO.2 FOLLOWING APPROVAL OF RESERVED MATTERS REF: 059514 - 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: **062300**

APPLICANT: **COUNTRYSIDE PROPERTIES PLC**

SITE: **'THE AIRFIELDS', FORMER RAF SEALAND SOUTH CAMP, WELSH ROAD, SEALAND**

APPLICATION VALID DATE: **22ND DECEMBER 2020**

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

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

REASON FOR COMMITTEE: **THE S106 INCLUDES AFFORDABLE HOUSING**

SITE VISIT: **NO**

1.0 SUMMARY

- 1.01 The application consists of a planning application made under s73 of the Town and Country Planning Act 1990 to amend condition no. 2 of decision reference 059514 and the related clause (5.1) within the associated s106.

1.02 Specifically, the application seeks to amend the trigger for the delivery of the Public Open Space (POS) Area 1 to be delivered once the 145th unit is occupied (which we understand is imminent).

1.03 This amendment would resolve a current discrepancy where condition no. 2 requires the POS Area 1 to be provided upon occupation of the 85th dwelling and the S.106 (clause 5.1) requires delivery of the POS on occupation of the 1st dwelling. There are no other material changes to the development approved under ref 059514.

2.0 RECOMMENDATION: TO VARY THE PLANNING CONDITION AND SEEK AUTHORITY TO VARY THE ASSOCIATED S106 LEGAL AGREEMENT AS FOLLOWS:-

2.01 Condition no. 2 to be amended:

“ Notwithstanding the submitted details, prior to the occupation of the 1st dwelling of the development hereby approved, a scheme detailing the full details of the provision of the identified play and open space area shall be submitted to and approved in writing with the Local Planning Authority Such scheme shall provide full details of;

1. The existing and proposed finished levels of the play area and open space;
2. Proposed surface finishes;
3. Exact type, numbers, locations and layout of play equipment, together with any ancillary equipment (litter bins, benches etc). Such details shall include proposed finish colours of such equipment,·
4. Full details of the type, materials and finishes of all means of enclosure associated with both the play and open space areas, including boundary treatments,·
5. Full details of all planting, including plans and written specifications of all species, plant sizes, numbers, densities and proposals for the timing of implementation of the approved scheme; and
6. Full detailed proposals for the maintenance and management of all elements of the approved play and open space. Such details shall include full details for the resolution of complaints and disputes relating to the use and operation of the space.

The approved scheme shall be implemented prior to the occupation of the **145th dwelling** for POS Area 1 (north of Plot 214) and prior to the occupation of the 250th dwelling for POS Area 2 (next to the southern boundary) of the development hereby approved

REASON In the interests of securing adequate play and recreation provision upon site and to comply with the requirements of Policies GEN1, D4 and SRS of the Flintshire Unitary Development Plan”

- 2.02 That clause 5. 1 of the Section 106 Agreement relating to the Land be varied to be consistent with the planning condition:

"The Owners shall carry out and complete the Public Open Space Works on the Public Open Space Land in accordance with the requirements of the Planning Permission"

In addition to the primary change to clause 5.1 the legal agreement will also need to make consistent references to the new permission.

3.0 CONSULTATIONS

Local Member

Cllr Christine Jones – Raises no concerns in respect of the proposed changes.

Community/Town Council

Sealand Community Council - Considered the application at their meeting of the 19th April and raised no concerns.

Aura

Consultations with the Council's Play Officer has received no response at the time of writing.

4.0 PUBLICITY

- 4.01 Removal/Variation of Condition applications do not normally require formal consultations with external consultees like that for applications for planning permission. However, consultations with the Local Member and Community Council were carried out in this case due to the dynamic nature of this site and its connection with the wider strategic site and development of the Northern Gateway.

5.0 SITE HISTORY

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 7th January 2013

058990 - Application for removal or variation of a condition following grant of planning permission. (049320). Approved 25th October 2018

059514 - Application for approval of reserved matters following outline approval for the erection of 283 no. dwellings. Approved 25th September 2019

059903 - Application for the approval of details in relation to reserved matters permission ref 059514 reserved by condition nos. 5, 7, 8, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 36 & 41 attached to planning permission ref. 058990. Approved 19th August 2019

060685 - Substitution of house types within plots 1-11 to replace 2x Longford and 1x Foss with 2x New Stamford and 1x New Ashbourne. Approved 11th December 2019

060836 - Application for the approval of details reserved by condition nos. 2 (play and open space area) and 4 (floor levels) attached to planning permission ref. 059514. Partially Discharged 13th February 2020

061421 - Application for a non-material amendment to planning permission ref: 059514. Approved 25th June 2020

061176 - Application for the approval of details reserved by condition no. 2 (provision of play and open space area) attached to planning permission ref. 059514. Approved 22nd July 2020

062007 - Application for a non-material amendment to Planning Permission ref: 059514. Approved 12th November 2020

061125 - Application for removal of conditions 26, 28, 30, 34 and 44 and variation of condition 13 following grant of planning permission. (058990). Approved 26th April 2021

6.0 PLANNING POLICIES

6.01 National

- Planning Policy Wales Edition 11 (February 2020) (PPW11)
- Future Wales Plan 2020-2040

Flintshire Unitary Development Plan

- GEN1 - General Requirements for Development
- HSG2A - Strategic Mixed Use Development: Land North West of Garden City
- SR5 - Outdoor Playing Space and New Residential Development
- IMP1 - Planning Conditions and Planning Obligations

Supplementary Planning Guidance Note(s)

- PGN no. 13 Outdoor Space Requirements

7.0 PLANNING APPRAISAL

- 7.01 This variation of condition (section 73) application is made in connection with the reserved matters permission ref. 059514 for the erection of 283 no. dwellings on land at 'The Airfields', former RAF Sealand South Camp, Sealand. Members will be aware that this application was reported to planning committee on the 26th June 2019, where it was resolved to approve subject to the completion of the Section 106 (S.106) as agreed. The S.106 was completed shortly after and the decision notice was formally issued on 25th September 2019.
- 7.02 This application seeks to amend the trigger for condition no. 2 in relation to the implementation of the Public Open Space (POS) Area 1 to be delivered once the 145th dwelling is occupied. This amendment would resolve a current discrepancy where condition no. 2 attached to ref 059514 requires POS Area 1 to be provided on occupation of the 85th dwelling.
- 7.03 The wording of the original condition was to accord with the Applicant, Countryside Properties, estimated build out rate. However, this has far been exceeded despite the challenges imposed by the Covid Pandemic. On the valid date of this application, 72 no. dwellings of the Phase 1 residential development at 'The Airfields', had been completed. The Applicant has since confirmed that a further 73 no. dwellings have been completed at the end of May 2021. This totals a 145 no. dwellings as complete in late spring 2021.
- 7.04 Whilst it is acknowledged that the original condition required the delivery of POS Area 1 once the 85th dwelling was occupied, the site layout and development phasing programme created difficulties with the delivery of the POS, in this location, whilst construction was ongoing in the immediate vicinity. As such damages to the landscaping and softworks could result from the premature delivery of this POS Area and the Council shared the concerns raised by Construction Health and Safety, in that there would be potential for conflict between users of the POS Area and construction traffic. Therefore the Applicant, seeks the variation of condition 2 to allow the delivery of this area in accordance with development progress and current build out rate projections. The delivery of this POS Area is therefore imminent should members agree to the new wording of condition no. 2.
- 7.05 Members will be aware that this phase 1 development forms part of the larger housing commitment at the Northern Gateway in the UDP, and has remained a key allocation in the LDP. It is evident that good progress is being made with the development of this strategic site,

this includes investment from housebuilders through the submission of recent planning applications, and a clear commitment to the delivery of housing at an impressive rate, as demonstrated by Countryside Properties.

- 7.06 This phase 1 development of 283 no. dwellings by Countryside Properties is now over 50% complete since construction commenced in Autumn 2019. This equates to a build out rate of over 80 dwellings per annum. In addition, the development has experienced significant interest, with 55% of the development now sold. It should be noted that Countryside Properties prioritised the first sales to Flintshire residents only. Interest in this site, remains positive.
- 7.07 In addition to the above, the application also provides an opportunity to correct an administrative error where clause 5.1 of the S.106 required the provision of POS upon occupation of the first dwelling in conflict with the current wording of condition no. 2. As such, should members resolve to approve the variation, the result would be a new permission and a revised S.106 agreement for consistency. There are no other material changes proposed that differ to the development approved under ref. 059514.

8.0 CONCLUSION

To conclude, it is considered that the request to vary both condition no. 2 and the associated S.106 is both practical and reasonable in light of development progress. It is therefore recommended that the condition be amended as set out in paragraph 2.0 of this report and that authorisation is granted to vary the S.106 Legal Agreement.

All other conditions/clauses are to remain unchanged.

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
Section 106 Agreement dated 24th September 2019
Responses to Consultation
Responses to Publicity

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