

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 3 SEPTEMBER 2014**

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

SUBJECT: **GENERAL MATTERS - ERECTION OF 35 NO CLASS C3 DWELLINGS INCLUDING ASSOCIATED LANDSCAPING AND FORMATION OF NEW ACCESS FROM CYMAU LANE AT ABERMORDDU CP SCHOOL, CYMAU LANE, CAERGWRLE**

1.00 APPLICATION NUMBER

1.01 051482

2.00 APPLICANT

2.01 Anwyl Construction

3.00 SITE

3.01 Land To Side Of Abermorddu CP School, Cymau Lane, Caergwrle

4.00 APPLICATION VALID DATE

4.01 10/12/2013

5.00 PURPOSE OF REPORT

5.01 The purpose of the report is to obtain a resolution from Members as to the decision to be made on this application which currently remains undetermined.

6.00 REPORT

6.01 Members may recall that consideration of this application was undertaken at the Planning & Development Control Committee held on 12th March 2014. It was resolved by Members that conditional planning permission be granted subject to the applicants entering into a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum totaling £208870 related to an educational contribution towards provision/improvements to local education facilities (to be allocated as follows, Castell Alun £110,814 & Abermorddu County Primary £98,056). A copy of the

report to the Planning & Development Control Committee held on 12th March 2014 is attached as Appendix A.

- 6.02 Following the Committee resolution, the applicant challenged the Council's assessment of the educational contribution via a report written by their educational consultant which in summary maintains that no educational contribution is required. The Chief Officer (Education & Youth) has assessed the applicant's report and does not agree with its findings and is still of the opinion that a contribution as originally stated is required.
- 6.03 The applicant has been advised that the Council's stance on the educational contribution has not altered. The applicant considers the contribution is unjustified and will not enter into the necessary legal Obligation/earlier payment.
- 6.04 In these circumstances it is considered that the proposal would be contrary to Policy IMP1 – 'Planning Conditions and Planning Obligations' of the adopted Flintshire Unitary Development Plan. The purpose of the report is therefore to obtain a resolution from Members as to the decision to be made on this application as it is my recommendation that as the applicant is unwilling to enter into the legal agreement regarding the educational contribution then permission should be refused.
- 6.05 Separate to the above, whilst the Council was being asked to review the need for the educational contribution, the applicant asked that the Council consider a change of house types to a number of units on the site – these changes were deemed acceptable as relatively minor changes to the scheme that Members had already resolved to grant.

7.00 RECOMMENDATIONS

- 7.01 That planning permission be refused for the following reason:

That proposed development does not make provision for the completion of a Section 106 Obligation/Unilateral Undertaking or advance payment of a commuted sum of £208870 related to an educational contribution towards provision/improvements to local education facilities (to be allocated as follows, Castell Alun £110,814 & Abermorddu County Primary £98,056). This it is considered would therefore be contrary to Policy IMP1 of the Flintshire Unitary Development Plan.

Contact Officer: Declan Beggan
Telephone: (01352) 703250
Email: Declan.beggan@flintshire.gov.uk