

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 22 JULY 2015**

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

SUBJECT: **051831 - OUTLINE - RESIDENTIAL DEVELOPMENT AT "STATION YARD", CORWEN ROAD, COED TALON, FLINTSHIRE.**

1.00 APPLICATION NUMBER

1.01 051831

2.00 APPLICANT

2.01 S.P.A DAVIES & SONS

3.00 SITE

3.01 STATION YARD, CORWEN ROAD, COED TALON, FLINTSHIRE

4.00 APPLICATION VALID DATE

4.01 28TH FEBRUARY 2014

5.00 PURPOSE OF REPORT

5.01 To seek an amended resolution from Members regarding the S106 contribution requirements in respect of the education contribution to Castell Alun High School.

6.00 REPORT

6.01 Members will recall resolving to grant planning permission at the Planning and Development Control Committee on 25th February 2015 for application 051831 relating to the Outline application for residential development at Station Yard, Corwen Road, Coed Talon subject to the applicant entering into a S.106 agreement relating to the following matter;

- Education provision – a sum equivalent £18,469 per secondary school pupil generated towards Castell Alun High School.

6.02 The infrastructure and monetary contributions that can be required from the a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

6.03 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.

6.04 While the Authority does not yet have a charging schedule in place, the CIL regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.

6.05 The Planning Authority considers that in terms of education contributions this limits the number of contributions to each school to 5. In respect of education contributions, the Council has entered into 6 obligations towards Castell Alun High School since April 2010 namely;

Reference No.	Site Address	Amount of Contribution
048186	Land at Bridge Farm, Fagl Lane, Hope	£31,500
048313	Land at Wood lane Farm, Penyffordd	£139,607
048676	Land at Babylon Fields, Higher Kinnerton	£21,000
048471	Land at Cymau Lane, Abermorddu	£24,500
048892	Land at the Former White Lion Public House, Penymynydd	£52,500

- 6.06 Under the provisions of the CIL Regulations we therefore cannot require an obligation under S106 of the Town and Country Planning Act 1990 for any further money for Castell Alun High School. The Local Planning Authority has to be consider whether the impacts of this development on the affected infrastructure are so great that permission should not be granted. In this case the site was allocated within the lifetime of the UDP, albeit as an outline application.
- 6.07 Taking into account the indicative details provided as part of the application, the development of this site would be anticipated to give rise to 9 pupils of Secondary age based on the multipliers used by Education. Castell Alun High School has a capacity of 1240 and as of 2015 had 1365 pupils on role. It is considered in light of Regulation 123 of the CIL Regulations that given the scale of the development and the number of pupils it would generate, the impact on the High School would not be justified as a reason for refusal on planning grounds.

7.00 RECOMMENDATIONS

- 7.01 That Members resolve that permission be granted in Outline for the residential development of the site subject to the conditions listed in the report of the Chief Officer (Planning & Environment) presented at the Planning and Development Control Committee held on 25th February 2015, a copy of which is appended.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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