

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY, 23 JULY 2014**

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

**SUBJECT:** **045180 - GENERAL MATTERS - DEMOLITION OF EXISTING HOTEL BUILDINGS AND THE ERECTION OF 21 NO. APARTMENTS AT BRYN AWEL HOTEL, DENBIGH ROAD, MOLD.**

**1.00 APPLICATION NUMBER**

1.01 045180

**2.00 APPLICANT**

2.01 Richmond Investment Properties Ltd

**3.00 SITE**

3.01 Bryn Awel Hotel,  
Denbigh Road,  
Mold

**4.00 APPLICATION VALID DATE**

4.01 19/06/08

**5.00 PURPOSE OF REPORT**

5.01 The purpose of this report is to obtain a resolution from Members as the S106 has not been signed and therefore the application remains undetermined.

**6.00 REPORT**

6.01 This application was initially considered by Planning and Development Control Committee on 26<sup>th</sup> November 2008. 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 of £733 per

apartment in lieu of open space provision. A copy of the report to the Planning and Development Control Committee held on 26<sup>th</sup> November 2008 is attached as Appendix A.

6.02 A report was brought to Planning and Development Control Committee on 16<sup>th</sup> January 2013 following the sale of the site to the Richmond Investment Properties. At that time the new owners wished to continue with this application and sign the S106 agreement. As the initial consideration of the application was in 2008 it was prudent to reassess the application and consider whether or not there were any material changes in the planning circumstances since the initial resolution was undertaken.

6.03 Since 2008, the Council have adopted a new supplementary planning guidance – SPG Note 23: Developer Contributions to Education. At that time the Head of Education and Resources assessed that the application required a contribution of £49,028 for Bryn Gwalia School as the development would generate 5 Primary School places which would reduce the number of surplus places at the school from 14 to 9. This would take the number of surplus places in the school to below 5%, therefore a contribution of £49,028 was requested. Planning and Development Control Committee resolved to grant planning permission subject to the applicant entering into a Section 106 Obligation/Unilateral undertaking or advance payment of a commuted sum in respect of;

- Open space provision - £733 per apartment towards the upgrading of existing open space within the locality
- Educational contribution - £49,028 to cater for the impact on primary education at Bryn Gwalia.

6.04 Following the Committee resolution the legal department have been liaising with the applicant in order to complete the S106 agreement. While initial contact was made no significant progress has been made and no response has been received to letters sent to the applicant.

6.05 Due to the length of time since the initial committee resolution the Chief Officer (Planning and Environment) does not have delegated powers to refuse this application. The purpose of this report is therefore to obtain a resolution from Members. In these circumstances it is considered that the proposal would be contrary to Policy IMP1 'Planning Conditions and Planning Obligations' of the Adopted Unitary Development Plan as no progress has been made on the legal agreement to secure the relevant contributions.

## **7.00 RECOMMENDATIONS**

7.01 That planning permission be refused for the following reasons:

“The applicant has not completed the S106 Obligation/Unilateral undertaking or advance payment in

respect of commuted sums for open space contribution and education provision contrary to Policy IMP1 of the Adopted Flintshire Unitary Development Plan and Local Planning Guidance Notes 13: Open Space Requirements and 23: Developer Contributions to Education”.

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