

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **WEDNESDAY, 20 MAY 2015**

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

**SUBJECT:** **GENERAL MATTERS - FULL APPLICATION - ERECTION OF 20 NO. DWELLINGS (PHASE 2) AT VILLAGE ROAD, NORTHOP HALL.**

**1.00 APPLICATION NUMBER**

1.01 052388

**2.00 APPLICANT**

2.01 MR. T. ANWYL & CO. LTD.

**3.00 SITE**

3.01 VILLAGE ROAD,  
NORTHOP HALL.

**4.00 APPLICATION VALID DATE**

4.01 11<sup>TH</sup> JULY 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 Hawarden High School.

**6.00 REPORT**

6.01 Members resolved to grant planning permission at Planning and Development Control Committee on 8<sup>th</sup> October 2014 for application 052388 relating to the erection of 20 dwellings (phase 2) at Village Road, Northop subject to the applicant entering into a S106 agreement relating to the following matters;

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision

- To provide a contribution of £55,407 to fund capacity improvements at Hawarden High School

6.02 Since then members resolved to approve application 052406 'Erection of 4 dwellings. (i) Substitution of house type on previously approved Phase 1 plot 38; (ii) Substitution of sub-station with additional dwelling; (iii) Erection of 2 dwellings (re-plan of plots 19 and 20 phase 2) at Planning and Development Control Committee on 17<sup>th</sup> December 2014. This relates to plots on both phase 1 and phase 2. A supplementary legal agreement is being drawn up to cover the S106 matters in relation to this.

6.03 The infrastructure and monetary contributions that can be required from the a planning application through a S106 agreement have to be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

6.04 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.

6.05 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 S106 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.

6.06 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 5 obligations towards Hawarden High School since April 2010 namely;

<b>Planning permission reference</b>	<b>Site address</b>	<b>Amount of Contribution</b>
048855	Phase 1 Cae Eithin, Village Road, Northop Hall	£31,500
048485	Land South of The Larches, Hawarden	£3,000
050805	Land at Overlea Drive, Hawarden	£28,000

049488	105 The Highway, Hawarden	£7,000
051613	Land off Old Hall Road/Greenhill Avenue, Hawarden	£129,283

6.07 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 Hawarden 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 UDP and has come forward in phases due to issues with landownership. This phase of the development for 20 dwellings would give rise to 3 pupils of Secondary age based on the multipliers used by Education. Hawarden High School has a capacity of 1145 and as of 2013/14 had 1169 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 for the 20 dwellings 052388 subject to the applicant entering into a S106 agreement relating to the following matters only;

- To gift 2 three bed dwellings to North East Wales Homes to be used as affordable housing
- To provide a commuted sum of £1,100 per dwelling in lieu of on-site open space provision

### **LIST OF BACKGROUND DOCUMENTS**

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

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