

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** WEDNESDAY, 18 APRIL 2012

**REPORT BY:** HEAD OF PLANNING

**SUBJECT:** GENERAL MATTERS - ERECTION OF 44 NO. TWO  
STOREY AND THREE STOREY DWELLINGS  
INCLUDING ASSOCIATED PARKING, OPEN SPACE  
AND FORMATION OF NEW ACCESS AT BRIGNANT,  
HALKYN ROAD, HOLYWELL.

**1.00 APPLICATION NUMBER**

1.01 48264

**2.00 APPLICANT**

2.01 WATKIN JONES HOMES

**3.00 SITE**

3.01 LAND WEST OF BRIGNANT, HALKYN ROAD, HOLYWELL.

**4.00 APPLICATION VALID DATE**

4.01 04/03/2011

**5.00 PURPOSE OF REPORT**

5.01 To seek an amendment to the resolution, with regard to the need for a Section 106 Obligation relating to the provision of the visibility splay on the southern side of Halkyn Road.

**6.00 REPORT**

6.01 Members will recall that this planning application was permitted at the 14<sup>th</sup>. March meeting of the Planning and Development Control Committee, subject to the completion of a Section 106 Obligation covering the following Heads of Terms:

a) The provision of 13 No. affordable homes, to be made available under the applicant's shared equity scheme at 75% of market value, with the Council retaining nomination rights for occupiers having regard to people registered upon its Affordable Home Ownership Register and to be assessed by Tai Clwyd to ensure that they meet the qualifying criteria at the developers expense (0.5% of the discounted sales price).

b) Ensure the payment of an educational contribution of £38,500 towards educational provision/improvements to Perth Y Terfyn Infants School. The contribution shall be paid prior to occupation of the first dwelling.

c) Maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into).

d) Commuted sum for maintenance of play area/ open space for a period of 10 years, upon its adoption by the Authority

6.02 The planning permission will not be issued until the Section 106 Agreement has been prepared and signed but in relation to criterion (c) the proposed visibility splay is also referred to in one of the proposed conditions – Condition 16 – which states that a scheme is to be submitted to provide a 90 metre unobstructed stopping sight distance (SSD) on the southern side of Halkyn Road.

6.03 It is considered that this visibility splay is adequately covered by the proposed condition, the applicant having indicated for the purposes of the application that the land involved lies within his control. On this basis it is not necessary to repeat this control through the Section 106 Agreement and the Committee's resolution is therefore sought in respect of deleting clause 'c' from the Agreement.

## **7.00 RECOMMENDATIONS**

7.01 That the resolution to permit application ref. 48264 subject to the completion of a Section 106 Obligation (and conditions), taken at the Committee meeting on 14<sup>th</sup>. March, 2012, is amended to delete the reference to "maintaining visibility over area of land on southern side of Halkyn Road (if Section 278 Agreement not entered into)."

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