

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **PLANNING COMMITTEE**

**DATE:**               **WEDNESDAY, 2<sup>ND</sup> DECEMBER 2020**

**REPORT BY:**       **CHIEF OFFICER (PLANNING, (ENVIRONMENT AND ECONOMY), CHIEF OFFICER (EDUCATION AND YOUTH)**

**SUBJECT:**           **GENERAL MATTERS - PROPOSED AMENDMENT TO SECTION 106 AGREEMENT - RESIDENTIAL DEVELOPEMENT AT CROES ATTI, FLINT**

<b>1.00</b>	<b>APPLICATION NUMBERS</b>
1.01	Planning permission reference 049154 for outline planning permission for residential and other uses.
<b>2.00</b>	<b>APPLICANT</b>
2.01	N/A
<b>3.00</b>	<b>SITE</b>
3.01	Land at Croes Atti, Flint shown on the attached plan – Appendix 1.
<b>4.00</b>	<b>APPLICATION VALID DATE</b>
4.01	
<b>5.00</b>	<b>PURPOSE OF REPORT</b>
5.01	<p>To seek authority to vary the Section 106 Agreement (pursuant to Section 106A of the Town and Country Planning Act 1990), associated with the development of the Land as follows:</p> <p>1. To increase the area of land to be transferred to the Council for the proposed school site;</p> <p>2. To extend the time limit to commence development of the school site; and</p> <p>3. To remove the requirement for the developers to retain land for use as a health centre.</p> <p>The proposed variations are summarised at paragraph 6.08.</p>
<b>6.00</b>	<b>REPORT</b>

6.01	The site comprises 27 hectares and was granted outline planning permission for a mixed use development scheme comprising residential development, public open space, health centre, infrastructure works, landscaping, education and community facilities.																								
6.02	This site is subject to a Section 106 Agreement which sets out a number of requirements. These includes the provision of land for public open space, a health centre, education and community facilities. The site has been developed in line with a Development Brief which sought to create modern residential neighbourhoods which have a strong local identity and encourage a sense of community.																								
6.03	An area of 1.5 hectares of land was specifically set aside for the provision of a school which constituted the contribution from the developer for education requirements. This included an additional 1.0ha of land for a school extension if needed. This facility met the required policy standards and its delivery is secured by virtue of the Section 106 Agreement. However, the S106 agreement also requires that 0.9ha of the area of the 1.5 ha set out aside for education land was required for the dual use of a school playing field and a village green.																								
6.04	The table below sets out the proportion of land allocated for use in the S106 agreement.																								
<table border="1"> <thead> <tr> <th data-bbox="357 1263 560 1335">Existing S.106 requirement</th> <th data-bbox="580 1263 671 1296">Land</th> <th data-bbox="852 1263 927 1296">Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="357 1341 831 1408">Village green* / school playing field</td> <td data-bbox="852 1341 943 1375"></td> <td data-bbox="852 1341 943 1375">0.9ha</td> </tr> <tr> <td data-bbox="357 1413 528 1447">School land</td> <td data-bbox="852 1413 943 1447"></td> <td data-bbox="852 1413 943 1447">0.6ha</td> </tr> <tr> <td data-bbox="357 1451 687 1485">School extension land</td> <td data-bbox="852 1451 943 1485"></td> <td data-bbox="852 1451 943 1485">1.0ha</td> </tr> <tr> <td data-bbox="357 1489 512 1523"><b>Sub Total</b></td> <td data-bbox="852 1489 943 1523"></td> <td data-bbox="852 1489 943 1523"><b>2.5ha</b></td> </tr> <tr> <td data-bbox="357 1527 703 1561">Shop/Community centre</td> <td data-bbox="852 1527 943 1561"></td> <td data-bbox="852 1527 959 1561">0.55ha</td> </tr> <tr> <td data-bbox="357 1565 560 1599">Health Centre</td> <td data-bbox="852 1565 943 1599"></td> <td data-bbox="852 1565 959 1599">0.45ha</td> </tr> <tr> <td data-bbox="357 1603 448 1637"><b>Total</b></td> <td data-bbox="852 1603 943 1637"></td> <td data-bbox="852 1603 943 1637"><b>3.5ha</b></td> </tr> </tbody> </table>		Existing S.106 requirement	Land	Area	Village green* / school playing field		0.9ha	School land		0.6ha	School extension land		1.0ha	<b>Sub Total</b>		<b>2.5ha</b>	Shop/Community centre		0.55ha	Health Centre		0.45ha	<b>Total</b>		<b>3.5ha</b>
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*The village green element (0.9ha) has already been provided.																									
6.05	A proposal to replace the existing Ysgol Croes Atti, Flint, with a new school on this site, is included in the Council's agreed Strategic Outline Programme for the Welsh Governments 21st Century Schools' Investment Programme, Band B.																								
6.06	The rationale for the amendment to the S106 agreement is on the basis of the Council's strategic intent to deliver a new school and																								

that the concept of a dual use open space serving as a school playing field is unsuitable from a school safeguarding perspective.

6.07 Discussions between officers and the developers have taken place, during which the Council confirmed that the dual use arrangement for public open space and school playing field is unsuitable to meet the necessary required school provision. In addition, to adequately future-proof the school site 2.5ha of land would be required.

6.08 The above discussions have been positive, with the developers content to proceed with a deed of variation to the Section 106 Agreement. The table below sets out the proposed changes :-

<b>S.106 Requirement</b>	<b>Area</b>	<b>Provided on site</b>	<b>Proposed Requirement</b>	<b>Amendment</b>
Village green / school playing field	0.9ha	0.9ha	No change (already provided)	N/A
Shop/community centre	0.55ha		No Change	N/A
<b>Sub total</b>	<b>1.45ha</b>			
Health Centre	0.45ha		0.0ha	Removal of requirement
School land	0.6ha		1.05ha	An addition of 0.45ha of land (as above)
School extension land	1.0ha		1.45ha	0.45ha New Land
<b>Total</b>	<b>3.5ha</b>	<b>0.9ha</b>	<b>2.5ha</b>	

6.09 The additional land (noted in the above table as school extension land 1.45ha) shown in purple on the attached plan, would be required in order to facilitate appropriate school design and to ensure that the school site is future proofed.

6.10 Officers have consulted with Betsi Cadwaladr University Health Board who have confirmed that they have no interest in use of the land currently set aside for a Health Centre. Members will already be aware that The Health Board has strategically invested in new Health Centre provision within the towns of Flint, Holywell, Buckley, Connah's Quay and Mold. There is therefore no likely prospect or need for Betsi Cadwaladr to utilise the land set aside for a Heath Centre.

6.11 Whilst it is the intention to develop the proposed school project as soon as practically possible (subject to appropriate approvals) it is

requested that the date required to commence development of the school be extended to allow flexibility if progress is adversely affected by the global pandemic.

**7.00 RECOMMENDATIONS**

7.01 That the Section 106 Agreement relating to the Land be varied to provide:

1. An increase in the land constituting the School Site from 0.6ha to 1.05ha and requiring that land to be transferred to the Council.
2. Removal of the requirement to retain 0.45 ha of land for use as a Health Centre
3. An increase in the school extension land from 1.00ha to 1.45ha.
4. To extend the date required for commencement of development of the school on the school site to 10 years from the date of varied agreement.

**8.00 LIST OF BACKGROUND DOCUMENTS**

- Planning Application & Supporting Documents
- Section 106 Agreement dated 31<sup>st</sup> August 2012

9.00 **Contact Officer: Damian Hughes / Mandy Lewis**

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