

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY, 20 FEBRUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **OUTLINE APPLICATION - ERECTION OF A DWELLING ON LAND ADJACENT TO FERN BANK, THE OLD WARREN, BROUGHTON**

APPLICATION NUMBER: **049966**

APPLICANT: **MR. J. KITCHEN**

SITE: **LAND ADJACENT TO FERN BANK, THE OLD WARREN, BROUGHTON.**

APPLICATION VALID DATE: **19TH JULY 2012**

LOCAL MEMBERS: **COUNCILLOR M. LOWE**
COUNCILLOR D. BUTLER

TOWN/COMMUNITY COUNCIL: **BROUGHTON & BRETTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN NEED TO ASSESS PROPOSAL HAVING REGARD TO PLANNING POLICY FRAMEWORK.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This outline application proposes the demolition of a single storey building which is currently vacant but was formerly used for storage/distribution purposes and the redevelopment of the site by the erection of a new dwelling on land adjacent to Fern Bank, The Old Warren, Broughton. All matters except for means of access are reserved for subsequent approval.

2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

2.01 1. The proposed development is located in the open countryside outside the settlement boundary of Broughton as defined in the adopted Flintshire Unitary Development Plan. In such locations new residential development will only be permitted if it can be

established by the Local Planning Authority that the dwelling is essential to house farm/forestry worker(s) or other key business workers who must live on the site rather than in a nearby settlement. No special circumstances have been advanced in this instance and the development is therefore contrary to Planning Policy Wales – Edition 5, November 2012, Technical Advice Note 6 – Planning for Sustainable Rural Communities and Policies STR1, GEN1, GEN3 and HSG4 of the adopted Flintshire Unitary Development Plan.

2. The application does not contain any evidence to confirm that the dwelling is proposed to meet a proven local housing need. This is therefore contrary to Policy HSG5 of the adopted Flintshire Unitary Development Plan.
3. The application does not constitute appropriate infill development as the site is not a small gap in a continuously developed frontage of residential properties at this location. This is therefore contrary to criterion a of Policy HSG5 of the adopted Flintshire Unitary Development Plan.
4. The proposed development does not constitute suitably located 'previously developed land'. Its release for residential purposes is therefore contrary to the locational criteria contained within paragraph 4.9 of Planning Policy Wales Edition 5 – November 2012.

3.00 CONSULTATIONS

3.01 Local Member

Councillor M. Lowe

Request site visit and planning committee determination in order to assess the proposal having regard to the planning policy framework.

Councillor D. Butler

Request site visit and planning committee determination in order to assess the proposal having regard to the planning policy framework.

Broughton & Bretton Community Council

No objection.

Head of Assets and Transportation

Do not intend to make a recommendation on highway grounds.

Head of Public Protection

No response received.

Welsh Water/Dwr Cymru

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Clwyd-Powys Archaeological Trust
No archaeological implications.

Airbus

Given the sites location under the approach slope to Hawarden Airport the height of any dwelling should be limited to a maximum of 43m above AOD. Any crane used in the construction phase shall have a permit from the airport authority. No aerodrome safeguarding objection providing any development complies with the above condition.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

23 letters of support received, the main points of which can be summarised as follows:-

- Residential development would be preferable to industrial development given damage by HGV's to grass verges/hedgerows.
- Conflicting vehicular movements with domestic vehicles both during the day and night.
- Existing building is in a vacant/derelict condition and replacement by a dwelling would provide an improvement in visual terms.
- There are considered to be more modern vacant and suitable business premises on existing industrial estates within the County.

5.00 SITE HISTORY

5.01 **044468**

Change of use from warehouse/office to day nursery with office accommodation. Withdrawn 8th December 2008

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1- New Development

Policy STR4 – Housing

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy HSG5 – Limited Infill Development Outside Settlement Boundaries

Policy HSG11 – Affordable Housing in Rural Areas

The proposal **would not** comply with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This outline application proposes the demolition of a single storey building which is currently vacant but was formerly used for storage/distribution purposes and redevelopment by the erection of a new dwelling on land adjacent to Fern Bank, The Old Warren, Broughton.

7.02 Site/Surroundings

The site which amounts to approximately 0.15 hectares in area is located on the southern side of the road known as The Old Warren some 300m to the western edge of Broughton. The site currently accommodates a single storey building constructed having facing blockwork/corrugated sheeting external walls with office to the front. The building/site are located adjacent to an existing property Fern Bank and the linear garden area associated with Laburnum Cottage, the property itself being approximately 40 m to the east of the application site.

7.03 Planning Policy

For Members information the site is located within the open countryside some 300m to the west of the settlement boundary of Broughton as defined in the adopted Flintshire Unitary Development Plan. In such locations new residential development is normally only allowed:-

- a) for agricultural or forestry workers or other rural enterprise for which an essential need must be proven or
- b) if the proposal meets the definition of Infill Development in accordance with Policy HSG5 of the adopted Flintshire Unitary Development Plan or
- c) it would result in the redevelopment of suitably located previously developed or brownfield land.

7.04 In support of the application the applicant's agent has submitted a Design & Access Statement and is of the view that:-

- i) the proposed development would constitute infill development in accordance with Policy HSG5 of the Unitary Development Plan and Planning Policy Wales.
- ii) It falls within the definition of previously developed or brownfield land as contained within Planning Policy Wales and its redevelopment would be suitable for residential purposes.

7.05 For Members information Policy HSG5 of the adopted Flintshire

Unitary Development Plan is as follows:-

Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal is to meet a proven local housing need; and

- a) Comprises a small gap within a clearly identifiable small group of houses within a continuously developed frontage;
- b) Does not constitute or extend existing ribbon development and does not create fragmented development; and
- c) Respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site.

7.06 Having regard to the above, it is my view that the main issues in consideration of this application focus on:-

- I. Whether the proposal would meet a proven local housing need in compliance with Policy HSG5 of the adopted UDP.
- II. Whether the proposal constitutes infill development in accordance with the criteria listed in Policy HSG5.
- III. Whether the site meets the definition of previously developed or brownfield land as contained in Planning Policy Wales and its redevelopment for residential purposes would be acceptable in locational terms.
- IV. Adequacy of access to serve the development.

7.07 In response to the above, I wish to advise as follows:-

- I. The proposal does not meet an identifiable and proven local housing need. No case has been advanced by the applicant/agent in this respect with the Design and Access Statement advising in paragraph 2.20 that "Turning to the local housing need element, the nature and character of the site is more appropriate and suited to an open market executive style detached dwelling."

Consultation on this aspect of the development has been undertaken with the Council's Housing Strategy Officer who confirms that "there is an identified affordable housing need in Broughton with 118 applicants registered on the council's waiting list for rental accommodation and 4 applicants on the affordable homeownership register. For Member's information this application is not targeted to meet either of the tenures outlined.

- II. The proposed site is not a small gap in a continuously developed frontage of residential properties. The long garden frontage of Laburnum Cottage, to the east of the site, creates a large gap between the application site and the existing dwelling which significantly weakens the group effect. Whilst the

housing along the Warren predominantly takes the form of frontage development onto the highway, this is characterised by a number of sporadically located properties with associated gaps and spaces between them. The development would add to a fragmented pattern of development at this rural location rather than representing an infill dwelling within a coherent group of dwellings.

- III. It is acknowledged that the existing building is currently vacant and that it was previously used for storage and distribution purposes in accordance with Class B8 of the Town and Country Planning Use Classes Order 1987. The site does fall within the definition of 'previously developed' or brownfield land as contained in Planning Policy Wales but in locational terms it is considered that redevelopment of the site for residential purposes would be unacceptable for the reasons outlined in paragraph 7.07 (II). Furthermore, the Old Warren is not a remote rural area where there are no other opportunities for new housing development. Rather, it is close to a Category B Settlement, where growth in Broughton amounts to 16.9%, as a result of allocation, completions and commitments over the Plan period. There is considered to be no overriding need for exceptions to be granted against well established national and local policies which seek to protect open countryside locations from inappropriate residential development.

In addition, no supporting information has been submitted to confirm that the building has been advertised at a reasonable price for sale or lease for an employment generating use. It is my view as highlighted by the background of planning history in paragraph 5.00 of this report that scope exists for a suitable employment re-use of the site building to be found, including that for e.g. for a children's day nursery which could operate alongside existing residential properties without causing detriment to privacy / amenity.

- IV. Consultation on the application has been undertaken with the Head of Assets and Transportation who has raised no objection to the development on highway grounds.

8.00 CONCLUSION

The site is located within the open countryside where any proposals for new residential development would have to meet specific requirements in central and local government policy as outlined in paragraph 7.03 of this report. The proposed development would not meet any of the circumstances outlined as:- a) it is not essential to meet the needs of a farm/forestry or key business worker b) it would not meet a proven local housing need or the locational criteria contained in Policy HSG5 of the Flintshire Unitary Development Plan and c) the site is not suitably located 'previously developed land' and

residential development would therefore be contrary to Planning Policy Wales. I therefore recommend accordingly.

- 8.01 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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