

FLINTSHIRE COUNTY COUNCIL

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

DATE: **WEDNESDAY 19TH JUNE 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **ERECTION OF A 3 BEDROOM DETACHED DWELLING WITH GARAGE FOR A DISABLED PERSON, ON LAND ADJ 45, BROUGHTON HALL ROAD, BROUGHTON**

APPLICATION NUMBER: **050545**

APPLICANT: **MR K PARTINGTON**

SITE: **LAND ADJACENT TO 45, BROUGHTON HALL ROAD, BROUGHTON**

APPLICATION VALID DATE: **25/02/13**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

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

REASON FOR COMMITTEE: **S106 AGREEMENT**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for the erection a detached bungalow for a disabled person on land adjacent to 45 Broughton Hall Road, Broughton. The proposed dwelling is considered to meet the requirements of Policy HSG3 of the Flintshire Unitary Development Plan in terms of being justified on the grounds of housing need subject to the applicant entering into a S106 agreement. The details of the siting, layout, design and access of the dwelling are acceptable and in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation / Unilateral Undertaking to provide the following:-
- 2.02
- The property shall be occupied by the applicant Mr. Partington in the first instance;
 - The Council would be offered first refusal to purchase the property if it is put up for sale at open market value within an agreed time period. If the Council do not wish to purchase the property, second refusal, is given to a Registered Social Landlord within a similarly agreed time period.
- 2.03 The proposal is recommended for approval subject to the following conditions:
- Conditions
1. Time limit
 2. In accordance with plans
 3. Foul and surface water shall be drained separately.
 4. Surface water connection
 5. Land drainage run-off
 6. Code Level 3 for Sustainable Homes compliant
 7. Landscaping
- 2.04 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to **REFUSE** the application.

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor W Mullin
Agrees to the determination of the application under delegated powers.
- 3.02 Broughton and Bretton Community Council
No objection.
- 3.03 Head of Assets and Transportation
No objection.
- 3.04 Head of Public Protection
No objection.
- 3.05 Welsh Water/Dwr Cymru
Standard conditions relation to foul and surface water disposal.
- 3.06 Head of Housing Strategy

No objection if the occupant meets the local connection criteria and the property is constructed to meet the needs of the occupant. The applicant should enter into a S106 Agreement stating that should the property be sold in the future, the Council and subsequently a Registered Social Landlord are given first refusal of the property at market value within a specified time period.

4.00 PUBLICITY

- 4.01 Site Notice and Neighbour Notification
None received.

5.00 SITE HISTORY

- 5.01 **049842**
Proposed erection of a dwelling and garage and formation of a private access. Withdrawn 10.12.12

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR1 – New Development
STR4 – Housing
STR8 – Built Environment
GEN1 – General Requirements for Development
GEN2 – Development Inside Settlement Boundaries
HSG3 – Housing on Unallocated Sites Within Settlement Boundaries
D1 – Design Quality, Location and Layout
D2 – Design
D3 – Landscaping
AC13 – Access and Traffic impact
AC18 – Parking Provision and New Development
- 6.02 The proposal is in accordance with the above development plan policies.

7.00 PLANNING APPRAISAL

- 7.01 Introduction
This is a full application for the erection a detached bungalow for a disabled person on land adjacent to 45 Broughton Hall Road, Broughton.

- 7.02 Site Description
The application site is part of the garden area of 45 Broughton Hall Road, Broughton. The site is surrounded by residential properties to all boundaries, which are a mixture of bungalows, dormer bungalows and two storey properties. The boundaries of the site are landscaped with mature hedging and fencing. The access to the site is a private drive which runs parallel to the private drive for 47 Broughton Hall

Road.

7.03 Proposed Development

It is proposed to erect a 3 bedroom bungalow with integral garage. The applicant is disabled and requires 24 hour care. The bungalow is designed specifically for the applicants needs as a wheel chair user with an en-suite bedroom for a live in carer. The bungalow is proposed to be of brick and render construction with concrete roof tiles. The dwelling would be accessed via the existing driveway for 45 Broughton Hall Road with a new access spur created. The existing driveway runs past the side of 43a Broughton Hall Road.

7.04 Principle of Development

Broughton is a Category B settlement within the Adopted Flintshire Unitary Development Plan. Within such settlements growth is controlled by Policy HSG3 'Housing on Unallocated Sites Within Settlement Boundaries'.

7.05 Specifically criteria b states;

' On unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings, and infill development will be permitted provided that:

b. in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need,'

7.06 The purpose of policy HSG3 is to control the expansion of settlements where there is already a high level of growth and to ensure new dwellings are for local needs. In terms of growth of the settlement, at 2012 Broughton had sufficient sites with planning permission, units which have been built and land allocated in the UDP, which when added together take its growth within the plan period to 17%. Since the cumulative growth is already above 15%, any new dwellings in Broughton will need to be for local housing needs.

7.07 This application is for a bungalow designed to meet the needs of the applicant Mr. Partington who is disabled and has needs which required a suitably adapted dwelling. He also has 24 hour live in carers. The applicant currently resides at 45 Broughton Hall Road, but the current dwelling is not suitable for his needs. The applicant has a local connection, having lived in Broughton all his life and in the current property for over 15 years. It is therefore considered that this proposal can be allowed as an exception to HSG3 as it would provide specially designed accommodation to meet an identified local need.

7.08 A S106 agreement is required to ensure that if the property is sold on in the future the Council is given first refusal on purchasing the property at open market value, within an agreed time period. If the

Council does not wish to purchase the property, second refusal should be given to a Registered Social Landlord.

7.09 Siting, Amenity, Access and Design

The proposed bungalow is to the west of the existing dwelling in an area currently used as garden. The siting and design of the dwelling is arranged to ensure that there would be no adverse impact on amenity with regard to the impacts on the occupiers of the existing and proposed dwelling. While there would be some increase in the use of the existing driveway adjacent to 43a Broughton Hall Road, it is not considered that this would have any unacceptable impact on their residential amenity.

7.10 The proposed dwelling is a bungalow, therefore there is no issue with overlooking to adjacent properties, subject to the retention of adequate boundary treatment. This can be controlled by condition. There is sufficient garden area for both the proposed and existing dwelling in accordance with the Council's Local Planning Guidance Note 2: Space Around Dwelling. The layout also provides for adequate parking and turning. The existing bungalow is brick and render with a concrete tile roof, therefore the proposed materials match the existing. The dwelling would be required to meet Code Level 3 for Sustainable Homes and this would be dealt with by condition.

8.00 CONCLUSION

8.01 The proposed dwelling is considered to meet the requirements of Policy HSG3 of the Flintshire Unitary Development Plan in terms of being justified on the grounds of housing need subject to the applicant entering into a S106 agreement as set out above. The details of the siting, layout, design and access of the dwelling are acceptable and in accordance with Policy GEN1 of the Flintshire Unitary Development Plan.

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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