

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **9<sup>TH</sup> OCTOBER 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:** **051040**

**APPLICANT:** **MR K PARTINGTON**

**SITE:** **LAND ADJ 45, BROUGHTON HALL ROAD, BROUGHTON**

**APPLICATION VALID DATE:** **09/08/13**

**LOCAL MEMBERS:** **COUNCILLOR W MULLIN**

**TOWN/COMMUNITY COUNCIL:** **BROUGHTON**

**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:-

- 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.

2.02 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 including tree protection measures
8. Removal of permitted development rights for extensions

2.03 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

Requests committee determination as there is only a slight change from the original application which was previously refused. It should go back to committee and outline any improvements that have been made.

Broughton and Bretton Community Council  
No objection.

Head of Assets and Transportation  
No objection.

Head of Public Protection  
No objection.

Welsh Water/Dwr Cymru

Standard conditions relation to foul and surface water disposal.

Head of Housing Strategy

No comments received at time of writing.

**4.00 PUBLICITY**

4.01 Site Notice and Neighbour Notification

1 letter received from 39 Broughton Hall Road stating the only objection they have is in the grounds of the garden of no 45 is a very large tree and they are concerned that the development will unsettle the roots and damage their property as the tree is on the boundary.

**5.00 SITE HISTORY**

5.01 **049842**

Proposed erection of a dwelling and garage and formation of a private access. Withdrawn 10.12.12

5.02 **050545**

Erection of a 3 bedroom detached dwelling with garage (for disabled person). Refused 16.07.13 Appeal pending

**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

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. This is an amended design to the previous application 050545, which is currently pending a decision through the appeal process following its refusal by this Committee on 19<sup>th</sup> June 2013.

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 proposed dwelling is a different design and internal layout to application 050545.

7.04 The bungalow is designed specifically for the applicants needs as a wheelchair 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.

7.05 The amended proposal has a different internal layout to the previous proposal, with the living accommodation to the side opening out on to the garden area and the bedrooms to the rear and front. The siting of the dwelling remains in a similar position to the previous application. Further information is contained within the 'Supporting Planning Statement' in relation to how the current property is not suitable for the applicant's due to his disability. This is detailed below.

7.06 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'. 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,'*

7.07 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 2013 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 19%. Since

the cumulative growth is already above 15%, any new dwellings in Broughton will need to be for local housing needs.

- 7.08 This application is for a bungalow designed to meet the needs of the applicant Mr. Partington who is wheelchair bound following an accident. The applicant currently resides at 45 Broughton Hall Road, but the current dwelling is not suitable for his needs. The Supporting Statement with the application states that the applicant struggles considerably in his present dwelling despite assistance and live in carers.
- 7.09 The current dwelling features inadequate turning space, narrow entrances/exits to and from the dwelling, as well as uneven external ground levels. These constraining factors make it very difficult for the applicant to live without considerable assistance where otherwise he would be able to have a degree of independence. There have been incidents that have resulted in the applicant falling from his chair on a number of occasions because of the poor accesses at both the front and rear of the property. It is also stated that many of the rooms in the current house are inaccessible to the applicant as they have stepped entrances, such as the inner access to the garage and access to the conservatory. The applicant currently has a mechanised winch that provides direct access to the wet-room in the bathroom. This results in the current bathroom having a large amount of under utilised space due to the retrofitting of this requirement in a house not designed for a disabled person.
- 7.10 The new dwelling is designed to make the best use of space, for example in terms of the location of the installation of the mechanised track that runs the winch into the bathroom from the bedroom has been sited to provide the necessary manoeuvring space for the applicant. The design of the dwelling has been informed by the difficulties the applicant currently faces in his current dwelling.
- 7.11 When the applicant travels, he requires a friend or carer to drive him to and from locations, as the applicant can only gain access to a vehicle by means of mechanised winch which needs to be located internally within the garage. At present the applicant cannot access the garage through the internal door and has to leave the house and travel around the property to access the garage externally which causes him some difficulty. The proposed dwelling would provide the necessary means of internal access from the dwelling to the garage and the associated manoeuvring space required for the applicant to easily enter/exit vehicles and gain internal access to the dwelling itself.
- 7.12 The applicant has a local connection, having lived in Broughton all his life and in the current property for over 15 years. He is keen to remain in this area as this is where his friends, family and support network are based. 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.

7.13 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. The applicant is in agreement with this restriction.

7.14 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.

7.15 The proposed dwelling is a bungalow, therefore there is no issue with overlooking to adjacent properties despite any changes in window positions, 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.

7.16 A resident of 39 Broughton Hall Road has raised concerns regarding the location of a tree and the impact on its roots due to its location on the boundary. A condition can be imposed to ensure a landscaping scheme including details of tree protection measures is submitted prior to commencement of development.

**8.00 CONCLUSION**

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. Further supporting information in relation to the applicants needs have been submitted to support this application. 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.

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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