

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH APRIL 2017**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – ERECTION OF 1 NO. DWELLING AT THE OLD STACKYARD, BRETTON COURT MEWS, BRETTON**

APPLICATION NUMBER: **056542**

APPLICANT: **MR. S. PATTON**

SITE: **THE OLD STACKYARD, BRETTON COURT MEWS, BRETTON**

APPLICATION VALID DATE: **7TH FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

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

REASON FOR COMMITTEE: **DEPARTURE FROM THE DEVELOPMENT PLAN**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This is an application for full planning permission for the erection of a four bedroom detached two storey dwelling with attached single storey garage and workshop. The land has been certified as being lawfully part of the garden and driveway forming residential curtilage to the Old Stackyard issued on 22nd June 2010.
- 1.02 The application site is located in the open countryside, outside any recognised settlement boundary in the adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development.

1.03 While this site is outside any defined settlement boundary it is considered that it is a highly sustainable location and is well related to the pattern of development, nearby settlements and other major developments. It is in close proximity to the settlements of Bretton, Broughton and the retail park which provide a range of facilities and public transport services. It is therefore considered that the lack of a 5 year land supply and the sustainability of the site outweigh the fact that the site is located in the open countryside. The proposal is therefore in accordance with both PPW and TAN 1.

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

- 2.01
1. Time commencement 2 years
 2. Plans
 3. Materials
 4. Drainage
 5. Means of access to be construction by the required specification for a vehicular footway crossing
 6. Boundary treatment and landscaping

3.00 CONSULTATIONS

3.01 Local Member
Councillor W Mullin
No response received at time of writing.

Broughton and Bretton Community Council
No objection.

Highways Development Control Manager
No objection subject to a condition requiring the means of access to be construction by the required specification for a vehicular footway crossing.

Public Protection Manager
No adverse comments to make.

Welsh Water/Dwr Cymru
The applicant proposes to use an alternative to mains drains and no connection to the mains drains is proposed.

Airbus
No aerodrome safeguarding objection.

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification
No responses received.

5.00 SITE HISTORY

5.01 046671

Application for a Lawful Development Certificate for an existing use of land as residential curtilage. Approved 22.06.10.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

GEN3 – Development Outside Settlement Boundaries

HSG4 – New Dwellings Outside Settlement Boundaries

HSG5 – Limited Infill Development Outside Settlement Boundaries

GEN1 - General Requirements for New Development

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

WB1 - Species Protection

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

TWH2 – Protection of Hedgerows

AC2 – Pedestrian Provision and Public Rights of Way

AC3 – Cycling Provision

Planning Policy Wales Edition 9 November 2016

Technical Advice Note 1 Joint Housing Availability Studies 2015

The compliance with policy is set out in detail below.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the erection of 1 dwelling on land at the Old Stack Yard, Bretton Road, Bretton.

7.02 Site Description

The application site forms part of the side garden to the dwelling known as the Old Stackyard which is part of Bretton Court Mews which is accessed from Bretton Road. Bretton Court Mews is a series of two storey dwellings from subdivision of the original farm house and barn conversions into 8 dwellings in the late 1980's. The Old Stackyard is located to the east of the application site and there is a row of garage buildings to the west of the dwellings which form the eastern boundary of the application site.

7.03 The site is bounded to the north by Bretton Road beyond which lies Broughton Shopping Park. There is a footpath link opposite the site into the shopping park.

- 7.04 The application site has a number of domestic outbuildings and is used as a garden to the adjacent dwelling. To its western boundary is agricultural land. Beyond the agricultural land approximately 150m to the south east is the A55.
- 7.05 Proposed development
It is proposed to erect a four bedroom detached two storey dwelling with attached single storey garage and workshop. The proposed dwelling has a slate roof with facing brickwork to be agreed and powder coated aluminium windows. The dwelling would be served by a new vehicular access with turning area.
- 7.06 Principle of Development
The land has been certified as being lawfully part of the garden and driveway forming residential curtilage to the Old Stackyard issued on 22nd June 2010.
- 7.07 The application site is located in the open countryside, outside any recognised settlement boundary in the adopted Flintshire Unitary Development Plan, where there is generally a presumption against new development. The whole complex of development at Bretton Court Mews is outside the settlement boundary but is approximately 80 metres away from it to the east. Bretton and the complex of development at Bretton Court Mews is surrounded by the green barrier to the south and west. The out of town Broughton retail park development is opposite the site. The settlement boundary of Broughton is approximately 150 metres to the west.
- 7.08 Although the UDP Plan period expired at the end of 2015, it still remains the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's.
- 7.09 In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where housing development may take place outside of settlement boundaries. The range of housing development includes new rural enterprise dwellings, replacement dwellings, residential conversions, infill development and rural exceptions schemes which are on the edge of settlements where the development is wholly for affordable housing. Policy GEN3 is then supplemented by detailed policies in the Housing Chapter on each type. The proposed development does not fall within or is justified to fall with any of those categories.
- 7.10 The dwelling is proposed in the context of the lack of a 5 year land supply and it's siting within a sustainable location. A statement justifying it in relation to the Council's Guidance note on Speculative Housing Development has been submitted.

7.11 TAN1 and PPW

It is acknowledged that, on the basis of the residual method of calculating housing land supply, the Council has a 3.7 year supply as at April 2014 which represents a decrease from the previous figure of 4.1 years. In the light of guidance in PPW and TAN1 it is accepted that there is a need to increase housing land supply through considering applications for appropriate sustainable development.

7.12 Welsh Government Technical Advice Note 1 states that *“The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study..... The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.”*

7.13 It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments ‘presumption in favour of sustainable development’.

7.14 Welsh Government Advice and National Planning Policy Planning Policy Wales Edition 9 paragraph 4.2.2 states *“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time,”* when taking decision on planning applications.”

7.15 Planning Policy Wales Edition 9 paragraph 4.2.4 states *“A plan led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2) Where;*

- *There is no adopted development plan (see 2.6) or*
- *The relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *Where there are no relevant policies (see 2.7)*

there is a presumption in favour of proposal in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.”

7.16 Paragraph 4.2.5 states *“In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge*

whether this is the case using all available evidence, taking into account the key principles (see 4.3) and policy objectives (see 4.4) of planning for sustainable development. In such case the local planning authority must clearly state the reasons for the decision.”

- 7.17 Sustainable development and capacity of the settlement
In the adopted Flintshire Unitary Development Plan, Bretton is classified as a Category C settlement which is defined as a small village, with an indicative growth of up to 10% during the plan period of 2000 - 2015. Bretton achieved a growth of 1.8% from two completions. Broughton is a Category B settlement and achieved a growth of 18.4% over the plan period although more sites have come forward since then.
- 7.18 The site is located outside the settlements of both Bretton and Broughton. Bretton is approximately 80 metres to the east and Broughton is 150 metres to the west. To the north of the site is Broughton retail park, which is about 150 metres away. There is a footpath link from Bretton Road to the park making the site easily accessible on foot to all of the facilities at the Park. The Park has a variety of both food and other non- food stores along with a pharmacy. There are also employment and leisure opportunities in the form of restaurants and a cinema. There is also access to public transport options from the retail park from the bus interchange facilities which serve areas both within and outside Flintshire on a regular basis.
- 7.19 Para 4.7.8 of PPW states *‘development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation...new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled’.*
- 7.20 It is considered that the proposal does meet this element of national planning guidance as it is directly adjacent to the settlement of Bretton and is well served in terms of infrastructure and access. As the site is established garden there is minimal impact on habitat or landscape features. It is therefore considered that this is a sustainable site.
- 7.21 Impact on the character of the area
The site has a certificate of lawful use as a garden and residential curtilage in association with the Old Stackyard. This benefits from permitted development rights therefore as residential curtilage and can be used for a range of domestic paraphilia. The proposed site is in the open countryside and is surrounded by the green barrier to the west and south. In this context there is therefore no opportunity for further development around this site. A condition can be imposed for details of boundary treatment in order to provide a defensible boundary.

7.22 Design

The dwelling is two storey with an attached single storey garage and workshop. This element of the building would be closest to the road. The proposed dwelling is brick with a slate roof which would be in keeping with the adjacent Bretton Mews development. The adjacent housing complex is a single building which is subdivided into individual dwellings. It is therefore considered that the design and scale and form of the proposed dwelling is acceptable in this context.

8.00 CONCLUSION

8.01 While this site is outside any defined settlement boundary it is considered that it is a highly sustainable location and is well related to the pattern of development, nearby settlements and other major developments. It is in close proximity to the settlements of Bretton, Broughton and the retail park which provide a range of facilities and public transport services. It is therefore considered that the lack of a 5 year land supply and the sustainability of the site outweigh the fact that the site is located in the open countryside. The proposal therefore is in accordance with both PPW and TAN 1.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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