

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **14 DECEMBER 2022**

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

**SUBJECT:** **CHANGE OF USE FROM CLASS C3 (DWELLING  
HOUSE) TO CLASS C2 (CARE HOME)**

**APPLICATION  
NUMBER:** **FUL/000392/22**

**APPLICANT:** **F JOHNSON, SAFE HANDS HOMES LTD**

**SITE:** **43 LOWER ASTON HALL LANE, HAWARDEN,  
DEESIDE, CH5 3EX**

**APPLICATION  
VALID DATE:** **6 OCTOBER 2022**

**LOCAL MEMBERS:** **COUNCILLOR H BROWN AND COUNCILLOR G  
BROCKLEY**

**TOWN/COMMUNITY  
COUNCIL:** **Hawarden Community Council**

**REASON FOR  
COMMITTEE:** **MEMBER REQUEST**

**SITE VISIT:** **REQUESTED**

**1.00 SUMMARY**

1.01 The application seeks a change of use of an existing Class C3 residential dwelling into a Class C2 care home providing facilities for four children with one to one care.

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

- 2.01
1. Time limit in commencement
  2. In accordance with approved plans
  3. Facilities shall be provided and retained within the site for the parking and turning of vehicles.

### **3.00 CONSULTATIONS**

- 3.01 **Local Members** - Councillor H Brown requested officer meeting & Councillor G Brockley requests Committee determination and site visit
- 3.02 **Town/Community Council** – no response received
- 3.03 **Highways DC** – no objection subject to condition (para 2.03)
- 3.04 **Community & Business Protection** – no objection
- 3.05 **Welsh Water/Dwr Cymru** – no objection
- 3.06 **Natural Resources Wales** – no objection
- 3.07 **Airbus** – no objection

### **4.00 PUBLICITY**

- 4.01 Neighbour Notification  
2 identical emails received. Comments relating to ownership of driveway, surrounding land and to a covenant. No planning issues raised.

### **5.00 SITE HISTORY**

- 5.01 030185 - Single storey extension – approved -July 1999
- 5.02 026727 Double garage – approved – February 1997
- 5.03 021601 Self-contained granny flat – approved – July 1993

### **6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan
- GEN 1 – General Requirements for Development
  - GEN 3 – Development in the Open Countryside
  - GEN 4 – Green Barriers
  - AC13 - Access and Traffic Impact
  - AC18 - Parking Provision and New Development
  - CF 2 – New Community Facilities
- 6.02 Supplementary Planning Guidance
- SPGN No 11. Parking Standards

### 6.03 National Planning Policy

- Planning Policy Wales Edition 11
- Future Wales Plan (2020-2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation.

## 7.00 **PLANNING APPRAISAL**

### 7.01 Site Description

The application site comprises an existing, detached residential dwelling at the end of an unadopted track formed from Old Aston Hall Lane which also serves several other properties. The property is a large 5 bed detached house, having two reception rooms plus large kitchen/diner, family bathroom, 2 ensuites and downstairs WC. In addition, there is a detached 1-bed annexe, and a large detached double garage/ workshop. A combination of walls and railings enclose the garden which is laid to hardstanding on all sides. The property is a traditional family residential property with an existing vehicular access and ample on-site parking. The site is approx. 0.8 miles from Hawarden Station, 1.1 miles from Shotton Station and 1.5 miles from Hawarden Bridge Station. The site is situated off a private lane that is interspersed with a variety of house types, sizes, finishes, and styles. The closest immediate neighbouring properties are located down the long lane that serves the property. The area surrounding the site is open and rural in nature. The property is situated within the village of Aston, located on the edge of nearby Hawarden where a comprehensive range of shopping, educational, commercial, and recreational facilities are available, as well as other amenities and public transport services.

### 7.02 Proposal

The application seeks permission to use the site for Class C2 purposes, namely, use for the provision of residential accommodation and care for up to 4 young persons. It has been confirmed that ratio of carers to residents is 1 to 1. There are no physical external changes to the site proposed within the application.

### 7.03 Main Considerations

The main issues in considering the application are :-

- Principle of development and use
- Character and Appearance

- Impact upon Green Barrier
- Adjacent living conditions
- Parking / Highway Safety

#### 7.04 Principle

The site is located within the open countryside and within a Green Barrier designation as defined in the Unitary Development Plan (UDP) Criteria c of Policy GEN 3 of the UDP supports the re-use of buildings within the open countryside such as is proposed. Similarly, in accordance with criteria f of policy GEN 4, the reuse of the building is encouraged. Policy CF2 - Development of New Facilities re-iterates that the development of new education, health and community facilities will be permitted on suitable sites outside settlement boundaries through the conversion of existing buildings; or by extension to an existing facility; or on land with a previous built use. Compliance is achieved by the proposed intention to use an existing building. Subject to the assessment of other matters below, the principle of development is acceptable.

#### 7.05 Character and Appearance

The existing class C3 dwelling is large and could easily accommodate a large household, having 5 bedrooms and a 1-bedroom annex. I do not consider that the proposed use, owing to the small number of occupants and carers would alter the functionality significantly as to affect the character and appearance of the site and wider area. In terms of activity levels, the proposed use will be low key and will involve only up to four residents. Under the current lawful planning position, it would be possible to have more than this number of residents at the site through occupation by a large family or from a care home operating within Class C3. It is concluded that the proposed change of use would not be detrimental to the character and appearance of the site and wider area in accordance with policy GEN 1 and D1 of the Unitary Development Plan.

#### 7.06 Impact upon Green Barrier

It is not considered that the proposed change of use would contribute to the coalescence of settlements nor would it unacceptably harm the open character and appearance of the green barrier. The change of use is contained within an existing site which has an established residential use and there is no change or extension to the scale or appearance of the existing building. The deviation to a Class C2 residential use at the small scale proposed would not significantly alter the nature of the site. The proposal satisfies the aims of Policy GEN 4 of Unitary Development Plan.

#### 7.07 Adjacent Living Conditions

The site occupies a detached and relatively isolated position, off a private track with the nearest property being some 70m away. Given that there is no significant increase in the intensity of use, in that it is

feasible for the current dwelling to be occupied by more people than proposed within the application. It is concluded that there would be no harm to adjacent living conditions. The proposal therefore complies with the provisions of Policy GEN 1 of the Unitary Development Plan.

7.08 Parking / Highway Safety

Having regard to SPG 11 – Parking Standards, the suggested 1 car space per 3 bed spaces + 1 car space per member of staff would suggest that a total of 6no. parking spaces should be retained within the site. It is proven that there is ample space to accommodate this within the site and subject to the turning and parking area being formed prior to the commencement of operation of the approved use, there are no concerns in this regard. The site is located off an unadopted highway and is so far distanced from the adopted highway, it unlikely that vehicles would take to parking on it. There is no evidence which would suggest that the proposal would lead to an increase in traffic generation, given that the property could currently and lawfully be occupied by more adults than what is proposed. In considering that four 4 of the occupants are to be children, that proposed. In considering that four 4 of the occupants are to be children, there is every likelihood of a reduction in traffic movements. This being said, Lower Aston Hall Lane is a private lane, which is not maintainable at public expense and not within the control of the Highway Authority. The comments of Highways Development control have been taken into account and it is concluded that the proposal satisfies Policies AC 13 and AC 18 of the Unitary Development Plan.

7.09 Other Matters

Two third party emails have been received which details the owners of the shared access lane. It is stated within the email that there is covenant between landowners restricting the use of the lane to residential purposes. It is also stated that the lane is used by farm vehicles to farm the land surrounding the site. The third party covenant is not a material planning consideration and forms no part of my considerations.

7.10 It has been brought to my attention that there is a **proposed** Active Travel Route adjacent to the site. At present, the footpath does not exist however it is considered the proposal would not impact upon the safety of future users of the route. As the proposal seeks to change the use of an existing residential unit, and there are no physical alterations proposed, I conclude that the development proposed would not compromise the safety of pedestrians.

8.00 **CONCLUSION**

In conclusion, the proposal satisfies the aims of the relevant planning policy for the reasons given above and the application is therefore recommended for approval.

## 8.01 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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