

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



CS/NG

24 February 2022

Sharon Thomas 01352 702324  
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To: Cllr David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge,  
Chris Bithell, Derek Butler, Chris Dolphin,  
Ian Dunbar, Veronica Gay, Gladys Healey,  
Patrick Heesom, Christine Jones,  
Richard Jones, Richard Lloyd, Ted Palmer,  
Mike Peers, Neville Phillips and  
Owen Thomas

Dear Sir / Madam

**NOTICE OF REMOTE MEETING**  
**PLANNING COMMITTEE**  
**WEDNESDAY, 2ND MARCH, 2022 am 1.00 PM**

Yours faithfully

Steven Goodrum  
Democratic Services Manager

Please note: This will be a remote meeting. The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

## A G E N D A

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 2 February 2022.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

### **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 2 MARCH 2022**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
6.1	062863 - A	Full Application - Proposed Development consisting of 4 No. Class E(a) and E(b) food and retail units and associated car parking and signage at Former Gateway to Wales Hotel, Garden City (Pages 9 - 28)
6.2	063280 - A	Reserved Matters- Erection of 10 Dwellings And Associated Roads, Infrastructure and Parking including Details Of Access, Appearance, Landscaping, Layout And Scale, together with an application to discharge Conditions 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 and 14 of Outline Planning Permission Reference 060811 at Jubilee Villas, 80 Mold Road, Buckley (Pages 29 - 40)
6.3	063512 - R	Full Application - Proposed siting of 49 static holiday caravans and lodges on former golf practice area together with supplemental landscaping at Pennant Park Golf Club, Mertyn Downing Lane, Mostyn (Pages 41 - 54)

***Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours***

## **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote.

At County Council and Planning Committee meetings, speakers' times are limited. A bell will be sounded to alert that the speaker has one minute remaining.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at:

<https://flintshire.public-i.tv/core/portal/home>

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## **PLANNING COMMITTEE** **2 FEBRUARY 2022**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 2 February 2022

### **PRESENT: Councillor David Wisinger (Chairman)**

Councillors: Mike Allport, Chris Bithell, Derek Butler, Chris Dolphin, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Christine Jones, Richard Jones, Richard Lloyd, Mike Peers, Neville Phillips and Owen Thomas

**ALSO PRESENT:** Councillor Andy Hughes attended on behalf of the local Member for Agenda item 6.1 (063337)

**APOLOGIES:** Councillors Bernie Attridge and Ted Palmer

**IN ATTENDANCE:** Chief Officer (Planning, Environment & Economy), Service Manager - Strategy, Service Manager - Development, Team Leader - Planning, Senior Engineer - Highways Development Control, Senior Minerals and Waste Planning Officer, Legal Services Manager and Democratic Services Officer

### **49. DECLARATIONS OF INTEREST**

On agenda item 6.1 (063337), Councillor Derek Butler declared a personal interest as he was a board member of the Clwydian Range Area of Outstanding Natural Beauty (AONB) but not a member of the Joint Committee which had made representations on the application. On that basis, he would participate in the debate and vote.

### **50. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda on the Council's website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4995&LLL=0>

### **51. MINUTES**

The minutes of the meeting held on 12 January 2022 were confirmed as a correct record, as moved and seconded by Councillors Richard Lloyd and Ian Dunbar.

### **RESOLVED:**

That the minutes be approved as a true and correct record.

**52. ITEMS TO BE DEFERRED**

No items were recommended for deferral.

**53. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

**RESOLVED:**

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

**54. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

On commencement of the meeting, there were no members of the press and two members of the public in attendance.

(The meeting started at 1pm and ended at 2.20pm)

.....  
**Chairman**

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

**PLANNING COMMITTEE ON 2 FEBRUARY 2022**

<b>ITEM NO</b>	<b>TOWN/ COMMUNITY COUNCIL</b>	<b>SITE/PROPOSAL</b>	<b>THIRD PARTY / LOCAL MEMBER OBSERVATIONS</b>	<b>RESOLUTION</b>
063337	Treuddyn Community Council	Erection of small luxury boarding kennels (12 units total) at Brookside, Black Mountain, Nercwys, Mold	<p>Saskia Webster, local resident, spoke against the application.</p> <p>Robin Sadler, the Agent, spoke in support of the application.</p> <p>Councillor Andy Hughes, adjacent local ward Member, spoke on behalf of Councillor Carolyn Thomas against the application.</p>	<p>That planning permission be granted, in accordance with the officer recommendation, subject to the conditions set out in the report with an additional condition to require the submission and agreement of suitable amphibian Reasonable Avoidance Measures to be employed during the course of any development at the site and a note reflecting NRW advice in relation to the need for licences under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) should such EPS be discovered during the course of works.</p>

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
-	-	Section 42 Consultation of the Planning Act 2008 - HyNet North West Pipeline and Carbon Capture Storage Project	-	<p>That the final response on the Section 42 Consultation for the HyNet (Preliminary Environmental Information Report) be delegated to officers in consultation with key local members affected by the route of the proposed new carbon dioxide pipeline and the existing pipeline, that terminates at the Point of Ayr gas terminal.</p> <p>Following the submission of the DCO application, which is expected during the Summer 2022, the Council will be consulted again and requested to produce a Local Impact Report. The Planning Committee will be notified again at this subsequent stage of the DCO application and will have a subsequent opportunity to comment on the proposal and the contents of the Local Impact Report produced by the Council in relation to the submission.</p>



## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>ND</sup> MARCH 2022**

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

**SUBJECT:** **FULL APPLICATION – PROPOSED DEVELOPMENT CONSISTING OF 4 NO. RETAIL UNITS FOR USE CLASS E (a) AND E (b) FOOD AND RETAIL WITH ASSOCIATED CAR PARKING AND SIGNAGE**

**APPLICATION NUMBER:** **062863**

**APPLICANT:** **VALEDOWN DEVELOPMENTS LTD.**

**SITE:** **FORMER GATEWAY TO WALES HOTEL SITE, WELSH ROAD, GARDEN CITY**

**APPLICATION VALID DATE:** **16<sup>TH</sup> APRIL 2021**

**LOCAL MEMBERS:** **COUNCILLOR MS C M JONES**

**TOWN/COMMUNITY COUNCIL:** **SEALAND COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST – CONCERNS REGARDING USE OF THE SITE AND HIGHWAY IMPACT**

**SITE VISIT:** **NO.**

### **1.00 SUMMARY**

- 1.01 This a full planning application for the proposed redevelopment of the former Gateway to Wales Hotel site, Garden City, to provide 4 no. food and retail units with associated parking.

The schedule of development is listed below:

- Convenience Store (372sqm);
- Drive-Thru Coffee Shop (168sqm);
- Two Food Retail Units (Combined 260sqm).

- 1.02 Access to the site will be retained from the existing access arrangement from Welsh Road. The access arrangement will have improved geometry with 10m corner radii, a carriageway width of 7.3m and footways either side with a minimum width of 2m, including tactile paving with dropped kerbs.
- 1.03 A total of 63 no. on-site car parking spaces will be provided, including 6 no. disabled spaces.
- 1.04 The application site extends for 0.51ha and is located within Garden City. The site benefits from a prominent roadside location positioned between the A494 Trunk Road and the B4551, Welsh Road. The site is cleared and vacant following the demolition of the former Gateway to Wales Hotel, which was subject to fire damage in 2017. The site has an existing access off Welsh Road, and is neighbored by residential development.
- 1.05 The site is located within the settlement boundary of Garden City which is a category B settlement in the adopted UDP. The UDP also identifies in Policy S1 that Welsh Rd, Garden City is a Local Shopping Centre. The site is also previously developed land, being the former Gateway to Wales Hotel site, and therefore its reuse would be in line with the definition and principles set out within PPW11 which states at para. 3.55 that within settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.
- 1.06 This re-submission addresses the reasons of refusal on the previous application (LPA Ref: 062202) which are listed below:
- 1. The Local Planning Authority considers that the proposed development will result in an intensification of the existing access, requiring access by large delivery vehicles. As such insufficient information has been submitted with regard to addressing the impact upon the capacity of the associated A494 trunk road junction and the local highway network. In the interest of maintaining highway safety the proposal is contrary to Policies GEN1 and AC13 of the Flintshire Unitary Development Plan.*
  - 2. The Local Planning Authority considers the proposed site layout to be unacceptable as the proposal will result in built development*

*being located over an existing culvert to a main river and within the protection zones of the public sewer network. The site is also located within a C1 Flood Zone, for which the Flood Consequence Assessment submitted fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. As such the proposal is contrary to the guidance set out in TAN15 and Policies GEN1, D1 and EWP17 of the Flintshire Unitary Development Plan.*

3. *The Local Planning Authority is aware of the historical use of the site as a former petrol filling station, the recent site clearance works undertaken following the demise of the former hotel, and concerns raised of the underlying Secondary Aquifer below the site. It is therefore considered that insufficient information has been provided in respect of land contamination contrary to Policies GEN1 and EWP14 of the Flintshire Unitary Development Plan*

1.07 It is considered that all planning and technical matters have been addressed, as such the recommendation is to grant planning permission subject to the conditions as set out in paragraph 2.01 of this report.

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

2.01 Conditions

1. Time commencement
2. In accordance with approved plans
3. Materials
4. Site and Finished Floor Levels
5. Hours of Opening limited to: 0700 – 2300hrs
6. Siting, Layout and Design of Access
7. Detailed design of Access
8. Visibility Splays – 2.4m x 35.7m right of exit and 2.4m x 40.2m left of exit
9. No obstruction to visibility and to be retained
10. Facilities for the loading, unloading, parking and turning of vehicles
11. Prevent surface water run-off onto highway
12. Construction Traffic Management Plan
13. Prior to occupation, submit Service/Delivery Management Plan
14. External lighting
15. Scheme for Security and CCTV
16. Landscaping implementation

17. Details of Costa pole sign adjacent A494 to be submitted
18. Internal Traffic Management Plan to be submitted
19. Undertake Capacity Assessment of Drone Corner Roundabout within 12 months of permission
20. Foul and Surface Water Drainage Scheme
21. Remediation Strategy (Contamination) Condition
22. Long Term Monitoring Plan for protected sites and Contamination
23. Biosecurity Risk Assessment
24. Emergency Flood Evacuation Plan

### **3.00 CONSULTATIONS**

#### **3.01 Local Member - Councillor Ms. C M Jones**

Raises concerns with respect to the access arrangements and the threat of highway safety. Also raises concerns regarding the appropriateness of the end use of the site as proposed. Requests the application be determined at planning committee.

#### **Sealand Community Council**

The community council raises objections to this application on the grounds that the proposal may increase traffic flows leading to potential safety problem with its nearness to the traffic roundabout and bus stop.

The entrance to the site is of course the same entrance as used by the former Gateway to Wales Hotel, however, there is now more traffic using this roundabout than in the past. The expanding local developments including the new Amazon distribution centre, the significant new housing developments will add further to these traffic flows.

The proposed development potentially may cause traffic queues that could prove a danger to traffic leaving the dual carriageway to enter Welsh Road. Added to this is the nearby bus stop. Council urges that consideration should be given to improving the current entrance and exit for the proposed site if this development is to go ahead.

#### **Welsh Government - Highway Authority**

No objection subject to the imposition of conditions:

- Details of Costa pole sign adjacent A494 to be submitted
- Internal Traffic Management Plan to be submitted
- Undertake Capacity Assessment of Drone Corner Roundabout within 12 months of permission

#### **Highways Development Control**

No objection subject to the imposition of conditions:

- Siting, Layout and Design of Access
- Detailed design of Access
- Visibility Splays – 2.4m x 35.7m right of exit and 2.4m x 40.2m left of exit
- No obstruction to visibility and to be retained
- Facilities for the loading, unloading, parking and turning of vehicles
- Prevent surface water run-off onto highway
- Construction Traffic Management Plan
- Prior to occupation, submit Service/Delivery Management Plan

#### Business and Community Protection

No objection subject to the imposition of a condition to require a detailed remediation strategy.

#### Dwr Cymru /Welsh Water

No objection subject to the imposition of conditions:

- Foul and Surface Water Drainage Scheme

#### Natural Resources Wales

No objection subject to the imposition of conditions:

- Long Term Monitoring Plan for protected sites and Contamination
- Biosecurity Risk Assessment

#### Airbus

Confirms no aerodrome safeguarding objection.

## **4.00 PUBLICITY**

### **4.01 Press Notice, Site, Notice, Neighbour Notification**

At the time of writing six no. neighbour consultation responses have been received. Three representations objecting to the proposal and three representations of support were received.

The objections related to traffic impact on the A55 towards the M56 being raised as a cause for concern in relation to speed and increased traffic. Additionally, the visibility for traffic joining the Welsh Road from Hawthorn view has been raised as a current issue due to vans and lorries being parked on this road. Similarly, concern has been raised regarding the safety of traffic exiting the site due to a number of near misses between vehicles on the road and lorries leaving the site. A neighbour objector also raised concern over the traffic safety at Drome Corner.

The objections also raised concern that the proposal may not comply with the government's "Transport Decarbonisation Plan", as the plans do not show electric vehicle (EV) charging points.

Due to the increase in traffic levels in the area concern has been raised about the added air pollution and potential for any health problems related to this.

Fails to meet sequential test as required by UDP policy S6 as there is an alternative site for retail development within 300m which already has planning permission and is a more sustainable location. The former Gateway to Wales Hotel site does not have good access for pedestrians and cyclists as it is the 'wrong side' of Welsh Road and is relatively remote from the Garden City community as well as the Airfield's development.

Development would undermine the vitality and viability of the District Centre and Airfields site.

Summary:

- Traffic impact on A55 towards the M56.
- Lack of consideration for local residents and safety. Raised concern over existing poor visibility from Hawthorn Road onto Welsh Road.
- Compliance with "Transport Decarbonisation Plan". And query whether Costa will be bringing Instavolt to the site when it opens.
- Access to the site is fine, exiting the site is dangerous Objector raised point that there have been a number of near crashes from lorries turning right.
- Noise concerns outside and inside the home.

Three representations of support have also been raised stating that the development would be an asset to the community, is within walking distance and will bring jobs to the area, therefore benefitting the local economy. Additionally, it was considered that the development would visually improve the site through filling the existing void.

## **5.00 SITE HISTORY**

### **5.01 062202**

Proposed development consisting of 4 No. food and retail units and associated car parking and signage.

Refused 05/03/2021

### **051951**

Application for removal or variation of conditions 3, 4, 5, 6, 9, 10, 11,

12, 13, 14, 17 & 19 following grant of planning permission ref: 046298.  
Refused 07/03/2015

**043688**

Construction of new entrance and internal alterations.  
Approved 07/02/2008

**6.00 PLANNING POLICIES**

- 6.01 Flintshire Unitary Development Plan  
GEN1 General Requirements for Development  
GEN2 Development Inside Settlement Boundaries  
D1 Design Quality, Location and Layout  
D2 Design  
D3 Landscaping  
D4 Outdoor Lighting  
D5 Crime Prevention  
D7 Outdoor Advertisement  
AC4 Travel Plans for Major Traffic Generating Developments  
AC13 Access and Traffic Impact  
AC18 Parking Provision and New Development  
S1 Commercial Allocations  
S6 Large Shopping Developments  
S8 Hot Food Takeaways, Restaurants and Cafes  
EM4 Location of Other Employment Development  
EWP12 Pollution  
EWP13 Nuisance  
EWP14 Derelict and Contaminated Land  
EWP17 Flood Risk

Supplementary Planning Guidance  
SPGN no.11 Parking Standards

National Guidance  
Planning Policy Wales Ed.11 (February 2021) (PPW11)  
Future of Wales: the national plan 2040  
TAN 4 Retail and Commercial Development  
TAN 23 Economic Development

**7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
This is a full planning application for the proposed redevelopment of the former Gateway to Wales Hotel site, Garden City, to provide 4 no. food and retail units with associated parking and signage.

7.02 Site Description

The application site extends for 0.51ha and is located within Garden City. The site enjoys a prominent roadside location positioned between the A494 Trunk Road and the B4551, Welsh Road. The site is cleared and vacant following the demolition of the former Gateway to Wales Hotel, which was subject to fire damage in 2017. The site has an existing access off Welsh Road, and is neighboured by predominantly residential development.

7.03 Proposed Development

The proposed development comprises the redevelopment of the former hotel site to provide 4 no. food and retail units falling within use class A1 and A3, together with landscaping, car parking and site signage.

7.04 With reference to the details submitted, it is acknowledged that the take up of the units, comprises a Costa Coffee café with drive thru proposed as unit 1 located to the north east of the site together with associated paraphernalia and signage. The remaining 3 units; unit 2 being a standalone building positioned to the north west fronting Welsh Road with units 3 and 4 attached positioned at an angle adjacent to the boundary of Maes Helyg, a residential apartment building, remain without an end user at this stage. The floor area of each unit is as follows:

- Unit 1 (Costa Coffee Drive Thru) 168.04sqm
- Unit 2 (Retail Store) 371.71sqm
- Unit 3 (Food Retail) 130sqm
- Unit 4 (Food Retail) 130sqm
  
- Total floor area of buildings approx. 800sqm.

7.05 In terms of building appearance, each unit resembles a similar theme this being of steel portal frame construction, single storey with sloping monopitch roof. With the exception of units 3&4 (food retail units) which will have a traditional masonry wall finish, the elevations of the units will comprise cladded render wall panels, using British Western Cedar Timber clad feature panels, composite cladding panels (flat profile) and glazed shopfront elements.

7.06 The preference for glazing is to use aluminium framed curtain wall systems allowing for up to 50mm polyester powder coated glazing panels. All external fire doors and personnel doors are to match the surrounding cladding colour of the building. An insulated, built-up cladding panel system or similar approved product will be used on the



roof. Contrasting eaves and verges are preferred in Anthracite RAL 7016 colour.

- 7.07 The existing red brick boundary wall as seen from the A494 will remain, with a 2.1m high feather edge boarded fence proposed to divide the site and neighbouring properties on Maes Helyg. Timber fencing consisting of British Western Red Cedar profiles is to be used to fence the food retail units service areas. It is to be no less than 2.4m high for security purposes. The service area gates will match this style of fence and be in the same colour. In less visible areas paladin fencing is proposed instead of the continuation of timber fencing. Whilst the site will predominately be hard surfaced, there is peripheral soft landscaping proposed to the North, North East and South East boundary limits.
- 7.08 The site will retain the existing site access off the B4551 Welsh Road, and provide a total of 63 no. car parking spaces including 6no. as disabled bays.
- 7.09 Principle of Development  
The site is located within the settlement boundary of Garden City which is a category B settlement in the adopted UDP. The UDP also identifies in Policy S1 that Welsh Rd, Garden City is a Local Shopping Centre. The site is also previously developed land, being the former Gateway to Wales Hotel site, and therefore its reuse would be in line with the definition and principles set out within PPW11 which states at para. 3.55 that within settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.
- 7.10 Policy S6 of the UDP permits new retail developments of more than 500sqm within town, district or local centres. The policy seeks to avoid development which is out of scale with the shopping centre and sets out further assessment criteria.
- 7.11 The local shopping centre at Garden City has a limited range of shopping and other commercial development along Welsh Road. It is also close to the Northern Gateway strategic mixed use development site and Deeside Industrial Park more generally. The site is sustainably located in terms of being within settlement and accessible by a range of transport modes, this includes public transport. Further the site is connected to an existing network of pedestrian links (pavements) and is on route of the National Cycle Path, therefore promoting active travel principles. In this context I do not consider that the proposed uses are out of context with the locality and will serve both existing and forthcoming residents as well as the needs of nearby commercial enterprises. The proposed development therefore satisfies the

sequential test as set out in policy S6. As such, the principle of development is considered acceptable.

- 7.12 In writing this report, I am mindful of a recent appeal decision ref APP/A6835/A/20/3261103 Land East of McDonald's, St Asaph Road, Lloc whereby the Inspector on allowing the appeal noted that there is limited provision of roadside facilities along the A55, and what limited provision there is, often is restricted to be accessible only by vehicles travelling in one direction. In addition, the level of service provision available is often limited to single outlets such as a petrol filling station or a coffee shop. The Inspector therefore considered the level of service areas along the A55 to serve HGVs, tourists and other motorists to be low and lacks the quality of facilities that is required on such a popular, and busy route which experiences large fluctuations of traffic throughout the year and especially during the holiday periods, with 'staycations' becoming an increasingly popular holiday choice.
- 7.13 The appeal draws many similarities with the application before me, albeit the exception that the appeal site is located in open countryside, yet the overall balance went in favour of the proposed scheme in light of the economic benefits and employment prospects this would bring to the local area. The advantage in this case, and in addition to the merits shared with the appeal site, is that the site is well positioned within a defined settlement, which is recognised as a local shopping centre in the UDP and that the proposal would utilise vacant, previously developed land in need of attention. This together with the site's urban context and prime, accessible location weighs heavily in favour of the proposed development.
- 7.14 Highways  
The proposed development will utilise the existing access off Welsh Road, which previously served the 40 bed Hotel. As members will be aware, the initial application ref. 062022 was refused, with reason no. 1 raising highway safety concerns; principally relating to the intensification of the existing access, and the impact upon the capacity of the A494 trunk road junction and the wider local highway network.
- 7.15 This application is now supported by further traffic assessments which factor in existing and committed new development within the immediate and surrounding area. A Junction Capacity Assessment has also been undertaken which analyses the A494 slip road junction onto Welsh Road.
- 7.16 The modelling results demonstrate that the proposed site access will operate comfortably within the capacity during AM and PM peaks in the 2026 'with development' scenario. The assessment shows that the

development traffic will have a low residual cumulative impact on queuing, delay and capacity on Welsh Road. A percentage impact assessment has been undertaken for the Drome Corner roundabout junction which shows a low percentage impact on 3 of the arms. The biggest impact is on the Welsh Road south arm which is equivalent to less than 1 additional vehicle a minute. Welsh Government and the Local Highway Authority do not consider this to be a serve impact.

- 7.17 To validate the traffic level data used in the Transport Assessment a further traffic survey was requested to confirm if the data used is comparable with the actual 2021 traffic flows at the Dome Corner roundabout junction, which from the results of the Automatic Traffic Count (ATC) survey on the Welsh Road arm are anticipated to be lower than the traffic flows used in the original analysis. The results of the survey show that only one movement in each peak is higher in the recent survey than in the growth data.
- 7.18 The objections received have raised concerns that during peak periods there is potential for queuing traffic within the drive-thru to prevent access onto the development site, leading to queuing on the A494 Slip road and the B5441 Welsh Road, blocking Drome Corner roundabout. However, following a robust assessment using fast-food drive-thru trip rates, the split between in-store and drive-thru customers, the available stacking capacity at the drive-thru and the typical management measures put in place by operators it is not considered that there is a risk of queues impacting on the local road network. These views are supported by both the Local Highway Authority and Welsh Government and as such, it is not considered that the capacity and safety of the local and major highway would be compromised.
- 7.19 Notwithstanding the reason to refuse ref. 062202, the initial concerns regarding the adequacy of the site access and the resultant traffic generated by the proposed development and the impact upon the wider network, have been fully addressed by the applicant. In consultation with Welsh Government and the Local Highway Authority, it is considered that the access arrangements are suitable and safe, with adequate provision for car parking provided. Both Welsh Government and the Local Highway Authority raise no objection subject to conditions.
- 7.20 Flood Risk  
The application site is located within Development Advice Map Zone C1. The site is within both the tidal and fluvial flood zone extents, from the tidal River Dee and the Manor Drain respectively. The Manor Drain is a culverted main river which flows beneath the site from east to west.

- 7.21 The proposal is for commercial development which is classified as less vulnerable development in Figure 2 of TAN15.
- 7.22 Following the refusal of ref. 062202 an updated Flood Consequences Assessment (FCA) has been submitted in support of the application. Through consultation with NRW, it is noted that the latest relevant modelling outputs have been used within the FCA.
- 7.23 The FCA states that the site is subject to flood depths of up to 0.34m during the design flood event, which is the 0.5% annual exceedance probability (AEP) in the 2095 flood event due to a breach at Garden City. This scenario is taken from the latest Tidal Dee Flood Mapping Study (2020). The FCA also recommends mitigation in the form of flood resilience and resistance measures including using durable materials and raised services.
- 7.24 NRW refer to the existing on-site planning use associated with the demolished hotel, which is classified as highly vulnerable in line with figure 2 of TAN 15, in comparison to the proposed development being less vulnerable. Whilst the finished floor levels of the hotel are unavailable, it is noted that the proposed development footprint is to be reduced. As such the redevelopment of this site for a less vulnerable use therefore satisfies the tests set out in section 6.2 of TAN 15. Based on the above, NRW consider that betterment is provided and therefore raise no objection on flood risk grounds.
- 7.25 Notwithstanding the advice from NRW, the site is still at risk of flooding and in order to remain consistent with the permissions granted within C1 flood risk zones, it is considered that conditions are imposed which request the submission of both site and finished floor levels of the development, and that an Emergency Flood Evacuation Plan is provided to ensure safe evacuation in the event of a flood.
- 7.26 Furthermore, NRW also welcome the change of layout, which ensures that there is an 8m easement around the culverted main river, with no buildings proposed over the top of it and this easement is now demonstrated on a plan within the FCA. The amended site layout therefore addresses reason no. 2 of ref. 062202.
- 7.27 Land Contamination  
It is understood that the historical use of the site before the establishment of a hotel, was that of a petrol filling station, the concern is therefore in relation to the underlying Secondary Aquifer.

- 7.28 The location of the former underground storage tanks has not been confirmed; it is unknown if they remain on site or if they were removed during the hotel development.
- 7.29 However, exploratory holes and monitoring wells were targeted in and around the location of the former filling station. The former filling station was also in the footprint of the hotel and it is considered high likely that any underground tanks were removed during the construction of the hotel.
- 7.30 In carrying out the intrusive investigations no groundwater concentrations of Total Petroleum Hydrocarbons (TPH) were noted above the laboratory limit of detection in any wells surrounding the former filling station.
- 7.31 Soils with a faint hydrocarbon odour and extremely low level TPH were noted in the smear zone. This is more typical of the remnants of a former contamination source than evidence of an ongoing source such as an existing Underground Storage Tank. No free product hydrocarbons were noted during the site investigation.
- 7.32 In addition to the above investigations, the applicant is prepared to carry out a watching brief, further groundwater testing associated with the potential use of PFAS/PFOS (perfluoroalkyl substances (PFAS) and perfluorooctanoic acid (PFOA)) containing firefighting foam and present the findings in an updated version of the report to finalise the remediation strategy.
- 7.33 Officer and NRW agree that the further works required can be secured through suitably worded planning conditions as there is adequate information submitted to understand the contamination of the site and that there is confidence that the site can be adequately remediated. The information provided to date together with the imposition of conditions therefore address reason no. 3 of ref. 062202.
- 7.34 Character and Appearance  
The site is situated within a defined settlement boundary, which given the surrounding context is urban in character. The site is tightly bound by development and highway infrastructure upon its limits, which whilst restrictive, does allow the proposed development to be visually and physically contained within the immediate surroundings, and any visual impacts would be localised. The immediate neighbour to the site is the 3 storey residential apartment building, Maes Helyg which has a longitudinal contemporary design incorporating cladded panels and red brick.

- 7.35 The proposed units, whilst single storey, have mono-pitched sloping roofs, and incorporate cladding and materials that are similar to that of Maes Helyg and of those found within the immediate area.
- 7.36 As such, the development would be seen within this context and would have an affinity with the existing built form. The proposed redevelopment of this site is therefore welcomed and considered a betterment to the current state of the site, which if left vacant will have a more harmful and long lasting impact upon the character and appearance of the area.
- 7.37 Impact on Living Conditions  
As noted above, the site is closely bound by existing development this being predominately highway infrastructure and residential development. The immediate residents to the site being no. 118 Welsh Road and those residing in the 3 storey apartment building, Maes Helyg.
- 7.38 No. 118 Welsh Road is a bungalow which is 10.8m to the proposed retail/food unit at its closest point measured from the side elevation. The side elevation of no.118 consists of an attached wooden carport structure and therefore no habitable rooms are in direct conflict with the proposed unit. Notwithstanding this, the view of the retail unit and interaction with no.118 are further restricted by the existing boundary treatments upon the limits of no. 118's curtilage, comprising a 1.8m closed board timber fence. This fence does drop to 1m as it approaches the junction point of Maes Helyg to maintain clear visibility. As such, the existing fencing together with the single storey nature of the proposed development and the proposed 2.1m boundary treatments to the application site boundary, are considered sufficient to limit any adverse impact to the living conditions of no. 118 Welsh Road.
- 7.39 Maes Helyg measures 21.7m at its closest point from the nearest proposed retail/food unit. The ground floor apartment units of Maes Helyg are of most concern given that they would otherwise directly interact with the proposed development of the adjacent site. However, similar to no.118, there is an existing closed board boundary fence which limits views from the habitable rooms of the ground floor apartments to the application site. The single storey nature of the development together with the proposed boundary treatments are therefore considered sufficient to limit any adverse impact to the living conditions of these residents. Notwithstanding this, the separation distance is such that the existing outlook from the windows of habitable rooms upon the ground floor is not disrupted.

- 7.40 To further protect the living conditions of the neighbouring development, it is considered reasonable to impose a condition in relation to the submission of an external lighting scheme which will aim to limit the amount of light spill from the site.
- 7.41 Other Matters  
The application has received a number of objections, these mainly concern the highway safety implications as a result of the proposed development, however these matters have been addressed above under the 'Highways' section of this report.
- 7.42 Other matters have raised that the proposed development does not comply with the Welsh Government's 'Transport Decarbonisation Plan', as the plans do not show electric vehicle (EV) charging points. Members are advised that the installation of EV charging points can be carried out under permitted development rights and therefore would not require the benefit of planning permission. Members are also advised that current UDP planning policy does not require the provision of EV charging points as part of development. However, it is noted that the site layout and parking arrangements have been designed as to allow the installation of EV charging points at a later date in order to future proof the development and accommodate customer choice/usage of electric vehicles. The installation of EV charging points would not however change the number of parking spaces or the proposed development should permission be granted.
- 7.43 Concerns have also been raised with respect to the increase in traffic levels and the resultant air and noise pollution, and the potential health problems as a consequence. It should be noted that the site is located directly adjacent to the A494, and this is the same for a number of properties travelling west along Welsh Road. The A494 is a busy road which in itself generates noise and pollution. It is not therefore reasonable to suggest that the redevelopment of this site alone will lead to or increase such levels of noise or pollution significantly to cause a health concern. It should also be noted that Business and Community Protection did not raise objection to the development. The need for the submission of a noise survey and/or air quality assessment was not warranted.
- 7.44 Additionally, whilst the noise concern does not differentiate between operational noise and construction generated noise, the proposed conditions include controls in relation to opening hours and require the submission of a Construction Traffic Management Plan. The imposition of such conditions will therefore seek to control and minimise disruption where possible.

7.45 Furthermore, comments have raised that the development would undermine the vitality and viability of the District Centre at the Airfields site. Whilst there is provision for retail/hospitality uses at the Airfield's site, the principle has only been secured by the outline permission, and the detail, commercial interest and commitment to develop the plots available are yet to be realised through the submission of a reserved matters or full planning application. As such, members are advised that this is not sufficient reason to warrant the refusal of the application.

## **8.00 CONCLUSION**

The proposal would see the refurbishment of an existing site within the settlement boundary of Garden City; a sustainable location which is supported by both national and local policies. The proposed refurbishment should be recognised as a valuable new investment within the local area, securing the provision of a greater range of local services and the creation of further employment opportunities; as well as bringing an underused site back into beneficial use; continuing to meet the everyday needs of the community and supporting local economic growth.

It is considered that the proposal complies with planning policy. Accordingly, I recommend that planning permission is granted subject to conditions as set out within paragraph 2.01 of this report.

## **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

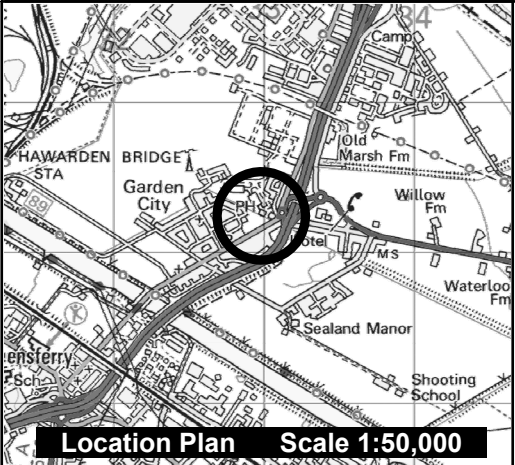
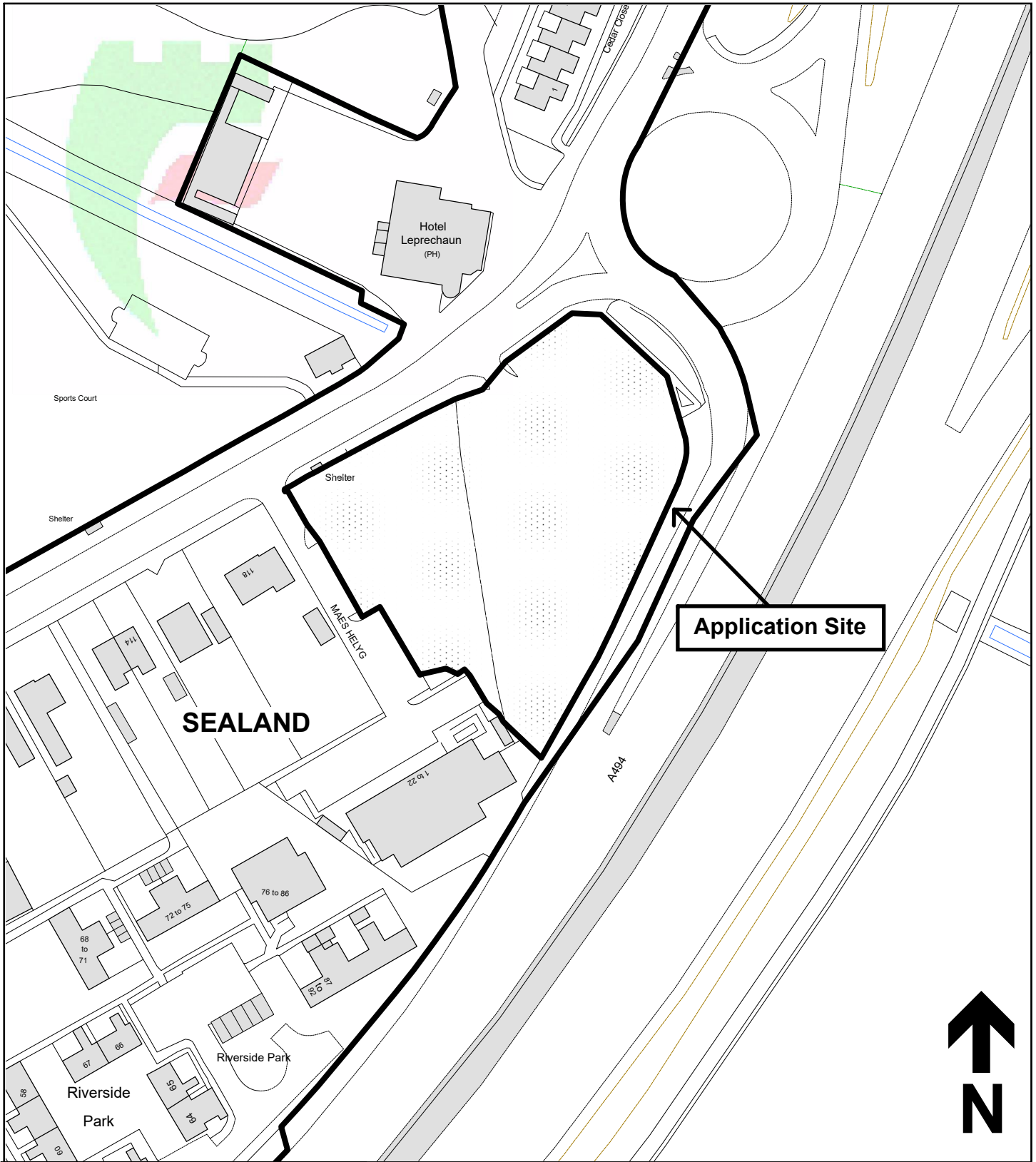
National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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OS Map ref SJ 3369

Planning Application **62863**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **2<sup>nd</sup> MARCH 2022**

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

**SUBJECT:** **RESERVED MATTERS- ERECTION OF 10 DWELLINGS AND ASSOCIATED ROADS, INFRASTRUCTURE AND PARKING INCLUDING DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE. , TOGETHER WITH AN APPLICATION TO DISCHARGE CONDITIONS 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 AND 14 OF OUTLINE PLANNING PERMISSION REFERENCE 060811**

**APPLICATION NUMBER:** **063280**

**APPLICANT:** **JUBILEE HOMES (BUCKLEY) LIMITED**

**SITE:** **JUBILEE VILLAS, 80 MOLD ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **19<sup>TH</sup> JULY 2021**

**LOCAL MEMBERS:** **COUNCILLOR CAROL ELLIS**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO LOCAL CONCERNS**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is a reserved matters application for the erection of 10 dwellings and associated roads, infrastructure and parking including details of access, appearance, landscaping, layout and scale. , together with an application to discharge conditions 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 and 14 of Outline planning permission reference 060811 at Jubilee Villas, 80 Mold Road, Buckley, Flintshire.

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

2.01 That conditional planning permission be granted subject to the applicant enter into a Section 106 Agreement to provide the following:

- To establish a properly constituted body to take responsibility for the future management and upkeep of the private street

Conditions

1. In accordance with approved plans
2. Landscape Implementation
3. In accordance with recommendations in approved ecological report
4. Design of access to be submitted and agreed
5. Site access to be kerbed and completed to carriageway base course layer before other on site building operations
6. Visibility splay specifications
7. Visibility splays kept free of obstruction
8. Parking and turning facilities formed and retained on site
9. Detailed design of internal estate roads, traffic calming and signing, surface water drainage, street lighting to be submitted and agreed
10. Positive means to prevent surface water run off onto highway
11. Construction Traffic Management Plan

**3.00 CONSULTATIONS**

3.01 Local Member: Councillor C Ellis

Requests Committee and Site Visit

Has been contacted by residents near by the application who say they have been misrepresented by the applicant who has stated that they support the application, they do not support the Application and would like the report that goes to Committee to reflect that.

There are many concerns over, overlooking and loss of light.

Major concern raised over Highway Safety in relation to close proximity to Bistre Close and the Garage and also the entrance to Muirfield Road plus vehicle access to two other areas and the amount of Vehicles using the proposed entrance being much increased from the current amount. This will make eight access and egress points in about 200 Hundred Metres on a very busy Highway.

There is great concern locally on the Highway and also the effect on neighbouring properties during demolition of which there is no

mention as to how this will be dealt with. There is no mention of how existing properties will be screened from the new proposal . The plans show existing Bungalows on Linderick Road to be over looked by new properties.

Buckley Town Council: Endorses comments from Councillor Ellis

Public Protection: I can confirm that I have no adverse comments to make regarding this proposal. No conditions proposed.

Highways (DC): The revised submission adequately addresses my previous concerns related to the junction kerb radii. I also understand that the developer proposes to retain the road under private control and does not propose to dedicate it for adoption. Sections 11.6 and 11.7 of Manual For Streets makes provision for this but suggests the inclusion of a S106 agreement to ensure that a properly constituted body is established to take responsibility for the street. The S106 agreement should also ensure that future residents will not apply for the road to be considered for adoption and in return the developer will avoid making payment under the Advance Payment code (Section 219(4)(e) of the Highways Act).

Clwyd Powys Archaeological Trust: Our involvement with this application was in relation to a Level 3 historic building survey, (Condition 14 in relation to application 060811). The Level 3 survey has been undertaken, but we require confirmation that both the report and copies of the high-resolution images have been sent to both the Clwyd-Powys Historic Environment Record (HER) and the royal Commission on the Ancient and Historical Monuments of Wales, for inclusion into the National Monuments Record (NMR).

Natural Resources Wales:

Provided advice regarding foul water drainage is followed and the LPA are able to conclude that the development is not likely to have a significant effect on the SAC, NRW have no objection to the proposal.

Ecology: The submitted Ecology report and recommendations are acceptable. There was no evidence of bat activity within the buildings and there is limited opportunities for nesting birds. Any work to trees or hedgerows need to avoid the bird nesting season as recommended within the report . Habitat enhancement through soft landscaping and provision of bird and bat boxes is proposed and has been incorporated into the landscape plan.

Dwr Cymru/Welsh Water: No objection

Airbus: Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU)

No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.

#### **4.00 PUBLICITY**

##### **4.01 Site Notice, Neighbour Notification**

13 Letters of objection received

- Loss of historical buildings
- Lack of local infrastructure to accommodate new development
- Highways safety
- Parking issues
- Submission portrays misleading views of public opinion being in favour of proposal

1 Letter of Support received.

#### **5.00 SITE HISTORY**

##### **5.01 060811- Outline all matters reserved for the redevelopment of the site for residential purposes- Approved 12/10/2020**

#### **6.00 PLANNING POLICIES**

##### **6.01 Flintshire Unitary Development Plan**

- GEN1- General Requirements for Development
- GEN2- Development Inside Settlement Boundaries
- D1- Design Quality, Location and Layout
- D2- Design
- D3- Landscaping
- WB1- Species Protection
- WB6- Enhancement of Nature Conservation Interests
- HE8- Recording of Historic Features
- AC13- Access and Traffic Impact
- AC18- Parking Provision and New Development
- HSG3- Housing n Unallocated Sits Within Settlement Boundaries
- EWP16 Water resources

##### **Supplementary Planning Guidance**

- SPGN2- Space Around Dwellings
- SPGN11- Parking Standards



### **National Planning Policies:**

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 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**

7.02 The application site extends for an area of 0.3ha and lies to the west of the town centre of Buckley. The site is bounded on the western side by the former chapel (No.96 Mold Road) and Bistre Close residential road. To the north the site is bound and backs onto residential rear gardens of Linderick Avenue and to the east by a residential property, Ash Lyn. The application site is predominately flat, with a slight increase in gradient sloping towards the north. The site comprises a terrace block of 4 dwellings, together with large grassed areas with a block of garages to the rear, situated along the western boundary.

7.03 The site is accessed off Mold Road.

### **7.04 Proposed Development**

7.05 The site benefits from Outline planning Permission with all matters reserved, which was granted under planning reference 060811, on 12 October 2020 for the demolition of an existing terrace of 4 dwellings to facilitate the redevelopment of the site and wider limit for residential purposes for up to 12 dwellings.

7.06 The current proposals seek to address all reserved matters, and the description of the proposed development is:

“Approval of Reserved Matters for 10 dwellings and associated roads, infrastructure and parking including details of access, appearance, landscaping, layout and scale. , together with an application to discharge conditions 1, 3, 4, 5, 6, 7, 8, 10, 11, 13 and 14 of application reference 060811.”

7.07 Information has been provided within this submission in accordance with conditions 1,3,4,5,6,7,8,10,11,13 and 14of the Outline permission in order to discharge these conditions as part of this planning submission.

7.08 The Main Issues

7.09 The principle of this development has been established by the outline consent. As such it is considered that the main issues to be considered on this application are the siting, design and layout of the proposal, the access and parking arrangements as well as technical considerations regarding drainage.

7.10 Siting, Design and impact upon neighbouring amenity

7.11 The principle of demolishing the terraced properties that originally stood on the site has already been considered as acceptable on the outline permission. The proposal represents a more efficient use of land in a location situated close to a town centre.

7.12 The proposal shows 10 dwellings, a mixture of both detached and semi-detached properties arranged in a linear fashion on the site with six dwellings arranged adjacent to the access road within the site and the four remaining dwellings located to the rear of the site. The development of 10 dwellings in this location on a site that measures 0.33 ha results in a density of development of 30 dwellings per hectare which is appropriate to the site location.

7.13 The dwellings are primarily brick properties, with rendered detail throughout the development. The designs of the dwellings and the choice of their materials are typical and appropriate for the vicinity.

7.14 Each dwelling has a rear garden area that, in every case, meets or exceeds the minimum area as stipulated within SPGN2- Space Around Dwellings.

7.15 Existing site levels and proposed floor levels have been provided in accordance with condition 3 of the Outline consent. These details demonstrate that floor levels across the proposal are consistent with the locality and do not result in an overbearing or uncharacteristic development, and this condition can be discharged.

7.16 Plots 1 and 2 are arranged at an oblique angle to allow for the angle of the access road as it enters the site and to ensure that each dwelling has adequate space between itself and its neighbour. Dwellings have been arranged on site so as not to unacceptably overlook and private areas either of other dwellings within the proposal, or existing neighbours. The siting of these dwellings at an angle to the main road is not without precedent in the locality, with a number of newer developments having dwellings side on to the main highway, or situated at an angle as with this development.

- 7.17 The four units to the rear of the site are arranged with the rear of the dwellings facing the rear of properties on Linderick Avenue. It has been demonstrated that the new dwellings have a separation distance in excess of the 22 metres stipulated in SPGN2 as an acceptable distance between dwellings to avoid overlooking or a loss of privacy and amenity.
- 7.18 Plots 1-6, which are arranged adjacent to the access road, are located facing onto this new road with the rear of the properties facing the boundary with adjacent property known as 'Ashlyn'. These dwellings are located backing onto the front garden of Ashlyn. They provide sufficient garden depth in accordance with SPGN2 and I do not consider that their orientation gives rise to any loss of amenity or privacy to the neighbouring property.
- 7.19 With regards to hard and soft landscaping, existing hedging on both the eastern and western boundaries are to remain, as are a number of existing trees on the eastern boundary and existing brick walls located on the eastern and northern boundaries. Various specimens of Birch, Beech, Lime and Hornbeam are to be planted within the development site. It is considered that the proposed landscaping is appropriate. A Condition will be imposed to ensure that the landscaping is carried out in accordance with the approved details, this condition will also ensure that if any specimen dies within the first 5 years of the development a suitable replacement will be planted.
- 7.20 Access
- 7.21 The proposed 6 m radii is achievable and appropriate for this scale of development. This allows for greater visibility for vehicles accessing and egressing the site and for road users on the adjacent 30mph highway. Highways have raised no objection to the site entrance.
- 7.22 Two parking spaces per dwelling is provided within the site in accordance with SPGN11- Parking Standards. It is not considered by the Highways Authority that the development represents development that is detrimental to highways safety and I consider that the proposal complies with policies AC13 and AC18 of the Flintshire UDP.
- 7.23 Local objectors have raised concerns over the access arrangements from a highways safety point of view. Highways Development Control have raised no safety concerns. The greater entrance radius ensures better visibility and a safer access point.
- 7.24 As discussed above conditions 4, 5, 6, 7, 8 and 10 relate to the access and parking arrangements submitted and are considered to be acceptable and can therefore be discharged. Conditions relating to the implementation of these details and the final details of the internal roads and other highways features are recommended.

- 7.25 The developer proposes to retain the road under private control and does not propose to dedicate it for adoption. Sections 11.6 and 11.7 of Manual For Streets makes provision for this but suggests the inclusion of a S106 agreement to ensure that a properly constituted body is established to take responsibility for the street. The S106 agreement should also ensure that future residents will not apply for the road to be considered for adoption and in return the developer will avoid making payment under the Advance Payment code (Section 219(4)(e) of the Highways Act) as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed.
- 7.26 Drainage
- 7.27 The development will connect to the public sewerage system to dispose of foulwater discharge from the site.
- 7.28 The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.
- 7.29 Each development should be considered on a case by case basis. Developments should first be screened to determine whether they are likely to have a significant effect. With no pathway for impacts, the development can be screened out as not likely to have a significant effect on the SAC in relation to phosphate inputs. Therefore, there is no need to progress further with the HRA, unless there are other potential impact pathways associated with the development which need to be considered.
- 7.30 NRW advise, in their interim planning advice, that any development connecting to a public wastewater treatment works where the permit has phosphate conditions in place and the sewerage undertaker has confirmed that there is capacity to treat the additional wastewater then the additional phosphate from the proposed development can be screened out as it is a type of development unlikely to increase phosphate inputs.
- 7.31 Although development increases number of dwellings on site it is a minimal increase from 4 to 10. Buckley Wastewater Treatment Works currently has a phosphate permit of 1mg/l for which it is compliant.

Welsh Water have confirmed that there is sufficient headroom within the Wastewater Treatment Works permit as well as from a hydraulic capacity perspective for this development. I consider that therefore the need for a NRA can be screened out in this instance.

7.32 As such in accordance with NRW's consultation response they raised no objection to the scheme. Welsh Water consider the drainage proposal to be acceptable and therefore I consider the proposal to be in accordance with policies GEN1 and EWP16 of the Flintshire Unitary Development Plan.

7.33 Condition 11 on the outline permission is in reference to surface water drainage and condition 13 foul water drainage scheme. Welsh Water have confirmed that these are acceptable.

7.34 Other Matters

7.35 An Ecology report was submitted in support of the application. The Ecologist has confirmed that the ecological recommendations within the report are acceptable. There was no evidence of bat activity within the buildings and there are limited opportunities for nesting birds. The report recommends that any work to trees or hedgerows need to avoid the bird nesting season. The report will form one of the approved documents with any reserved matters approval and as such the recommendations can be conditioned. Habitat enhancement through soft landscaping and the provision of bird and bat boxes is proposed and has been incorporated into the landscape plan. As such I consider that the proposal complies with policies WB1 and WB6 of the Flintshire Unitary Development Plan.

7.36 Condition 14 of the outline permission required a photographic survey to be carried out on the original Jubilee villas. CPAT have confirmed that the survey is acceptable. Following approval of the survey the Outline condition requires the applicant to send copies to both CPAT and the Royal Commission on the Ancient and Historical Monuments of Wales.

## **8.00 CONCLUSION**

**8.01** The reserved matters details are acceptable and accord with the relevant development plan policies and supplementary guidance. The information submitted to discharge the conditions attached to the Outline consent are acceptable. As such I recommend accordingly.

### **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.

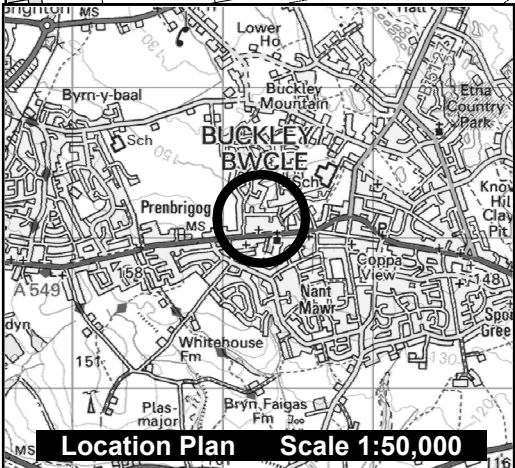
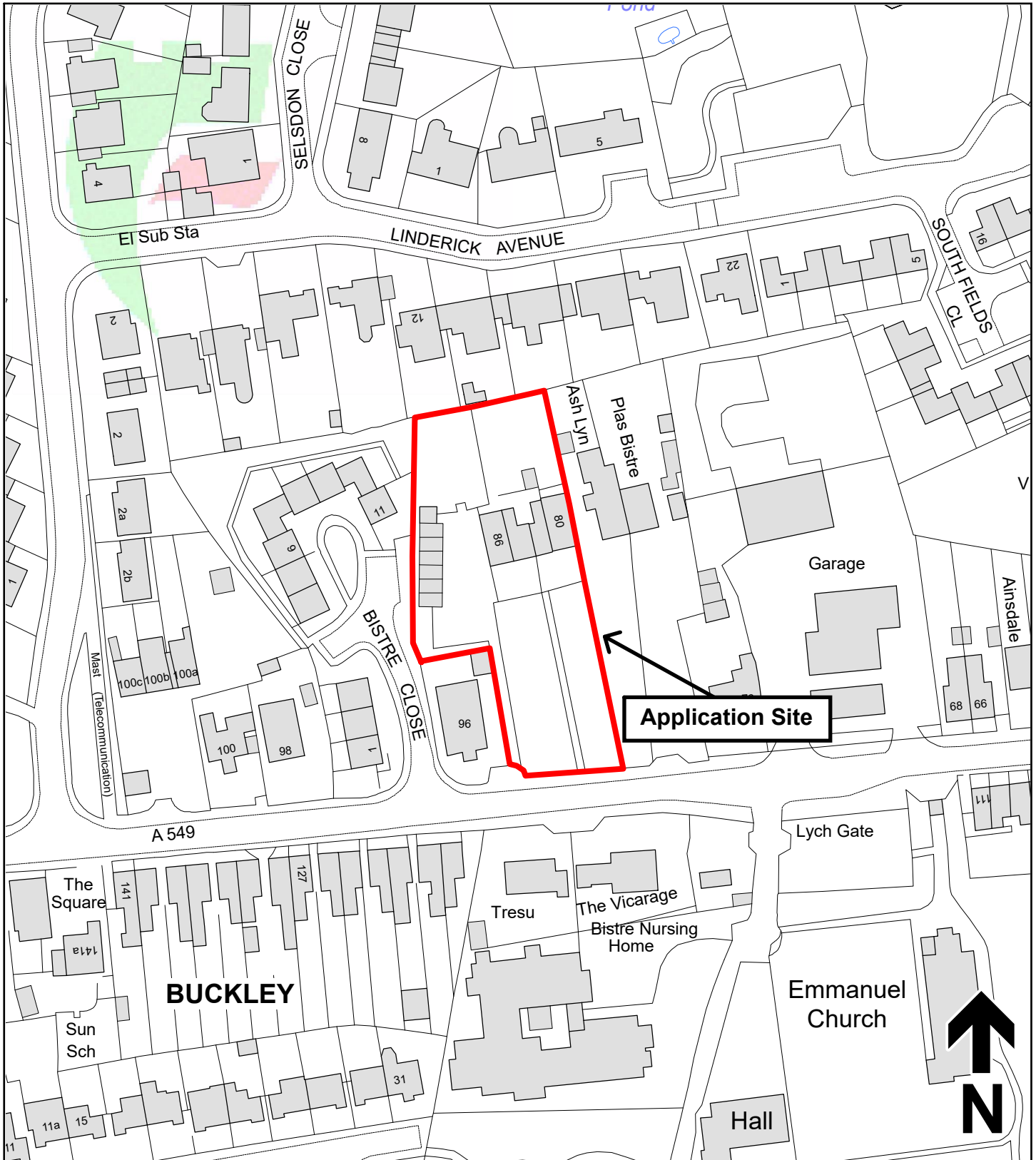
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 2764

Planning Application **63280**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **WEDNESDAY, 2 MARCH 2022**

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

**SUBJECT:** **063512 - FULL APPLICATION - PROPOSED SITING OF 49 STATIC HOLIDAY CARAVANS AND LODGES ON FORMER GOLF PRACTICE AREA TOGETHER WITH SUPPLEMENTAL LANDSCAPING AT PENNANT PARK GOLF CLUB, MERTYN DOWNING LANE, MOSTYN**

**APPLICATION NUMBER:** **063512**

**APPLICANT:** **MESSRS R & I JONES**

**SITE:** **PENNANT PARK GOLF CLUB, MERTYN, DOWNING LANE, MOSTYN, HOLYWELL**

**APPLICATION VALID DATE:** **9/9/21**

**LOCAL MEMBERS:** **COUNCILLOR P HEESOM**  
**COUNCILLOR C DOLPHIN ( ADJACENT COMMUNITY )**

**TOWN/COMMUNITY COUNCIL:** **MOSTYN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This full application proposes the siting of 49 No static holiday caravans and lodges with supplemental planting on the site of a former golf practice area, associated with Pennant Park Golf Club, Mertyn, Downing Lane, Mostyn, Holywell.

1.02 For Members' information, the application site itself is located within the Community of Mostyn, although vehicular access to the site from a northerly direction off the A55 is obtained through the Community of Whitford. Consultation on the application has therefore been undertaken with both Local Members and Community Councils.

## **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 1 The proposal would represent overdevelopment of the site which in the absence of an overall masterplan and public protection /drainage / ecological strategies does not represent positive place making or embrace the objectives of good design as the development fails to respond to the existing site and surrounding context, in terms of how and at what appropriate density the development can be successfully integrated into the site and surroundings. This is contrary to paragraph 3.3 of Planning Policy Wales (PPW ) -Edition 11, Technical Advice Note 5 – Nature Conservation & Planning, Circular 008/2018 – Planning Requirements for Private Sewerage in New Development, Supplementary Planning Guidance Note 8,- Nature Conservation and Planning, together with criteria c & d of Policy STR1, criteria a, b, c & l of Policy GEN1,criterion a of Policy D1,criterion b of Policy D2, and Policies WB1 and T5 of the Flintshire Unitary Development Plan.

2 The proposal would result in an increase in vehicle movements which would conflict with the safe use of Public Bridleway 6 and Public Footpath 9 which run adjacent to the entrance into the site. This is contrary to criterion c of Policy STR1, criteria b & e of Policy GEN1 and Policies AC2 and AC13 of the Flintshire Unitary Development Plan.

## **3.00 CONSULTATIONS**

3.01 Local Member  
Councillor P Heesom

Preliminary views are that the application should be refused as the proposal :-

- would not be in accord with established planning policy
- would represent overdevelopment of the site
- would have a detrimental impact on footpaths/ bridleways and drainage
- would reduce linkages with the existing golf course

Councillor C Dolphin

No response received at time of preparing report

Mostyn Community Council

No response received at time of preparing report

Whitford Community Council

- a) Proposal does not comply with Policy T5 of the Flintshire Unitary Development Plan representing a 67% increase in number of units which would have a detrimental impact on open countryside
- b) Detrimental impact on highway safety
- c) 2 No existing permissions for holiday accommodation units remain undeveloped

Highway Development Control

Following the submission of a Transport Assessment, raise no objection subject to the imposition of conditions in respect of :-

- i) restricting the membership numbers of the golf course to 250; and
- ii) provision of parking /turning facilities within each plot

Community and Business Protection

No objection in principle, although it is noted that given the potential conflict between users of the golf course / occupiers of the proposed units that there will be a need to undertake a risk assessment and secure a site licence for the proposed works.

Welsh Water/Dwr Cymru

Note that the applicant intends to use an alternative to mains foul drainage. Should circumstances change request re-consultation on the application.

Natural Resources Wales

Object to the development as the application has failed to demonstrate in accordance with Welsh Office Circular 008/2018, that it is not possible to connect the proposed development to the main foul drainage system.

Public Rights of Way ( PROW )

Recommend that permission be refused due to the potential conflict of increased vehicular movements with users of a public bridleway along the site entrance.

Ramblers Cymru

Object to the development for the following reasons

- i) conflict between additional vehicle movements and bridleway
- ii) proposal is contrary to planning policy
- ii) overdevelopment of the site.

Council Ecologist

Express concerns that the proposals for further holiday accommodation do not provide for a co-ordinated approach to

safeguarding protected species and their habitats, including mitigation where necessary.

#### **4.00 PUBLICITY**

##### 4.01 Press Notice, Site Notice, Neighbour Notification

26 No letters of objection received , the main points of which can be summarised as follows:-

- Inadequacy of access to serve further development
- Detrimental impact on living conditions of occupiers of nearby properties
- Conflict between increased vehicular movements and safety of users of existing footpaths and bridleway
- No need – Of 73 previously consented lodges / caravans only 18 have been completed
- Overdevelopment of site which would be detrimental to its character and wider landscape

#### **5.00 SITE HISTORY**

5.01 99/1013 – Erection of a two storey clubhouse  
Approved 15/11/99

01/1301 – Change of use to stewards accommodation  
Approved 4/2/02

035905 – Extension to clubhouse  
Approved 24/7/03

038988 – Siting of 15 No timber clad caravans and associated roads  
Approved 19/8/05

049812 – Siting of 18 No static caravans.  
Refused 2/11/13 Appeal Allowed 21/1/14

055928 – Re layout of 18 No caravans previously approved  
Approved 19/10/16

056376 – Siting of 14 No additional twin unit timber clad lodges  
(caravans ) with associated landscape planting  
Approved 30/3/17

058311 – Siting of 26 No static holiday caravans together with  
additional and supplemental landscaping.  
Permitted 12/11/18

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

Policy STR1 – New Development

Policy STR6 – Tourism

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development in the Open Countryside

Policy D1 – Design Quality, Location and Layout

Policy D2 – Design

Policy D3 – Landscaping

Policy WB1 – Species Protection

Policy AC2 – Pedestrian Provision and Public Rights of Way

Policy AC13 – Access and Traffic Impact

Policy AC18 – Parking Provision and New Development

Policy SR3 – Golf Facilities

Policy T5 – Extension of Existing Static Caravan and Chalet Holiday Sites

#### Supplementary Planning Guidance ( SPGN )

SPGN 2 – Landscaping

SPGN 4 – Trees and Development

SPGN 8 – Nature Conservation and Development

SPGN 11 – Parking Standards

Caravan Site Licence Conditions for Static Sites 2003

#### National Planning Policies and Guidance

Planning Policy Wales ( PPW ) – Edition 11 ( Feb 2021)

Future Wales – The National Plan 2020-2040

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 12 – Design

Technical Advice Note 18 – Transport

Welsh Office Circular 008/2018 – Planning Requirements for Private Sewerage in New Development

Caravan Sites & Control of Development Act 1960

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

Pennant Park Golf Club is an 18 hole private golf course located approximately 1.5km to the east of Whitford and 3km to the west of Holywell. Direct vehicular access to the site can be obtained from the A55 through Whitford, with linked access from the A548 Coast Road along Downing Road.

7.02 Associated with the golf club, there is planning permission for a total of 73 No holiday accommodation units, as referenced in paragraph 5.00 of this report. These have been granted by virtue of the following permissions:

038988 – 15 No twin unit static holiday caravans on land to the east of the main access track

048912 – 18 No static holiday caravans allowed on appeal on land to the north of the main club house

056376 – 14 No timber clad lodges ( caravans ) on land to the west of that forming application 038988

058311 – 26 No static holiday caravans on land to the south of the area forming 048912

It is important to reference that of the 73 No units permitted between 2005 to date, that only 18 have subsequently been completed.

7.03 Proposed Development

This current application seeks planning permission to develop the former practice area associated with the golf club, for the siting of an additional 49 No holiday accommodation units. This area of land which amounts to approximately 2.5 hectares in area, is located approximately 60m to the north of the existing clubhouse. The agent has advised that this practice area is no longer used.

7.04

The plans submitted as part of this application propose the siting of:-  
i) 42 No single width caravans measuring approximately 12.3m x 3.7m x 3.3m ( high )  
ii) 7 No twin unit caravans measuring approximately 12.2m x 6.1m x 4.1m ( high )

The external walls of the units are proposed to be of timber effect cladding ( various colours ) with slate effect metal roofs ( dark grey )

7.05

The site is located in the middle of the golf course, associated with the development, the proposal being to re-align the 10<sup>th</sup> hole on the course on the grounds of Health & Safety, to seek to prevent any stray golf balls entering the site. It is proposed that the caravans and lodges would be accessed principally from the existing car park, with 6 No units accessed from an existing track on the golf course. The units are proposed to be focussed around a central greenspace within the site layout.

7.06 Main Planning Issues

It is considered that the main issues to be taken into account in determination of this application include:-

- i) The principle of development and impact
- ii) Impact of development on the character of the site and wider surroundings
- iii) Impact of development on existing bridleway
- iv) Adequacy of access

- v) Impact on ecology / habitat
- vi) Adequacy of drainage
- vii) Impact on Health & Safety

7.07

Principle of Development

Policy T5 of the Flintshire Unitary Development Plan allows consideration to be given to the extension of existing static caravan and chalet holiday sites, subject to compliance with specific criteria, which includes:

- a) any increase in the number of standings or units being marginal
- b) the proposal involves only a modest physical extension of the site area
- c) the scheme incorporates substantial internal and structural landscaping, demonstrates significant improvement to the environment of the site and a reduction of its impact on the surrounding landscape
- d) the proposal involves improved on-site facilities; and
- e) the proposal would not have a significant adverse impact on the amenity of nearby residents, other users of nearby land/property or the community in general.

These issues are addressed in further detail below

7.08 Scale of Development and Impact on Character of Site / Surroundings

This application proposes an increase in the number of holiday accommodation units on the site from the 73 already consented, to a total of 122

7.09 It is noted that these existing permissions have been permitted on different parcels of land within the complex, but developed in an individual speculative form, without any reference to an overall master plan for the site.

7.10 The proposal for a further 49 No units would represent i) an approximate 42% increase on the number of units already in situ and ii) an approximate 67% increase in the number of units already with the benefit of planning permission.

7.11 The justification and explanation to Policy T5 of the Flintshire Unitary Development Plan indicates that “provided the increase in the number of units proposed is marginal i.e. no greater than 10% and the number of units does not unacceptably harm the appearance of the site, that this will be acceptable.

7.12 It is also important to consider the proposal in the context of Planning Policy Wales (PPW) which states in paragraph 3.3 that good design is fundamental to creating sustainable places where people want to live, work and socialise. It also states that design must include how space is used, how buildings and the public realm support this use,

as well as its construction, operation, management and its relationship with the surrounding area. It recognises that design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. In paragraph 3.4 PPW urges that for all those involved in the development process that the aim for all should be to meet the objectives of good design, applied to all development at all scales

- 7.13 Whilst the submitted plans propose the siting of 49 No units around a central open space area, it is considered that the proposals would represent overdevelopment. This is characterised by a very regimented layout, which gives the appearance of a dense housing development. This it is considered would be harmful to the character and appearance of the site and wider surroundings.
- 7.14 This current proposal which represents the largest number of holiday units in a single submission on the site would in my view and based on its cumulative impact i) alter the nature / balance of uses at this location and ii) reduce the range of golf facilities on offer which underpin its tourism offer
- 7.15 Impact on Existing Bridleway  
Public Bridleway No 6 in the Community Of Whitford and Public Footpath 9 which links to the bridleway run alongside the main vehicular access into the site.
- 7.16 Consultation on the application has been undertaken with the Council's Public Rights of Way ( PROW ) team, with it being confirmed that the authority is responsible for maintaining the bridleway for users on foot and on horseback.
- 7.17 PROW consider that any additional traffic on this lane will only further contribute to its degradation, the route being popular with horse riders with there being a blind bend on the access track which throws horse riders into direct conflict with vehicles.
- 7.18 It is noted by PROW that Pennant Park is an active golf club which already utilises the public bridleway as its main track. Furthermore, there has already been 73 lodges/caravans consented to with various applications in the past ten years. While some of these have not yet been constructed, if another 49 are consented to, it is going to further increase the danger for horse riders and people on foot. Public Bridleways should ideally be left on such a condition where they are not tarmaced as this is detrimental to horse riders generally. The proposal, would increase the need for routes to be surfaced which would be contrary to the guidance for public rights of way and surfaces.



- 7.19 In addition, PROW express concerns that this current application would bring the total of approved holiday units on the site to 122. If this number of units had been proposed under one single application, PROW would object due to the damage it would do the rights of way network and its users. Whilst noting that PROW have not objected to previous submissions an objection to the cumulative impact of development is made which would see an increase to the already approved 73 caravans/lodges.
- 7.20 Adequacy of Access  
Consultation on the application has been undertaken with the Highway Development Control Manager, who in recognising the previous background of planning history at this location, has sought clarification and additional information from the applicant / agent regarding traffic generation associated with the proposed development.
- 7.21 Based on this submitted data, taking into account vehicular movements associated with both the golf club and the additional 49 No units, the Highway Development Control Manager confirms that there is no objection to the principle of development. This is however subject to the imposition of conditions restricting membership of the golf club to 250 with the associated provision of facilities within each plot for the parking and turning of vehicles.,
- 7.22 Ecological Impact  
Consultation on the application has been undertaken with the Council Ecologist who advises that the application site is in close proximity to Coed Nant y Bi Wildlife Site an Ancient Woodland, with a small ancient woodland to the east adjacent to the Bridleway where the hedge banks also indicate ancient woodland remnants. There are numerous records of protected species with high potential for bats plus amphibians associated with the golf course ponds.
- 7.23 The site itself, as a driving range is managed grassland of limited ecological value with an avenue of planted trees to the west and mature trees to the north east with an overgrown hedge to the north. There is potential to enhance these features within the application. The Council Ecologist confirms that whilst discussions with the applicant have taken place regarding a Preliminary Ecological Appraisal the main issue is the piecemeal approach to the caravan developments.
- 7.24 The Council Ecologist advises that individually each lodge application site does not have high ecological value but the piecemeal approach does not enable a comprehensive plan for the site e.g. with regards to landscaping and incorporation of biodiversity enhancement through the use of native species and minimization of new lighting. An ecological assessment of the whole site would have identified the habitats associated with existing permissions and while not directly

affected, tree and shrub planting should be introduced to provide additional buffers. It is considered that a masterplan showing features to be protected, new landscape proposals and sensitive lighting for the caravan developments would help to alleviate the piecemeal nature of the applications that have been submitted.

7.25 Adequacy of Drainage

The applicant proposes that foul drainage from the development is discharged to a private sewage system, utilising and increasing the capacity of the system previously proposed for the 26 No units permitted under 058311, and 18 No units to the north of the existing clubhouse.

7.26 Following initial concerns expressed by Natural Resources Wales (NRW) to the acceptability of this approach having regard to Circular 008/2018, and the need to consider as a first option, linkage into the existing mains network, additional drainage information has been submitted. Further consultation with NRW has been undertaken on this additional information.

7.27 As a result, NRW maintain an objection to the development, at this stage, advising that the applicant has failed to provide satisfactory evidence to demonstrate that it is not reasonable or practicable to connect to the main system.

7.28 Health & Safety

Consultation on the application has been undertaken with the Council's Community and Business Protection Team. Whilst no objection to the principle of development has received, it is noted that accompanying works associated with the development include the re-alignment of the 10<sup>th</sup> hole on the existing golf course. This is proposed to avoid conflict between the users of the golf course and occupiers of the proposed units from stray golf balls. It is considered by the Community and Business Protection Team, that this relationship should be the subject of a Risk Assessment, the proposals if approved also requiring a site licence under the Caravan Sites and Control of Development Act 1990.

**8.00 CONCLUSION**

8.01 Pennant Park Golf Club has had a number of planning applications permitted since 2005 to allow for the siting of a total of 73 No holiday accommodation units, proposed in the absence of an overall masterplan for development of the site.

8.02 It is important to note that only 18 of the consented 73 units have been completed to date, the full impact of this scale of development yet to be realised from landscape, highway and ecological perspectives.

8.03 It is considered that a further 49 No units as proposed would represent overdevelopment and be unacceptable given the potential safety implications associated with the increased usage of the site and proximity to the public footpath and bridleway network in the locality.

8.04 The applications at this location have been submitted in a piecemeal fashion, this current proposal raising concerns in respect of ecology and drainage, including concerns that development does not represent positive place making in accordance with Planning Policy Wales (PPW)/ It is therefore recommended accordingly.

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.

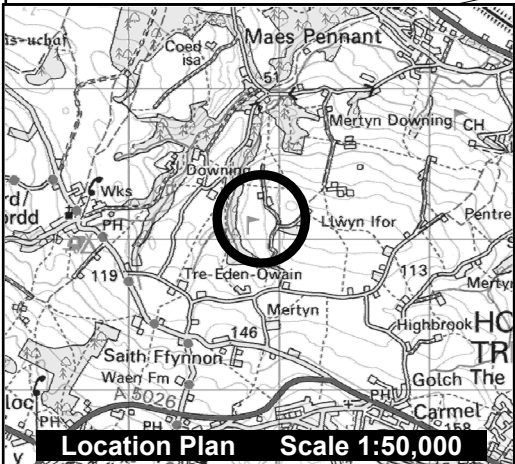
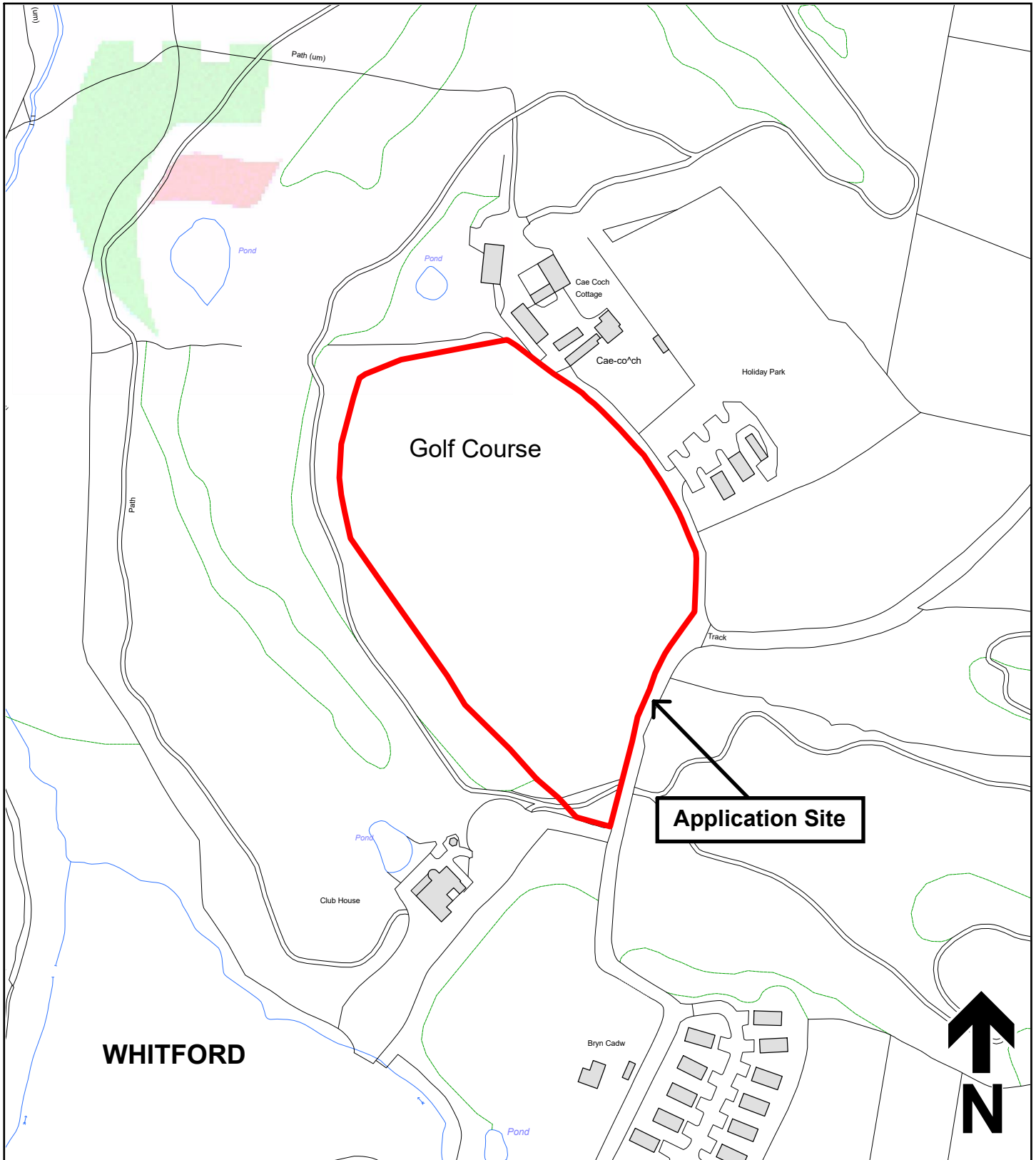
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

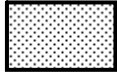

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Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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