

FLINTSHIRE COUNTY COUNCIL

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

DATE: **25th JULY 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - ERECTION OF ADULT EDUCATIONAL/RESIDENTIAL FACILITIES TO COMPLEMENT EXISTING SCHOOL PROVISION FOR CHILDREN / YOUNG ADULTS WITH AUTISTIC SPECTRUM DISORDER AT "KINSALE", LLANERCH-Y-MOR, HOLYWELL**

APPLICATION NUMBER: **048115**

APPLICANT: **THE TREVOR PRICE PARTNERSHIP LTD**

SITE: **KINSALE,
LLANERCH-Y-MOR,
HOLYWELL,
CH8 9DX**

APPLICATION VALID DATE: **03/12/2010**

LOCAL MEMBERS: **COUNCILLOR P. HEESOM**

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

REASON FOR COMMITTEE: **MEMBER REQUEST GIVEN BACKGROUND HISTORY AND SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME.**

SITE VISIT: **YES**

Members will recall that consideration of this application together with the previous application on the agenda (Code No.048983) were deferred at the Planning & Development Control Committee held on 20th June 2012 pending a Committee Site visit. The site visit is to be held on Monday 23rd July 2012.

1.00 SUMMARY

1.01 This full application proposes the erection of additional educational/residential facilities at Kinsale, Llanerch y Mor, Holywell for adults with Autistic Spectrum Disorder (ASD). The application has been resubmitted following the withdrawal of a previous application submitted under Code No. 047095 for an autistic college facility at this location, from the Planning & Development Control Committee on 6th October 2010. Amended plans have been received in progression of the application and a further round of consultation and publicity undertaken.

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

- 2.01
1. Time limit on commencement.
 2. In accordance with approved details.
 3. Phasing plan to be submitted and approved.
 4. Facilities to be used by and limited to post 25 age group.
 5. Construction materials to be submitted for consideration and approval.
 6. Details of hard/soft landscaping to be submitted and approved.
 7. Details of management/maintenance of landscaping scheme to be submitted and approved.
 8. All trees/hedgerows to be retained to be protected during engineering/construction works.
 9. Details of external lighting to be submitted and approved.
 10. No part of the building(s) to be permitted within 3 m of either side of the centre line of public sewer.
 11. Protected species survey to be undertaken prior to the commencement of site works.
 12. Facilities to be provided within the site for the parking/turning and unloading of vehicles.
 13. Foul/surface water discharges to be drained separately.
 14. No surface water to connect into public sewerage system.
 15. Land drainage shall not discharge into public sewerage system.
 16. No development shall commence until a scheme for the comprehensive and integrated drainage of the site has been submitted to and approved.
 17. Measures to safeguard bridleway from accumulation of surface water.

3.00 CONSIDERATIONS

3.01 Original Submission
Local Member
Councillor P. Heesom

Request planning committee determination given background of planning history, scale of development and sensitivity of landscape at this location.

Mostyn Community Council

The Council are strongly opposed to this application on the grounds that it is contrary to policy, would have an adverse impact on the countryside and highway network.

Welsh Water

Recommend that any permission includes conditions in respect of foul, surface and land drainage.

Clwyd-Powys Archaeological Trust

Although the development lies close to an area of archaeological significance, it appears that no known features will be affected by the intended work.

Public Rights of Way

Express concerns that the development would result in the potential for conflict with existing users of a public bridleway and that given the topography of the site that this would result in a build up of surface water on the bridleway.

Airbus

No comment as the proposal is outside the required area for Civil Aviation Authority consultation purposes.

Countryside Council for Wales

Satisfactory ecological site surveys have been undertaken prior to and post the planning appeal decision in 2007 for a tourist related development of the site. No objection in principle subject to the imposition of a condition requiring an updated ecological survey being undertaken prior to the commencement of site works.

Amended Submission

Local Member

Councillor P. Heesom

Request planning committee determination given background of planning history, scale of development and sensitivity of landscape at this location.

Head of Assets & Transportation

No objection, subject to the imposition of a condition requiring the provision of facilities for the loading, unloading, parking and turning of vehicles.

Lifelong Learning (Advisor for Autism)

Considers that the proposal will provide for a continuum of provision for children, young people and adults with ASD on one site from the age of 8 upwards. This will help to reduce anxieties of young people and their families in securing a continuation of specialist education.

Countryside Council for Wales

Satisfactory ecological site surveys have been undertaken prior to and post the planning appeal decision in 2007 for a tourist related development of the site. No objection in principle subject to the imposition of a condition requiring an updated ecological survey being undertaken prior to the commencement of site works.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification
Original Submission:

1 letter of objection received, the main points of which can be summarised as follows:-

- Proposal would be contrary to planning policy.
- There is no functional link with the existing school.
- Proposals would have a substantial and detrimental visual impact upon the character and appearance of the area.

2 letters of support which consider that:-

- Proposal would provide for a much needed specialist facility for education/learning within North Wales.
- In locational terms this facility is for more advantageous within an open countryside location.
- Proposal would be linked to holiday lodges/facilities already permitted which could be used by families with young people with Autistic Spectrum Disorder.

Amended Scheme

11 letters received which re-iterate/re-enforce previous objections and are summarised as follows:-

- Proposal is contrary to planning policies and is not in accord with the principles established on appeal for tourist related development within this open countryside location.
- There is no direct linkage with the existing school.
- Proposals would have a detrimental visual impact on the open countryside/parkland setting and conservation area.
- Impact on wildlife habitats.
- Development would be out of scale/character with existing school.
- Detrimental impact on privacy/amenity.
- Inadequacy of highway and drainage system to serve further development.

5.00 SITE HISTORY

5.01 674/84

Change of use to golf Course - Permitted 30th June 1986.

118/93

Golf course, club house and driving range - Permitted 18th May 1993.

98/1112

Alteration/extension to provide for equipment store - Permitted 18th November 1998.

041549

Change of use from hotel to C2 use residential institution for establishing an independent school for young people with complex Autistic Spectrum Disorder age 10 to 19 - Permitted 3rd August 2006.

040402

Layout of trails for walking, jogging and cycling; extension of existing

clubhouse to provide gymnasium, swimming pool, sauna, steam room and creche; new putting course, tennis court, siting of 78 holiday lodges and sales lodge; associated access drives, car parking, modifications to golf course and comprehensive landscaping scheme - Appeal to The Planning Inspectorate allowed 18th October 2007.

045395

Construction of 5 No. 4 x person accommodation buildings, 3 No. linked two person independent living buildings and a communal centre to replace 30 previously approved holiday lodges to provide specialist placements for young children with autism - Permitted 11th December 2008.

047095

Erection of an autistic college facility including associated residential units - Withdrawn 5th October 2010.

046920

Erection of a detached residential building - Refused 14th October 2010.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR2 - Transport and Communications

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy STR8 - Built Environment

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development Outside Settlement Boundaries

Policy CF2 - Development of New Community Facilities

Policy D2 - Location and Layout

Policy D3 - Building Design

Policy D4 - Landscaping

Policy D5 - Outdoor Lighting

Policy D6 - Crime Prevention

Policy TWH2 - Development Affecting Trees and Woodlands

Policy TWH3 - Protection of Hedgerows

Policy TWH4 - Woodland Planting and Management

Policy L1 - Landscape Character

Policy WB5 - Undesignated Wildlife Habitats, Flora and Fauna

Policy WB6 - Enhancement of Nature Conservation Interest

Policy HE1 - Development Affecting Conservation Areas

Policy HE5 - Protection of Landscapes, Parks and Gardens of Special Historic Interest

Policy AC1 - Facilities for the Disabled

Policy AC2 - Pedestrian Provision and Public Rights of Way

Policy AC3 - Cycling Provision

Policy AC13 - Access and Traffic Impact

Policy AC14 - Traffic Calming

Policy AC18 - Parking Provision and New Development

Policy HSG4 - New Dwellings in the Countryside

Policy SR1 - Sports, Recreation or Cultural Facilities

Policy SR2 - Outdoor Activities

Policy SR3 - Golf Facilities
Policy T1 - Tourist Attractions
Policy T4 - New Static Caravans and Chalets
Policy T7 - Holiday Occupancy Conditions

7.00 PLANNING APPRAISAL

7.01 Introduction

The Options Group (Kinsale) School, a residential home for autistic children and Kinsale Golf Course are located within the open countryside to the south of the A548 at Llanerch-y-Mor. They occupy an area of approximately 40 hectares of which the playing area of the golf course amounts to approximately 26 hectares.

7.02 The school and golf course are approached by a private driveway which passes through open land comprising the golf course to the west and open land to the east.

7.03 Background History

For Member's information there is a complex background of planning history relating to development at this location which is referred to in paragraph 5.00 of this report.

7.04 In summary, planning permission was allowed on appeal to The Planning Inspectorate under Code No. 040402 on 18th October 2007 for a tourism development at Kinsale Golf Course comprising: the layout of trails for walking, jogging and cycling, extension of the existing clubhouse to provide a gymnasium, swimming pool, sauna, steam room and creche; the provision of a new putting course, tennis courts, siting of 78 holiday lodges and a sales lodge, associated access drives, car parking and modifications to the golf course.

7.05 The 78 holiday lodges are proposed to be sited in two areas, on the periphery of the golf course, these being:-

- a. The Lower Lodge site to the south of Rhydwen House alongside the main entrance driveway to the school and golf course.
- b. The Upper Lodge site to the west of Mertyn Isaf a Grade II Listed Building next to the highest part of the golf course.

7.06 At the time that the above application and appeal were under consideration Kinsale Hall, a former hotel, had been bought by the New Options Group and converted into a residential home for autistic children, this being granted under Code No. 045139 on 3rd August 2006.

7.07 Following the grant of planning permission in 2007 for a holiday lodge development, permission was subsequently granted under Code No. 045395 on 11th December 2008 for independent living accommodation buildings and a communal centre to replace 30 previously approved lodges, providing specialist placement for children with autism in connection with the existing school. This permission proposed the replacement of 24 previously approved holiday lodges on the upper part of the site and the replacement of 6 holiday lodges on the lower part.

7.08 A further application was also submitted under Code No. 047095 for the erection of an autistic college facility including associated residential units. This application was included on the agenda for consideration by the Planning & Development Control Committee meeting held on 6th October 2010, but was withdrawn by the applicants given officers recommendation at that time for refusal as:-

- i. the proposal did not comply with the established planning policy framework as it proposed a duplication of previously consented facilities.
- ii. it was considered that the scale/form of the proposal would have a detrimental impact on the character of the landscape at this location.

7.09 Proposed Development

This current application proposes the erection of educational/residential facilities for adults who suffer from ASD. Although not directly related to the Options Group School at Kinsale Hall (which caters for children/young adults), it would allow for those adults (post 25 years of age) either as a follow on from the existing site, or within the North Wales region, to continue with further specialist education.

7.10 The current application has been resubmitted in order to seek to address the areas of concern highlighted in consideration of the previously withdrawn application (047095). The application has been amended since its initial submission as a result of the deletion of a leisure centre and two accommodation blocks with amendments to the scale/form of the Resource Centre. The proposal now comprises:-

- i. the erection of a rectangular shaped building measuring approximately 50 m x 20 m for use as a Resource Centre accommodating teaching rooms offices. This would be located on the eastern side of the main driveway into the site. The Resource Centre and associated car parking would replace 16 No. existing consented holiday lodges.
- ii. the erection of 4 No. H shaped accommodation blocks measuring approximately 30 m x 17 m x 5.5 m (high) to the east of the main access driveway and north of the existing school. Members are asked to note that two of the four accommodation blocks are already consented but are proposed to be re-sited.

A further round of consultation and publicity has been undertaken on this amended application.

7.11 In support of the application, the applicant's agent has advised that:-

- an open countryside location is a more preferable environment for children adults with (ASD) to be based rather than an urban site within an existing settlement boundary. The proposal is considered to be well suited to the site given the existing/consented facilities, the existing school and its open character and that this environment is the most appropriate for this form of development as it offers:-

- Space to provide an unparalleled living and learning environment.
 - Adventure trails to enable young people to explore the countryside in a controlled manner.
 - Controlled risk assessment.
 - Sports facilities to enable individuals to take part in a range of activities.
 - Outside education with ecology and woodlands.
 - Existing approved holiday lodges which can be occupied by families of children/adults with ASD.
 - Existing approved residential facilities to enable people with ASD to lead a degree of independence at the site.
 - Work experience providing a range of employment opportunities.
- The proposal would be a private development, taking referrals from other bodies including local councils and would allow for pupils at the existing school on site to take advantage of the 'move-on' facilities if required.
 - All of the sports and recreational facilities and some of the holiday lodges will remain available for use by the general public, including residents and tourists as previously approved.
 - In terms of proposed new build at this location, this comprises the resource centre and 2 No. H shaped accommodation blocks which is additional to that which currently has consent.

7.12 The main planning considerations can be summarised as follows:-

- Principle of development having regard to planning policy framework.
- Consideration of alternative sites for the proposed development.
- Impact on character of landscape.
- Linkages with existing and consented development.

7.13 Planning Policy

It is recognised that consideration of an application for the erection of new community facilities, must be undertaken having regard to Policy CF2 of the Flintshire Unitary Development Plan.

7.14 This policy seeks to direct such facilities to locations within defined settlement boundaries. Outside settlement boundaries, such development will only be permitted though (a) the conversion of existing buildings (b) by an extension to an existing facility or (c) on land with a previous built use.

7.15 The supporting material submitted by the applicant's agent indicates that the proposal is for an adult service as distinct to the childrens/young adults service currently operating from the site. It has been confirmed that there is no direct managerial relationship with the operation of existing facilities at this location.

7.16 In this respect and following the withdrawal of the previous application submitted under Code No. 047095, the principle of re-considering the

current application has been requested and is necessary given that:-

- a. there is an existing autistic school and consented associated facilities at this location.
- b. the case advanced in paragraph 7.11 of this report which highlights the importance of these facilities being provided within an open countryside location, has to be assessed.

7.17 It is my view in re-consideration of this application, in light of the additional supplementary material provided, that the existing school is well-related/located in terms of its use, being self-contained yet close to community facilities and a key transport corridor. It is also considered that there is merit in looking at the role of the site in meeting the wider needs of this specialist educational provision, which is recognised and supported by the Council's Advisor for Autism as it will provide for a continuum of provision on the site for children, young people and adults with ASD. In looking at the broader context of the consented holiday development allowed on appeal, the key objective was to secure a package of tourist attractions, facilities and accommodation which functioned alongside the specialist school use. This was recognised by the Inspector in allowing the appeal under Code No. 040402, where there was a requirement for the developer to enter into a legal obligation to ensure that all staff/visitors to the site are made aware of the specialist needs of the children on site at the Kinsale Hall School/Residential Home.

7.18 The applicant has advised that the remainder of the lodges proposed on site (32 No.) will still operate as holiday accommodation and that the golf course and range of proposed associated facilities will still be open to the wider public. In this context I do not consider that this proposal is a departure from that considered by the appeal Inspector. Additionally, the facilities will also be available for use by pupils at both schools ensuring that there will be an inter-relationship between the various elements of the scheme which was recognised by the appeal Inspector. Bearing in mind (i) the planning history of the site (ii) its evolution since the appeal decision and (iii) the policy context in particular criterion (b) of Policy CF2, the proposed development is therefore considered acceptable in principle.

7.19 Consideration of Alternative Sites for the Proposed Development

It has been considered necessary in the progression of this application to seek clarification from the applicant/agent as to why this site which is within an open countryside location, has to be developed for this facility, in preference to a site within an urban area or appropriately located brownfield site.

7.20 To this effect a sequential test has been undertaken by the applicant and I have been advised that:-

- i. the proposal is not a stand alone facility but is an integral part of a comprehensive service to be developed at Kinsale much of which has been already approved.
- ii. the locational requirements for such a facility have been set out. (These are referred to in paragraph 7.11 of this report).
- iii. a Resources Centre would not function from a remote site as

- autistic children cannot be satisfactorily moved from one site to another.
- iv. alternative sites have been considered but are considered unacceptable in practical terms and are not economically viable given remedial costs involved.
 - v. some of the sites previously considered are very small in terms of area, whereas Kinsale amounts to approximately 40 hectares.
 - vi. The basic principle for wishing to locate the facility at Kinsale is based on the need for open space which is important in caring for people with Autistic Spectrum Disorder.

7.21 Scale/Design and Impact on Character of Landscape

Of particular importance in consideration of this application is the impact of the proposed development on the character of the landscape at this location. It is acknowledged that permission has been allowed on appeal under Code No. 040402 for a tourist related development, with a subsequent permission (Code No. 045395) allowing for the development of residential accommodation blocks on both the upper and lower site.

7.22 In allowing the appeal under Code No. 040402, the Inspector essentially concluded that the Kinsale Site “is largely a man-made landscape of terracing and slopes with tree planting around and between fairways. It has neither a natural appearance nor the farmland character of much of the surrounding landscape.” In addition it was considered by the Inspector that the wooden holiday lodges would blend relatively well into the rural landscape. The subsequent permission allowed under 045395 proposed the development of what in visual terms are larger conjoined units, their design/orientation helping to reduce their overall form, massing with associated landscaping helping to assimilate the development into this parkland setting.

7.23 For Members information, this application which has been amended following concerns expressed by officers on the scale of development of the Resource Centre initially proposed, relates to development on the lower part of the site only, to the east of the access drive and north of the existing school. It comprises:-

- i. The erection of a rectangular shaped building measuring approximately 50 m x 20 m for use and a resource centre accommodating teaching rooms and offices. The building is vernacular in its form and design, having the characteristics of a simplistic agricultural building with traditional window/door openings. The building is sited parallel to the sites western boundary and east of the proposed car parking area adjacent to the driveway. This helps to screen the development and helps to provide for a more traditional/sympathetic form of building which is more appropriate to its rural location/setting.
- ii. The erection of 4 No. H-shaped accommodation blocks measuring approximately 30 m x 17 m x 5 m high on the eastern side of the main access driveway. Two of the four blocks currently have consent under Code No. 045395 with this application proposing that they be resited together with the construction of 2 No.

additional blocks of the same type already approved. It is my view that the revised scale/design will help to ensure that the development is sympathetic to the character of the site and its surroundings and is therefore considered acceptable.

7.24 The resource building has been 'stepped' in order that it sits more comfortably in the landscape and also incorporates first floor accommodation within the roofspace in order to reduce its height and bulk. The building and the adjacent residential blocks are set behind an existing hedgerow and will be framed by the landscaped car park when viewed from the driveway up to Kinsale Hall. It is considered that the careful siting of the buildings and the simple styling, detailing and materials should ensure that they are not harmful to the character and appearance of the local landscape, nor compete for attention with the existing established buildings comprising Kinsale Hall Conservation Area.

7.25 Linkages with Existing/Proposed Development

In support of the application, the agent has advised that the additional educational facilities proposed will operate alongside the existing school, golf course and tourist development allowed on appeal under Code No. 040402. The adults with ASD who will be able to take advantage of these facilities, will be provided with the opportunity to use/work at the golf course, with respite accommodation being available for use by the families of individuals at both the existing school and proposed development. This will help to foster significant linkages to existing/proposed uses at this location, providing opportunities for disadvantaged individuals to access leisure, social enhancement, work experience and learning programmes which are designed to enable the individual to develop and enhance their independence.

7.26 Impact on Bridleway

Whilst concerns relating to the impact of development on an existing bridleway are duly noted, the principle of development on the lower part of the site has been established on appeal and by the proposed erection of independent living buildings permitted under Code No. 045395.

7.27 It is considered that if Members are mindful to grant permission that concerns relating to the accumulation of surface water on the bridleway can be ameliorated by the imposition of a condition requiring the developers to undertake a surface water drainage scheme to minimise the conflict with the potential users of the bridleway.

7.28 Ecological Impact

The application site is not located within or adjacent to the boundary of any statutory designated site of ecological importance and in determination of the appeal under Code No. 040402 the Inspector concluded as a result of survey information undertaken at that time that there was no significant impact on protected species. A condition was however imposed on the appeal decision by the Inspector requiring a further survey to be undertaken prior to the commencement of development.

- 7.29 A subsequent survey has been undertaken the conclusions of which are acceptable the Countryside Council for Wales (CCW) to comply with this condition imposed on the appeal decision. Consultation on this current application has also been undertaken with CCW who have confirmed that there is no objection to the principle of development subject to the previously submitted report being updated prior to the commencement of any site works. This can be covered by the imposition of a further planning condition.

8.00 CONCLUSION

- 8.01 It is considered having regard to the background of planning history at this location, the sites existing usage and details submitted, that this open countryside location is considered to be a preferable and acceptable location for the establishment of a follow on specialist educational facility for adults with Autistic Spectrum Disorder. Although it is recognised that there is no direct management link between the existing and proposed establishments, the proximity of the respective facilities to each other will help to ensure a functional link in the provision of specialist educational provision within North Wales. This functional relationship however, has not been considered in isolation to important landscape requirements as outlined and highlighted in the determination of previous applications and appeals. To this effect significant amendments and reductions to the scale/form/design of development have been secured which help to ensure that it respects the open countryside location and parkland setting in which it is sited. The amount of new development has been minimised by seeking to devise a scheme within the context of previously consented development. The resultant scheme is considered to sit comfortably within the original concept of a comprehensive tourism development in that there are clear benefits to be derived from bringing about a specialist residential and holiday facility for young persons/adults suffering from autism within a controlled and safe environment and also the tourism concept previously approved is still a viable and workable proposition. I therefore recommend that permission be granted subject to the imposition of conditions including the need to ensure the use of suitable materials and the undertaking of a comprehensive landscaping scheme as part of the development.

In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

Contact Officer: Robert M. Harris
Telephone: 01352 703269
Email: robert_m_harris@flintshire.gov.uk