

Number: 11

Application Number: C17/0182/03/LL

Date Registered: 28/02/2017

Application Type: Full - Planning

Community: Ffestiniog

Ward: Bowydd and Rhiw

Proposal: A retrospective application to change the land use to create a touring caravan site and to extend the existing building to create toilets and to erect a building to dispose of waste

Location: Ty'n y Coed, The Old Quarry Hospital, Rhiwbryfdir, Blaenau Ffestiniog, Gwynedd, LL41 3HS

Summary of the Recommendation: TO REFUSE

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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

1. Description:

- 1.1. A retrospective application to change the land use to create a touring caravan site and to extend the existing building to create toilets and to erect a building to dispose of waste.
- 1.2. The site is located within the development boundary of Blaenau Ffestiniog. The site is empty land located behind Gwynedd terrace, and there are a number of houses dispersed around the site. The application site measures approximately 0.3ha. From the location plan, it appears that the applicant owns the Tŷ'n y Coed property (Old Quarry Hospital) which is a residential house, currently being used as holiday accommodation, and a caravan/chalet which is being used as an unauthorised residence; and that these are located within land in his ownership but outside the application site.
- 1.3. The proposal involves changing the land use to create a touring caravan site for 15 pitches, to extend the existing building to create toilets (two toilets, two showers and two sinks each, and a disabled facility) and to erect a building for waste disposal (to empty elsan toilets). The site plan includes an access and formal pitches with various vegetation around the site.
- 1.4. Work has already commenced on the site and the majority of the formal pitches are in place, and the vegetation has been planted. During the site visits, a touring caravan and a motorhome were located on the site. The applicant is aware of the planning situation, and the Enforcement Unit has already been discussing the matter with him.
- 1.5. The following documents have been submitted as part of the application:

- Linguistic and Community Statement

Section 9 of the Town and Country Planning Order (General Development Procedure) (Wales) (Amendment) 2016 is to confirm that design and access statements are not needed unless the development is large, or the development is for erecting one or more houses or for a new 100m square building or more within a designated Area (e.g. Conservation Area or World Heritage Site).

2. Relevant Policies:

- 2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2. Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

POLICY B22 - BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE

Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B27 – LANDSCAPING PLANS

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

POLICY D19 - NEW SITES FOR TOURING CARAVANS, CAMPING AND TOURING UNITS

Proposals for developing new touring caravan, camping, or touring unit sites will be permitted provided they conform to specific criteria regarding the design, layout, appearance and location of the development, traffic issues, and restrictions on the use of the units and the accumulative impact on the local area.

Supplementary Planning Guidance: Planning and the Welsh Language
Supplementary Planning Guidance: Holiday Accommodation

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

PS 1: The Welsh Language and Culture

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TRA 4: Managing transport impacts

PCYFF 1A: Development boundaries

PCYFF 1: Development criteria

PCYFF 2: Design and place shaping

PCYFF 3: Design and landscaping

TWR 5: Touring Caravan, Camping and Temporary Alternative Camping Accommodation

2.5 National Policies:

Planning Policy Wales Edition 9 2017

Technical Advice Note 12: Design

Technical Advice Note 13: Tourism

Technical Advice Note 20: Planning and the Welsh Language

3. Relevant Planning History:

None

4. Consultations:

- Community/Town Council: Strongly object on the following grounds:
- Concerns regarding access to the site from the A470
 - Concerns regarding access to the site from Baltic Road where there is a playing field adjacent to the access
 - Concerns regarding the increase in traffic on Glanypwll Road which is a very narrow road
 - Concerns regarding an increase in noise for nearby residents
 - Concerns whether the existing sewerage is suitable for this development.

Transportation Unit: I refer to the above application and wish to express concern about the proposal to change the use to create a touring caravan site.

It is presumed that, although Baltic Road is of sufficient width to cope with general two-way traffic, the junctions on either side are unsuitable for the type of traffic expected in relation to a touring caravan site. There is neither sufficient visibility nor a suitable turning on the closest junction, which leads back to the trunk road, for vehicles that tow caravans.

It is recommended to also consult with the Welsh Government's Trunkroads Unit for their opinion, as the site is within 67 metres of the A470, and is likely to lead to an increase in traffic movements on that road's junctions.

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Natural Resources Wales: No observations to offer

Welsh Water: Propose drainage conditions

Public Protection Unit - Caravans Officer: Further to a recent visit made to this site. It was discussed with the applicant that I was concerned whether this application met the licence conditions (Model Standards 1983) which relates to site density to ensure that there is sufficient width between caravans and awning and a clear 3m from the next caravan in order to comply with fire requirements.

An example of the requirements is appended in diagram form.

The applicant confirmed that the main intention is to keep motorhomes and if touring caravans visited the site, there will be parking spaces available at the far end of the site.

It is therefore believed that this application's description will need to be changed to accommodate motorhomes.

The number of toilets and wash basins appears to be sufficient for the number of motorhomes or touring caravans with provision for the disabled.

This development must comply with the requirements of the Model Acts and Standards as follows:

- Caravan Site and Control of Development Act 1960
- Model Standards 1983
- The Health and Safety at Work etc. Act 1974

The applicant will be required to apply for a site licence should this planning permission be permitted.

Trunkroads Authority: The Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

1. No access to the site by touring caravans via the junction of Baltic Street and the A470.

Biodiversity Unit/Trees: Thank you for consulting with the Biodiversity Unit regarding the above application. There are no Biodiversity concerns in relation to the application.

Land Drainage Unit: Thank you for the recent consultation. From what has been submitted as an application and from looking at the available information, it does not appear that the proposed development impacts the watercourse. Due to this, the Water and Environment Unit has no objection to the development from this viewpoint.

As the Lead Flooding Authority, the unit also has to protect the nearby area's interests from suffering flooding impacts

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from any new development. Any permission given should include the following requirements as a condition:

- a) The development's surface water should be disposed of in accordance with the requirements of 'NCT 15'

Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several letters including a petition stating the following have been received:

- The application is invalid as no Design and Access Statement has been submitted
- Highways Matters
- Noise
- Sewerage matters
- Land ownership

5. Assessment of the material planning considerations:

The principle of the development

5.1 Decisions about planning applications must be made in accordance with the adopted development plan, unless other material considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

5.2 When dealing with any planning application the statutory test should be the first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.

5.4 Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

5.5 The requirements of Policy C1 approve proposals that give priority to land or buildings situated within development boundaries. The site is located within the Blaenau Ffestiniog development boundary and it is considered that the principle of the proposed development is acceptable as it makes good use in terms of a site situated within the development boundary.

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- 5.6 Policy D19 permits proposals to develop new touring caravan, camping or touring unit sites provided that they comply with the specific criteria as a whole, namely:
- 1 That the proposed development is of a high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features and/or where touring units can be readily assimilated into the landscape in a way that does not significantly harm the visual quality of the landscape
 - 2 That the site is close to the highway network and that adequate access can be provided without significantly harming the character and features of the landscape
 - 3 The site is used for touring purposes only and units must be removed from the site during periods of non-use
 - 4 that the proposed development, taking into account the cumulative impact of existing touring caravan, camping and touring unit sites approved within the immediate locality, will not exceed the capacity (e.g. environmental, social and cultural, roads network, amenities etc.) of that locality to reasonably accommodate such developments.
- 5.7 The location of the proposal is within the locality of Rhiwbryfdir, Blaenau Ffestiniog, and is surrounded by residential houses and two open public spaces. Nevertheless, the site is concealed and is located in an unobtrusive location in terms of visual impact. The site is already nearing completion, and the existing vegetation and bunds that have been recently created mitigate the visual impact in this case. No details of the bunds have been submitted as part of the application; nevertheless, they are not considered obtrusive in this instance.
- 5.8 The proposal is for siting 15 touring units on the site, and the pitches have already been placed out on the site. The Caravans Officers (Health and Safety Unit) has confirmed that the site setting does not meet the licensing conditions (Model Standards 1983) in terms of site density - namely to ensure that there is sufficient width between a caravan and its awning and a clear 3m from the next caravan in order to comply with fire requirements. The setting also means there were no parking spaces for the touring units on the site. The Caravans Officer has confirmed (following a direct discussion with the applicant) that it would mainly be a site for motorhomes, and if touring caravans were to visit the site, there would be a parking area available at the far end of the site. This has not been confirmed in the documents submitted as part of the application, and it is noted that only one parking space is included within the site application at the far end of the site. It appears that the existing setting does not meet the needs for receiving a licence for the site. Although this in itself is not a planning matter, it is likely to mean that it would not be possible to implement the development that forms the application without changing it to be a less dense development; that would be a different proposal to what has been put forward. It is therefore considered that the setting is not a suitable site for its proposed use as a touring site. Even if it were possible to impose a condition preventing touring caravans from visiting the site on any planning permission, the Local Planning Authority maintains the view that there are too many pitches on the site, the pitches are too close together and the setting is too close. No open spaces have been planned for the site, and although there are open spaces in the immediate vicinity, there is no space for children to play within the safety of the site itself. It is therefore considered that the proposal fails on criterion number 1 of policy D19 of the Unitary Development Plan and also criterion number 1 of policy TWR5 of the Gwynedd and Anglesey Joint Local Development Plan; and that neither the design, setting nor appearance of the proposal are of a high standard.
- 5.9 The site is located off Baltic Road (which is an unclassified road) and the site access to this road is approximately 80m away from the Baltic Road junction with the A470

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Trunk Road. This is the most direct route to and from the site. A new access has already been created to this site from Baltic Road which has been surfaced with slate waste. There is no specific objection to this access alone. The Transportation Unit has confirmed that the road network from this access to the right towards the A470 or to the left towards Glanypwll Road are of sufficient width to cope with general two-way traffic, but it is considered that the junctions on either side of Baltic Road (i.e. the junction with the A470 or the junction with Glanypwll Road) are suitable for the type of traffic expected in relation to a touring caravan site. In addition, the Trunkroads Unit has confirmed that the use of the Baltic Road junction to the A470 would be unacceptable.

- 5.10 It is therefore considered that the proposal also fails on criterion number 4 of policy D19 from the Unitary Development Plan and paragraph 11 of the Technical Advice Note 5: Tourism as the development is beyond the reasonable ability of the locality in terms of road networks.

General and residential amenities

- 5.11 As has been noted above, the site is concealed and is located in an unobtrusive area in terms of visual impact. It is proposed to extend the existing building to provide toilets and showers, and to erect a small building to dispose of elsan waste. It is considered that the buildings are of suitable size, design and materials, and have been located appropriately on the site. It is, therefore, considered that the proposal complies with the requirements of policy B22, B24, B25 and B27 of the Gwynedd Unitary Development Plan, and the equivalent policies within the Local Development Plan.
- 5.12 Policy B23 of the Unitary Development Plan safeguards the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area. As mentioned above, the site is unacceptable in terms of the density of touring units, and the space between the pitches. As a result of this, the proposal is considered to be an overdevelopment of this site; and that it is likely that intensive use of the site in this manner would have a detrimental impact on the amenities of nearby residents in terms of traffic and noise. It is therefore considered that the proposal is contrary to criteria 2 and 3 of policy B23 of the Gwynedd Unitary Development Plan, and also criterion 11 of policy PCYFF11 within the Local Development Plan.

Transport and access matters

- 5.13 Policy CH33 of the Unitary Development Plan permits development proposals provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures. As mentioned above, the Transportation Unit objects to the proposal on the basis of road networks, and specifically the use of both junctions on Baltic Road. In addition, the Trunkroads Unit has confirmed that the use of the Baltic Road junction to the A470 would be unacceptable.
- 5.14 This site has been subject to an Enforcement investigation, and the Enforcement Case Officer and the Transportation Unit has clearly stated that the site access off Baltic Road would be unacceptable should a proposal be submitted for the site. The Enforcement Case Officer and the Transportation Unit have already suggested that the use of the existing access past the applicant's property, identified as Tŷ'n y Coed, would possibly be acceptable. This access does not form part of the application, and it has not been assessed by the Trunkroads Unit and, therefore, on the basis of the proposal submitted, it is considered to be contrary to the requirements of criterion

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number 2 of policy CH33 of the Unitary Development Plan and policy TRA 4 similar to the Local Development Plan.

Linguistic and Community Matters

- 5.15 In accordance with the Supplementary Planning Guidance – ‘Planning and the Welsh Language’ a Community and Linguistic Statement was submitted with the application. The information was assessed by the Joint Planning Policy Unit, and it was confirmed that the proposed development is not likely to have a detrimental impact on the Welsh language. It is therefore considered that the proposal complies with the requirements of policy A2 of the Unitary Development Plan.

Response to the public consultation

- 5.16 Following a period of public consultation a number of letters have been received that noted objections and it is considered that the above report deals fully with the matters below

- The application is invalid as no Design and Access Statement has been submitted
- Highways Matters
- Noise

In terms of sewerage matters, observations have been received from Welsh Water confirming that they have no objections to the proposal, subject to the relevant conditions relating to the pipe that crosses the site and connects to the sewer.

In terms of land ownership matters, Land Registry records show that the applicant owns land that forms part of the application.

6. Conclusions:

- 6.1 Considering the above and having considered all the relevant matters including local and national policies and guidelines, it is believed that this proposal to change the use of land to create a touring caravan site and to extend the existing building to create toilets and to erect a building for waste disposal is unacceptable and that it is contrary to the requirements of the policies as noted above.

7. Recommendation:

- 7.1 To refuse for the following reasons:

1. It is considered that the design, setting and appearance are not of a high standard due to the high density and therefore it is considered that the proposal is contrary to criterion number 1 of policy D19 of the Gwynedd Unitary Development Plan and criterion number 1 of policy TWR5 of the Gwynedd and Anglesey Joint Local Development Plan (Composite Version including Matters Arising Changes).
- 2 Therefore, it is considered that the proposal is beyond the reasonable ability of the locality in terms of the road network, specifically the use of both junctions off the Baltic Road, and therefore the proposal is contrary to criterion number 4 of policy D19 of the Gwynedd Unitary Development Plan, paragraph 11 of the Technical Council Note 13 Tourism, criterion number 2 of policy CH33 of the Unitary Development Plan, and policy TRA 4 of the Gwynedd and Anglesey

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Joint Local Development Plan (Composite Version including Matters Arising Changes).

- 3 The proposal's setting means a high density of units on the site that is tantamount to overdevelopment of the site that is likely to cause a noise nuisance that would have a detrimental impact on local amenities, and add to traffic in a way that would cause significant harm to local amenities. The proposal is therefore contrary to criterion number 2 and 3 of policy B23 of the Gwynedd Unitary Development Plan and criterion number 11 of policy PCYFF 1 of the Gwynedd and Anglesey Joint Local Development Plan (Composite Version including Matters Arising Changes).