

PLANNING COMMITTEE	18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Number: 1

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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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 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 Ty'n y Coed property (Old Quarry Hospital) that is a residential house, currently being used as holiday accommodation, a caravan/chalet which is used for residential use without authority; 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, extend the existing building to create toilets (two toilets, two showers and two sinks each, and a disabled facility) and erect a building for waste disposal (to empty Elsan toilets). The site plan includes an access road 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 motor-home 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
- 1.6. Section 9 of the Town and Country Planning Order (General Development Procedure) (Wales) (Amendment) 2016 confirms 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).
- 1.7. The application was submitted to Planning Committee on 24.04.2017, where it was determined to visit the site. Since the application was submitted to the Planning Committee the last time, amended plans have been submitted which offer parking spaces within the site, along with information on the suitability of the use from the Baltic Road and Glanypwll Road junction to the 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

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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.

2.3 **Gwynedd and Anglesey Joint Local Development Plan July 2017.**

PS 1: The Welsh Language and Culture

TRA 4: Managing transport impacts

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

TWR 5: Touring caravan sites, camping sites and temporary alternative camping accommodation

PS19: Conserving and where appropriate enhancing the natural environment

Supplementary Planning Guidance: Planning and the Welsh Language.

Supplementary Planning Guidance: Holiday Accommodation

2.4 **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 basis:

1. Concerns regarding access to the site from the A470
2. Concerns regarding access to the site from Baltic Road where there is a playing field adjacent to the access
3. Concerns regarding the increase in traffic on Glanypwll Road that is a very restricted road
4. Concerns regarding an increase in noise for nearby residents

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5. Concerns whether the existing sewage system is suitable for this development.

Transportation Unit: The Transportation Unit have now confirmed the proposal is acceptable.

The Transportation Unit's initial response to the application was one of concern regarding proposals to utilise Baltic Road as the principle means of access. These concerns centred around the possible increase in traffic through the sub-standard Baltic Road / A470 junction. An alternative means of access, via Hospital Road, was recommended as a shorter route accessed through a higher standard of junction.

Following further discussions with yourself on site, and the subsequent submission of additional information in the form of Swept Path Analysis drawings to demonstrate suitable vehicular access from Glanpwell Road and Baltic Road, the Transportation Service have since confirmed the proposal to retain the Baltic Road access would be acceptable provided that suitable measures are implemented to deter exiting vehicles from turning right towards the A470.

Natural Resources Wales: No observations to offer

Welsh Water: Propose drainage conditions

Public Protection Unit - Caravans Officer: The amended plan that was received on 26-06-17 by the Planning Department appears to comply with the licence requirements. The gas tank would have to comply with the requirements of the "Bulk LPG Storage and Fixed Installations LP Gas Associate CODE OF PRACTICE 1".

This development must comply with the requirements of the Acts on Model 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 contact the Licensing Unit within the Public Protection Service to apply for a site licence if this planning application is approved.

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

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

Biodiversity/Trees Unit: 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. Consequently, the Water and Environment Unit has no objection to the development from this perspective.

As the Lead Flooding Authority, the unit also has to protect the nearby area's interests from suffering flooding impacts from any new development. Any permission granted should include the following requirements as a condition:

a) The development's surface water should be disposed of in accordance with the requirements of 'TAN 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
- Sewage matters
- Land ownership
- Use of the site for placing static caravans

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy PCYFF 1 approves 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.
- 5.2 Policy TWR 5 approves proposals to develop touring caravan sites, camping sites or alternative temporary camping accommodation provided that all the following criteria are complied with:
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

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assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape;

2. Avoids too many hard standing areas;
3. Its physical connection with the ground is limited and can be moved from the site during the closed season;
4. Any associated facilities, if possible, should be located in an existing building or as an extension to existing facilities. If there are no suitable buildings available, the need for additional facilities must be shown clearly, and they must be commensurate to the scale of the development.
5. That the site is close to the main highway network and that adequate access can be provided without significantly impairing the character and features of the landscape.
6. The development's occupancy is restricted to holiday use only.
7. That the site is used for touring purposes only and that any units are removed from the site during periods when not in use.

5.3 The proposal is located on the outskirts of Rhiwbryfdir, Blaenau Ffestiniog, and is surrounded by residential houses and two open public spaces. Nevertheless, the site is concealed and is located in a concealed location in terms of visual impact. The site is more or less already completed, and the existing vegetation and the bunds that have been created recently alleviate the visual impact in this case. No details of the bunds have been submitted as part of the application, but nevertheless, it is not considered obtrusive in this case.

5.4 The proposal is for siting 15 touring units on the site, and the pitches have already been placed out on the site. An amended plan was received on 26.06.2017 which shows parking provision in the form of separate plots to the caravan plots. The Caravans Officer (Health and Safety Unit) has confirmed that the proposal now appears to comply with licensing requirements.

5.5 Despite this, officers are still of the opinion that the proposal does not comply with the requirements of criterion number 1 and 2 of this policy. Although the Caravans Officer has confirmed that the proposal can comply with licensing requirements, this is mainly because there are now parking spaces within the site. The site's plan and setting is still restricted, and there is no general open amenity space within the site for the use of the site's residents. It is considered that the setting of this site uses too many hard standings and it is not of a high standard in terms of design, setting or appearance based on the lack of open surface area on the site and between the plots. These concerns have been highlighted to the applicant, but he is not willing to change the plan by removing two or three plots in order to lighten the development and improve the layout.

5.6 It is therefore considered that the proposal fails on criterion number 1 and 2 of policy TWR5 of the Gwynedd and Anglesey Local Development Plan, as the design, setting and appearance of the proposal are not of a high standard and there are too many hard standings.

5.7 Criterion number 3, 6 and 7 involve ensuring that the site is used for touring holidays only, and despite the objection to the application based on criterion 1 and 2 above, it is considered that it would be possible to ensure that the proposal complies with criterion 3, 6 and 7 through planning conditions that would restrict use of the site for holiday use during a specific season between the months of March and October of any year only.

General and residential amenities

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- 5.8 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 policies PCYFF 2, 3 and 4 of the Local Development Plan.
- 5.9 As mentioned above, the site is unacceptable in terms of the setting and the density of touring units, and the space between the pitches. As a result of this, the proposal is considered to equate to an overdevelopment of this site; and that the likelihood for dense use of the site in this manner would have a detrimental impact on the amenities of nearby residents in terms of disturbance and noise. In addition, the restricted plan is contrary to the need for amenity space for existing and future users. It is therefore considered that the proposal is contrary to criteria 4 and 7 of policy PCYFF 2 within the Local Development Plan.

Transport and access matters

- 5.10 Policy TRA 4 of the Local Development Plan assesses proposals in terms of the impact on road safety. The site is located off Baltic Road (which is an unclassified road) and the site's access to this road is approximately 80m away from the Baltic Road junction with the A470 trunk road. This is the most direct way to and from the site. A new access has already been created to this site from Baltic Road which has been covered with slate waste. There is no specific objection to this access alone. Previously, the Transportation Unit had raised a concern about using Baltic Road in order to gain access to and from the site due to the use of the Baltic Road junction with Glanypwll Road, and the Baltic Road junction with the A470.
- 5.11 By now, a plan has been submitted that shows how it is possible for towing vehicles to negotiate the junction between Baltic Road and Glanypwll Road, and the Transportation Unit agrees that it is possible for vehicles to negotiate this junction. In addition, it appears that the applicant has placed a large slate that deviates drivers away from turning to the right on Baltic Road and to use the access with the A470 when leaving the site. It is considered that it would be possible for the applicant to also communicate with his customers who would be visiting the site on how to arrive at and leave the site safely, without using the Baltic Road junction with the A470.
- 5.12 Based on this, and based on a condition to accept, agree and implement a management plan that would include details of the barrier slate (location, confirm that it would be retained, etc.) and confirm that visitors would be informed of how to arrive at and leave the site safely, it is confirmed that the proposal is acceptable in terms of road safety, and complies with the requirements of policy TRA 4.

Linguistic and Community Matters

- 5.13 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. By now, the proposal does not meet the criterion threshold for submitting a language and community statement noted in policy ISA 1 of the Local Development Plan. To this end, it is considered that the proposal complies with the requirements of this policy.

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Trees

- 5.14 Part of the site is subject to a Tree Preservation Order which has been in place since the mid 70's. Since then, all trees that were on the site were felled or removed some time ago. Although the Order still exists on the site, the proposal does not impact the Order because it appears that the trees are already gone. Therefore, it is considered that the proposal complies with the requirements of policy PS19 of the Local Development Plan which safeguards protected trees.

Response to the public consultation

- 5.15 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

- 5.16 In terms of sewage 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 to connect to the sewer.

- 5.17 Land ownership issues are not a planning matter. Any landowner would be within his/her rights to prevent any development on their land despite any planning permission.

- 5.18 The application is not for static units, and any planning permission would include conditions that would prevent units from being on the site during the winter season.

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 does not reach a high standard due to its high density and high use of hard standing and a lack of general open amenity, therefore it is considered that the proposal is contrary to criterion number 1 and 2 of policy TWR5 of the Gwynedd and Anglesey Joint Local Development Plan (Composite Version including Matters Arising Changes).
2. The proposal's setting and the number of eligible touring units means a high density of units on the site that is tantamount to overdevelopment of the site that is likely to cause noise nuisance and disturbance that would have a detrimental impact on local amenities, and add to traffic in a way that causes significant harm to local amenities. The restricted plan would also mean that there would be no amenity

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space provision for existing or future users. The proposal is therefore contrary to criterion number 4 and 7 of policy PCYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan (Composite Version including Matters Arising Changes).