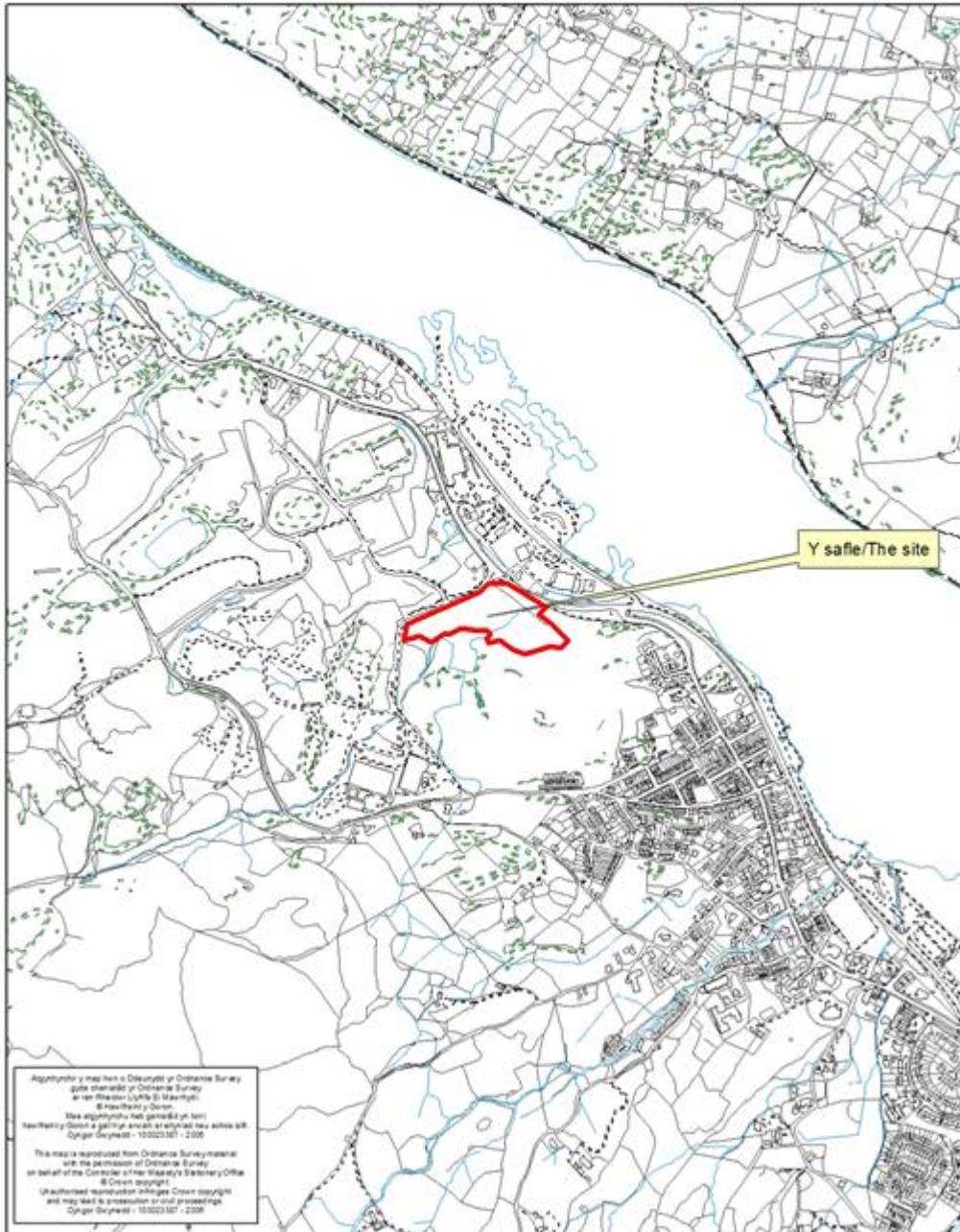


Number 4



Rhif y Cais / Application Number : C16/0460/15/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Number: 4

Application Number: C16/0460/15/LL
Date Registered: 04/05/2016
Application Type: Full - Planning
Community: Llanberis
Ward: Llanberis

Proposal: AMEND CONDITIONS 16, 17, 18 AND 26 OF PLANNING CONSENT C13/1136/15/LL IN ORDER TO ENABLE THE SEASON TO BE EXTENDED (1 MARCH TO 10 JANUARY THE FOLLOWING YEAR) AND USE / OCCUPANCY OF 2 WARDEN ACCOMMODATIONS YEAR ROUND BY PERSONS EMPLOYED TO MANAGE THE TOURING CARAVAN SITE AND THEIR DEPENDANTS

Location: LLANBERIS CARAVAN SITE, LLANBERIS, CAERNARFON, GWYNEDD, LL55 4EL

Summary of the TO REFUSE

Recommendation:

1. Description:

- 1.1 This is an application to amend conditions 16, 17, 18 and 26 of planning permission C13/1136/15/LL to create a caravan park for 54 touring units and ancillary developments approved in 2014. The purpose of the amendments sought is to extend the operational season of the facility so that it would be open for 10 and a half months each year (1 March to 10 January) and also to enable use of both "warden compounds", shown on the approved plan, to site two caravans for the use of the wardens and their dependants throughout the year.
- 1.2 The site of the caravan park, which has by now been fully developed in accordance with the original permission, is located on the outskirts of the village of Llanberis and forms a part of the large Glyn Rhonwy site, designated a redevelopment site in the Supplementary Planning Guidance: Development Briefs (although that designation is much broader than this proposed application site).
- 1.3 The community woodland of Coed Doctor, which is recognised as an ancient and semi-natural woodland, abuts the southern boundary of the site with the wide junction off the A4086 and a standard vehicular road to the north which serves the Glynrhonwy site including the substantial Siemens site. There is one residential property on the farthest side of the junction with industrial units beyond it, while there are residential houses to the south beyond the Coed Doctor woodland. The entire site of Glynrhonwy has been issued with a Tree Preservation Order 3/TPO/A30.
- 1.4 The application is being submitted to the Planning Committee following receipt of more than three objections which are contrary to the officer's recommendation.

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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

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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 decision.

2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY CH9 – NEW HOUSING IN OPEN COUNTRYSIDE

Refuse proposals for new dwellings in rural areas unless they are for individuals who must live on the site due to their work and a number of other criteria relevant to the location and the type of dwelling, and restrictions on ownership of the dwelling.

POLICY CH17 – PERMANENT RESIDENCY IN CARAVANS, CHALETS AND CABINS

Proposals to use static caravans, chalets or cabins for permanent residential use will be refused except in specific cases.

POLICY D16 - PROVIDING NEW STATIC HOLIDAY CARAVAN AND HOLIDAY CHALET SITES

Proposals for the development of new sites for static holiday caravans (single or double caravans) or holiday chalets will be refused.

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.

POLICY D20 – TOURING CARAVAN, CAMPING AND TOURING UNIT SITES – EXTENSIONS, ADDITIONAL PITCHES, RELOCATION AND EXCHANGES

Proposals for increasing the number of pitches, extensions to sites, or for the relocation or exchange of pitches will be approved if the proposal forms part of a scheme to ensure environmental and visual improvements, and meet other criteria relating to the impact of the development on the local area.

Supplementary Planning Guidance – Holiday accommodation

2.4 **National Policies:**

Planning Policy Wales, Edition 8, 2016.

Technical Advice Note 6: Planning for Sustainable Rural Communities

3. Relevant Planning History:

3.1 The entire site of Glynrhonwy has a lengthy planning history including developing the Siemens factory site, the development of the Quarry Battery, installing

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infrastructure within the site, undertaking work on preserved trees etc. The relevant history of the development is included below.

- 3.2 C13/1136/15/LL - Full application to create a touring caravan park with 54 plots along with ancillary developments, namely erecting a reception/toilet building, a maintenance building, two warden compounds, creating a new vehicular access with internal roads and paths, landscaping and diverting present footpaths: Approved 12/09/14
- 3.3 C11/0953/15/LL - Full application to create a touring caravan and camping site with 59 pitches, creation of new vehicular access and site road, installation of lights, fencing, diversion of public footpath, and creation of new paths, two dwelling units for managers, reception building, drying room and picnic area : The application was withdrawn.

4. Consultations:

Community/Town Council:	No objection
Transportation Unit:	No objection
Welsh Water:	Not received
Natural Resources Wales:	Not received
Biodiversity Unit:	No observations to offer
Caravan Officer	No objection

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Public Consultation: A notice was posted on the site and nearby residents were notified. The consultation period has ended and correspondence was received including the objections below, based on material planning grounds:

- Permitting a warden to live in a caravan would be the equivalent of permitting a new house.

The following observations were also received; these are not material planning matters:

- No benefits to be derived from permitting the season to be extended
- A risk that the company would want to erect a dwelling on the site in future.
- The current site has not created jobs.

The below observations were also received in support of the application:

- Extending the season would have a positive effect on local businesses during the quiet time of the year.
- The development will help keep employment in the village.
- Extending the season would give people the opportunity for people to enjoy staying in the area over the Christmas and New Year period.

5. Assessment of the relevant planning considerations:

The validity of the conditions in question

5.1 Due to the nature of this application, it will be assessed in a different way from usual applications. The Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management deals with conditions and sets out 6 tests for providing conditions on planning applications.

- i. They are 'Necessary'
- ii. They are 'relevant to planning'
- iii. They are 'relevant to the development which is to be permitted'
- iv. They are enforceable
- v. They are 'Precise'
- vi. They are 'Reasonable in all other respects'

5.2 In view of these 6 tests, the conditions in question are discussed in turn below in the context of the policies listed above.

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Existing Condition 16 :

No caravan may remain on the site between 31 October of any year and 1 March the following year.

Reason

In order to safeguard recognised policies of the Local Development Authority with regard to caravans, and in order to protect the local amenities of the area.

Proposed change :

No caravan may remain on the site between 10 January and 1 March with the exception of both caravans sited on the warden pitches / compounds and used by persons employed in the management of the touring site and their dependants.

Reason

In order to safeguard recognised policies of the Local Development Authority with regard to caravans, and in order to protect the local amenities of the area.

The principle of permitting caravans for wardens is discussed further on in this report but about the proposal to extend the holiday season, the current condition comes from policy D19 of the Unitary Development Plan which supports the principle of developing touring caravan sites subject to four criteria. An explanation of the policy notes :

"Since the countryside looks very different during the winter months, a condition will be attached to planning permissions for all new sites approved, limiting the operational period of the site to between 1 March and 1 October of the same year".

In considering the above, it is believed that a clear planning reason exists for including this condition and that it meets all viability tests. The Unitary Development Plan is entirely clear together with this restriction on the seasonal term of the touring caravan sites and this policy has been implemented consistently throughout the existence of the UDP (although permission has occasionally been granted to extend the season until the end of October in order to take advantage of the half term holiday). On the whole, it is believed that extending the season until 10 January is beyond justification under policy D19 of the UDP and, as such, the proposal would not meet the requirements of the adopted Development Plan.

Existing Condition 17 :

No more than 54 touring caravan units may be sited on the site at any time.

Reason

In order to safeguard recognised policies of the Local Development Authority with regard to caravans, and in order to protect the local amenities of the area.

Proposed change :

No more than 54 touring caravan units and two caravans for wardens, to be located on the warden pitches / compounds, may be sited on the site at any time.

Reason

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In order to safeguard recognised policies of the Local Development Authority with regard to caravans, and in order to protect the local amenities of the area.

This condition is based on the fact that 54 was the number of caravans requested in the original planning proposal and 54 caravan pitches shown on the plans that were assessed when considering the approved application under condition 2 of the consent. For these reasons, it is considered that this condition is entirely appropriate and meets the tests laid out in Circular 016/2014. The plans submitted show two "warden compounds" but these areas are not referred to as caravan pitches in the application and, when dealing with the proposal, no consideration was given to using them for that purpose. It is deemed entirely reasonable for the Local Planning Authority to have interpreted "warden compound" as a location to store tools and machinery attached to the management of the site. Had the applicant intended for these to be pitches for caravans, this should have been made entirely clear in the proposal, either on the plan and / or in the information in addition to the application.

Despite the above, in terms of planning considerations such as visual impact, traffic and impacts on amenities, there would be no significant additional effects from allowing two extra caravans to be sited on the pitches shown on the plan as "warden compounds" (there were caravans on these pitches during the site visit made when considering this application) and to allow an amendment to this condition so that it is possible to site 56 touring caravans on this site during the term of operation is deemed reasonable. For the reasons discussed below, however, allowing two caravans for wardens on the site is not deemed appropriate.

Existing Condition 18 :

Use of the caravan park is restricted to holidays only and only genuine touring caravans on tour are allowed to use the site which is the subject of this permission.

Reason

In order to ensure that is is only valid touring caravans that use the site.

Proposed change :

Use of the caravan park is restricted to holidays only and only genuine touring caravans on tour are allowed to use the site which is the subject of this permission with the exception of the two caravans located on the warden pitches / compounds and used by people employed in the management of this touring caravan site or their dependants.

Reason

In order to ensure that is is only genuine touring caravans that use the site.

Existing Condition 26 :

Caravans must not be sited on the land for more than 21 consecutive days, and a register will need to be kept on the site of comings and goings for inspection by the Council upon its request.

Reason

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In order to ensure that is is only genuine touring caravans that use the site.

Proposed change :

Caravans must not be sited on the land for more than 21 consecutive days; touring caravans only are allowed to use the site which is the subject of this planning permission, with the exception of the two caravans located on the wardens' pitches / compounds and used by persons employed in the management of the touring caravan site or their dependants. A register of comings and goings must be kept on site that can be inspected by the Council upon its request.

Reason

In order to ensure that is is only genuine touring caravans that use the site.

One of the criteria of Policy D19 of the UDP to be considered in terms of new touring caravan sites is:

"The site is used for touring purposes only and units must be removed from the site during periods of non-use".

These conditions are vital in ensuring that it is a touring caravan site that is being developed and the benefits of such sites are identified in the explanation of policy D19 of the CDU. These conditions are deemed to be entirely appropriate for the 54 pitches used by visitors to the site. The principle of the pitches for wardens below is considered but, in permitting that 56 touring caravans (for holiday purposes) are acceptable on the site, it is deemed reasonable to amend this condition for clarity surrounding the number of pitches and in order to ensure use of the site as a touring site. Additionally, the 21 day restriction on individual caravans being placed on planning permissions for touring sites is no longer in use, and there is, therefore, no objection to withdrawing this requirement in principle. The new wording proposed by the applicant, however, will not reflect these possible changes in a way that is acceptable and which ensures compliance with the policy.

The use of units for the wardens

- 5.3 The information provided in support of the planning application explains that the presence of a warden is required on the site all year round in order to provide security and to manage the site, and the company employs two wardens on site to ensure a constant presence.
- 5.4 Policy CH9 of the UDP encourages the refusal of new houses in rural areas apart from a few notable exceptions. Permitting a caravan for the wardens to be on site all year is deemed to be the equivalent of creating a new dwelling unit on site. Policy CH9 along with "Technical Advice Note 6: Planning for sustainable rural communities", permits dwelling units where there is justification for managing a rural enterprise. Also, Policy CH17 of the UDP, whilst opposed to the use of static caravans as a permanent residence, proposes an exception for one unit for the warden of the current caravan park.
- 5.5 Considering the size and nature of the caravan site and the current term of five months of required closure, it is deemed that there is no justification for keeping caravans on site throughout the year in order to allow wardens to complete their managerial duties. Also, in considering the proximity of the village of Llanberis, the site is approximately 200m from the development boundary of the village, it is

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deemed reasonable to use accommodation within the development boundary for staff if presence on site is required during the period when the site is closed.

- 5.6 As a result of discussions which took place whilst dealing with this application, the applicants have agreed that one permanent caravan on site would meet their needs. Nevertheless, in considering the length of the permitted season it is not deemed justifiable to keep a permanent dwelling unit on the site throughout the year and this element of the plan will not, therefore, conform with Policies CH9 and CH17 of the UDP.

6. Conclusions:

- 6.1 Based on the above assessment, and having considered the relevant matters, including possible economic benefit derived from extending the visitor season, these proposed changes to these conditions by the applicant are not considered acceptable and, in allowing these changes to the conditions, the permission would be contrary to the abovementioned policies. Furthermore, the conditions, as they currently stand, meet all the requirements of the Welsh Government Circular 016/2014 and changing them cannot be justified.

7. Recommendation:

7.1 To refuse

1. Conditions 16, 17, 18 and 26 of planning permission C13/1136/15/LL are valid planning conditions which meet all the requirements of the Welsh Government Circular 016/2014: Use of Planning Conditions to Manage Developments. Amending these conditions in accordance with the suggested wording by the applicant in the application would be contrary to the requirements of the Gwynedd Unitary Development Plan together with the Supplementary Planning Guideline: Holiday Accommodation. The new conditions would not, therefore, meet criterion 6 of Circular 016/2014 as it would not be feasible to impose conditions which contravene the adopted Development Plan unless other material planning considerations suggest otherwise.
2. Amending conditions 16, 17, 18 and 26 of planning consent C13/1136/15/LL according to the wording suggested by the applicant in the application would be contrary to policies CH9 and CH17 of the Gwynedd Unitary Development Plan together with the Supplementary Planning Guideline: Holiday Accommodation, as allowing the use of two caravans as permanent accommodation for two wardens and their dependants throughout the year would be the same as creating two new permanent dwellings in the countryside with no appropriate evidence that a permanent house for a full time worker employed mainly in a rural land-based industry is needed.
3. Amending conditions 16 of planning consent C13/1136/15/LL in order to extend the season to allow touring caravans to use the site is contrary to Policy D19 Gwynedd Unitary Development Plan 2009 in addition to the Supplementary Planning Guidance: Holiday Accommodation, and allowing the proposal would undermine the aims of Policy D19 to safeguard the landscape of the county during the Winter months and could set a precedent for extending the season of other sites in the county with a very high number of touring caravans.

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