

<b>PLANNING COMMITTEE</b>	<b>DATE: 24/05/2021</b>
<b>REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER</b>	

**Number: 2**

**Application Number: C20/1076/14/LL**

**Date Registered: 26/01/2021**

**Application Type: Full**

**Community: Caernarfon**

**Ward: Seiont**

**Proposal: Application for the extension of the holiday occupancy season of all of the static caravans on the site to allow their all year-round occupation for holiday purposes**

**Location: Coed Helen Holiday Park, Coed Helen Road, Caernarfon, LL54 5RS**

**Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS**

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## 1. Description:

- 1.1 This is an application for the extension of the holiday occupancy season of all of the static caravans on the site to allow their all year-round occupation for holiday purposes.
- 1.2 The existing permissions restrict the occupancy of the caravans to between 1 March in one year and 10 January the following year. The proposal would increase the occupancy period by around seven weeks a year. It is not intended to add to the number of static caravans on the site, only to extend the occupancy period. There will be no alterations or additions to the existing facilities on the site.
- 1.3 A design and access statement has been submitted as part of the application and it includes the following information:
- A substantial investment has been made in recent years, which includes improvements to the reception, the development of Molly's bar and restaurant along with a gym, swimming pool and children's play areas.
  - The site provides up to 250 static units on the site under existing permissions and this proposal would not change this figure.
  - The proposal does not involve any physical changes to the site.
  - The proposal would assist the local economy in terms of shops and restaurants, and would employ local people on site in winter months.
  - The site currently employs 16 permanent staff members and 8 seasonal staff members. The employees are locals and 40% are Welsh speakers.
- 1.4 The site is located on the outskirts of Caernarfon and is close to the banks of the Menai Straits. The site is within 500m to the Ancient Monument and World Heritage Area of Caernarfon Castle and a Grade II listed building is on the site. The site is served by a class III road.
- 1.5 The application is submitted to the Committee as it involves a site that is 0.5 hectares or more.

## 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 Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching 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.

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### 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

PS1: The Welsh Language and Culture

PS6: Alleviating and adapting to the effects of climate change

TRA 4: Managing transport impacts

PCYFF 2: Development criteria

PS14: The Visitor Economy

TWR 4: Holiday occupancy

PS20: Protecting and where appropriate enhancing heritage assets

AT1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities (July 2019)

Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021)

### 2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 13 Tourism

Paragraph 14: Authorities should also give sympathetic consideration to applications to extend the opening period allowed under existing permissions.

### 3. **Relevant Planning History:**

3.1 There is a lengthy history to the site. The most recent applications are listed below:

3.2 C16/0672/14/LL - Relocate 2 static caravans so as to accommodate a new playground behind the new extension - APPROVED - 29.07.2016

3.3 C14/0854/14/CR - Demolish an existing three storey extension, erection of extensions and relocate 3 static caravans in lieu of 4 - APPROVED - 06.02.2015

3.4 C14/0855/14/LL - Demolish an existing three storey extension, erection of extensions and relocate three static caravans in lieu of 4 - APPROVED - 06.02.2015

3.5 C14/0072/14/LL - Re-siting of static caravans, create a new access road together with additional parking – APPROVED – 06.03.2014

3.6 C11/0094/14/CR - APPLICATION FOR LISTED BUILDING CONSENT FOR NEW WINDOWS AND DOORS ALONG WITH INTERNAL ALTERATIONS - APPROVED – 08.08.2011

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3.7 C10A/0377/14/LL - SITING OF 28 STATIC HOLIDAY CARAVANS IN LIEU OF 50 TOURING CARAVANS, LANDSCAPING AND ENVIRONMENTAL IMPROVEMENTS – APPROVED– 12.10.2010

**4. Consultations:**

Community/Town Council: Unanimously object to the application on the grounds of the detrimental impact it would have on the Welsh language. If it would be approved, we also believe that it would not be possible to ensure that people would not reside in the units all year round.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development will not have a detrimental impact on any road, or proposed road.

Natural Resources Wales: No observations to offer

Welsh Water: No observations to offer

Public Protection Unit: There is no objection to the above application as long as it would not have an impact on the Legislation below in terms of Health and Safety, Fire Safety and Public Health provision as follows:

1. Caravan Sites and Control of Development Act 1960
2. Public Health Act 1936
3. Model Standards 1989 - The development must fully comply with licence conditions
4. Model Standards 1983 - The development must fully comply with licence conditions

Rights of Way: Not received

Land Drainage Unit: Not received

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Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period came to an end and the following observations were received:

- Local member - support in principle

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 Policy TWR 4 supports proposals to extend the holiday season of existing static caravan and chalet sites provided it can be demonstrated that the accommodation is being used exclusively for holiday purposes and does not become the occupant's main or sole place of residence. It must also be ensured that the accommodation is suitable for occupation during the winter, that the extended season would not increase the consequences of an extreme flooding event and the extended season will not have a detrimental impact on the local environment.
- 5.2 The existing permissions for the site permits occupation of static units between 1 March in one year and 10 January the following year. Therefore, the caravan site is currently closed for seven weeks of the year. From the information submitted with the application, the site is satisfied with the planning condition to ensure that the units are for holiday use only and not for permanent residential use. This condition is standard for new caravan sites and ensures that residents of the units provide their name and permanent address during their stay. In terms of this aspect, it is considered that the proposal is acceptable.
- 5.3 Over the years, the quality of static caravans has improved. It is considered that the static caravans on this site are suitable for habitation during the winter. Some of the caravans have been updated and upgraded relatively recently. The proposal is considered acceptable in relation to point 1 of Policy TWR 4 of the LDP.
- 5.4 Point 2 of Policy TWR 4 of the LDP requires that the extended season does not increase the consequences of extreme flooding. The site is not located within a flood zone and Natural Resources Wales has confirmed that they have no concerns regarding the proposal. It is therefore considered that the proposal complies with the requirements of point 2 of Policy TWR 4 and Policy PS6.
- 5.5 In the context of point 3 of Policy TWR 4, it is not considered that extending the occupancy period would have a detrimental impact on the local environment. The static caravans are already on the land and it is not considered that occupying them for an additional seven weeks a year would have an impact on the local or historic environment. It is considered that the proposal complies with the requirements of point 3 of Policy TWR 4 and PS20 and AT1.
- 5.6 Historically, conditions were imposed on such sites to ensure holiday use and historically, the standard of the units was not suitable enough for them to be used in the winter. By now, the nature of holidaying has become more varied in terms of location, season and duration. By now, many more people go on holiday several times a year, more often for shorter breaks and not necessarily during the summer.
- 5.7 Supplementary Planning Guidance: Tourist Facilities and Accommodation (March 2021) also refers to using a holiday occupancy conditions that allow the use of holiday units throughout the

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year but with relevant conditions, which ensure that such units are not used for permanent residential use.

- 5.8 Policy TWR 4 does not restrict the period that static caravans / chalets can be occupied. Therefore, static caravans / chalets can be occupied for holiday purposes throughout the year and there are many case laws that are clear and supportive on this matter. By now there are several sites in Gwynedd that operate in this way, with a condition to ensure that they are only used for holiday purposes. A condition can be imposed that the static caravans on the site can only be used for holiday purposes and that a register is kept of the names of all occupiers of the caravans, the duration of their stay and the address of their main residence.
- 5.9 In light of the above and by imposing appropriate conditions on the permission, it is considered that the proposal would be acceptable in terms of Policy TWR 4 of the LDP.

### **Language Matters**

- 5.10 In terms of the proposal in question, there is no requirement to submit a Welsh Language Statement under Policy PS1 of the LDP. Point 1a of the policy refers to retail, industrial or commercial development that employs more than 50 workers and/or has an area of 1,000 sq.m or more. This site does not employ more than 50 employees and, therefore, it is not considered that a Welsh Language Statement needs to be submitted. However, in accordance with the content of Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities, applicants are encouraged to present a record of how consideration was given to the Welsh language when drawing up the planning application. As part of the application, there is a chapter in the Design and Access Statement that refers to how they considered the language as part of the planning application.
- 5.11 The chapter confirms that Welsh-speaking employees work on reception and in the bar and restaurant. Bilingual information is provided to tourists and the site is distinctive for its lack of signs in order to create a relaxing atmosphere. As noted above, 40% of employees on site are Welsh speakers. Extending the season would assist businesses on site and local businesses during the quiet winter season.
- 5.12 As a result of the above, it is considered that the applicant has considered the impact of the proposal on the Welsh language and the local community when preparing the application and what was submitted coincides with the requirements in the Supplementary Planning Guidance: Maintaining and Creating Unique and Sustainable Communities. Therefore, it is considered that this proposal is acceptable in relation to this aspect.

### **Visual amenities**

- 5.13 This proposal will not make the existing situation worse in relation to the impact of the static caravans on the environment, as they are already located on the site throughout the year and it is not intended to increase their number. Since there will be no change to the visual amenities of the site or an impact on a listed building, ancient monument or World Heritage Area, it is therefore considered that the proposal is acceptable based on the requirements of policy PS20, AT1 and PCYFF 2 of the LDP.

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### **General and residential amenities**

- 5.14 It is deemed that extending the occupancy period of the static caravans will not have a significant impact on the amenities of the local neighbourhood, bearing in mind that the site is already used for ten months a year. The addition of seven weeks over the winter period will not cause much difference to the current situation. It is therefore believed that the proposal is acceptable in terms of the requirements of Policy PCYFF 2 of the LDP.

### **Transport and access matters**

- 5.15 The application does not involve any increase in the number of static caravans, only an extension to the occupancy period. It is not considered that the additional seven weeks in the occupancy of the static caravans over the winter months will lead to a significant intensification in the use of the road network serving the site. The Transportation Unit has no objection to the proposal. It is therefore considered that the proposal complies with policy TRA 4 of the LDP.

### **Any other consideration**

- 5.16 Similar cases of this type of application have been refused by the Planning Committee in the past on the grounds that a 12 month use would lead to people using the units as residences all year round and on the grounds of the impact on the Welsh Language. Notably, an application was refused to extend the occupancy period of Ocean Heights in Chwilog for this reason under reference C12/1323/41/LL. A planning appeal was conducted on the decision, which included a claim for costs against the Council. The development was approved noting that permitting the extension of the occupancy period of the holiday units for a 12 month period was not contrary to local or national policies provided that a condition was imposed noting that the units would be for holiday use only and not as a main residence, and noting that strong evidence had not been submitted that extending the occupancy period would have a detrimental impact on the Welsh Language. As a result of this decision, the Council paid costs to the applicant for an unreasonable decision in the first place.
- 5.17 Therefore, in order to ensure consistency, it is noted that the proposal to extend the occupancy period of the units to 12 months meets the requirements of policies as noted above, and it is proposed to impose a planning condition to ensure that the units would be for holiday use only, and that strong evidence has not been submitted to indicate that the proposal in question would have a more substantial impact on the Welsh Language than the current situation.

## **6. Conclusions:**

- 6.1 It is considered that the application, with appropriate conditions to ensure that the static caravans are used for holiday purposes and to keep a register, is acceptable on policy grounds.

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**7. Recommendation:**

7.1 Approve – conditions

1. 5 years

2. Holiday use and a register to be kept.