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Tel: 01824 706800 Fax: 01824 706709

Heading:

23/2014/0112
 Cae'r Mynydd Caravan Park (South)
 Saron, Nr Denbigh

4

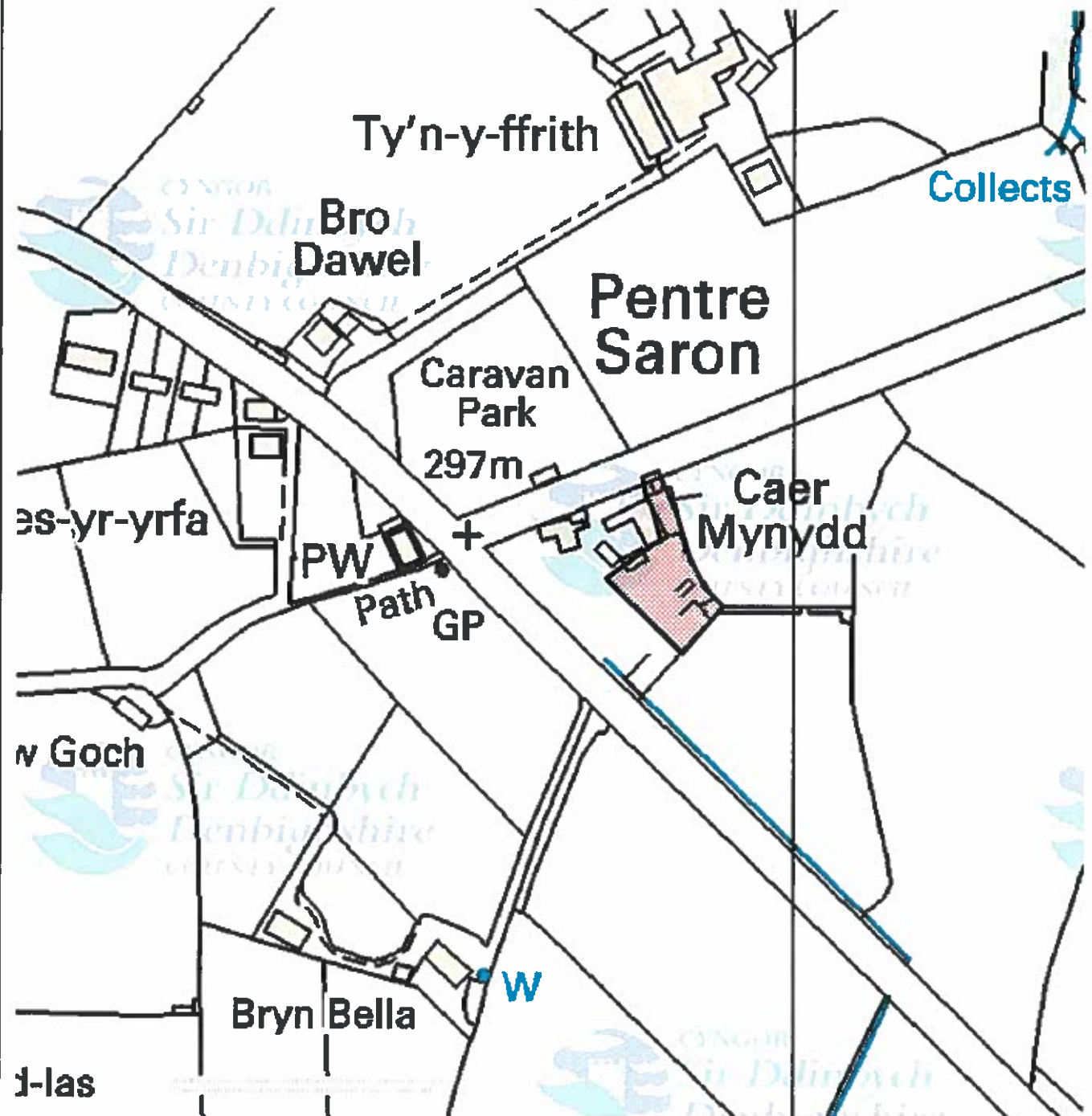
 Application Site



Date 3/4/2014
 Centre = 302893 E 360650 N

Scale 1/2500

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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Cae'r Mynydd Caravan Park (South)

Saron, Nr Denbigh

 Application Site

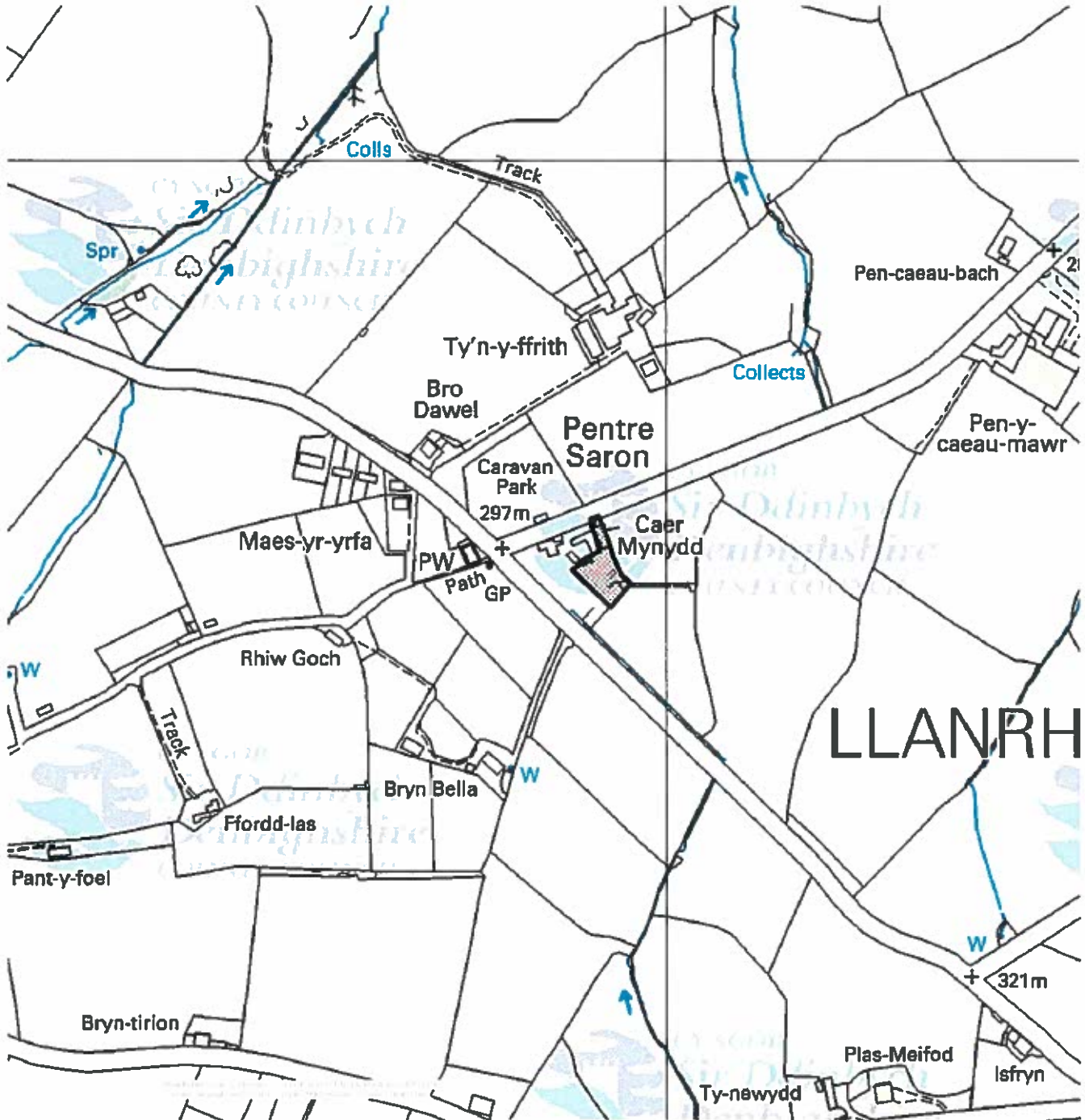


Date 3/4/2014

Scale 1/5000

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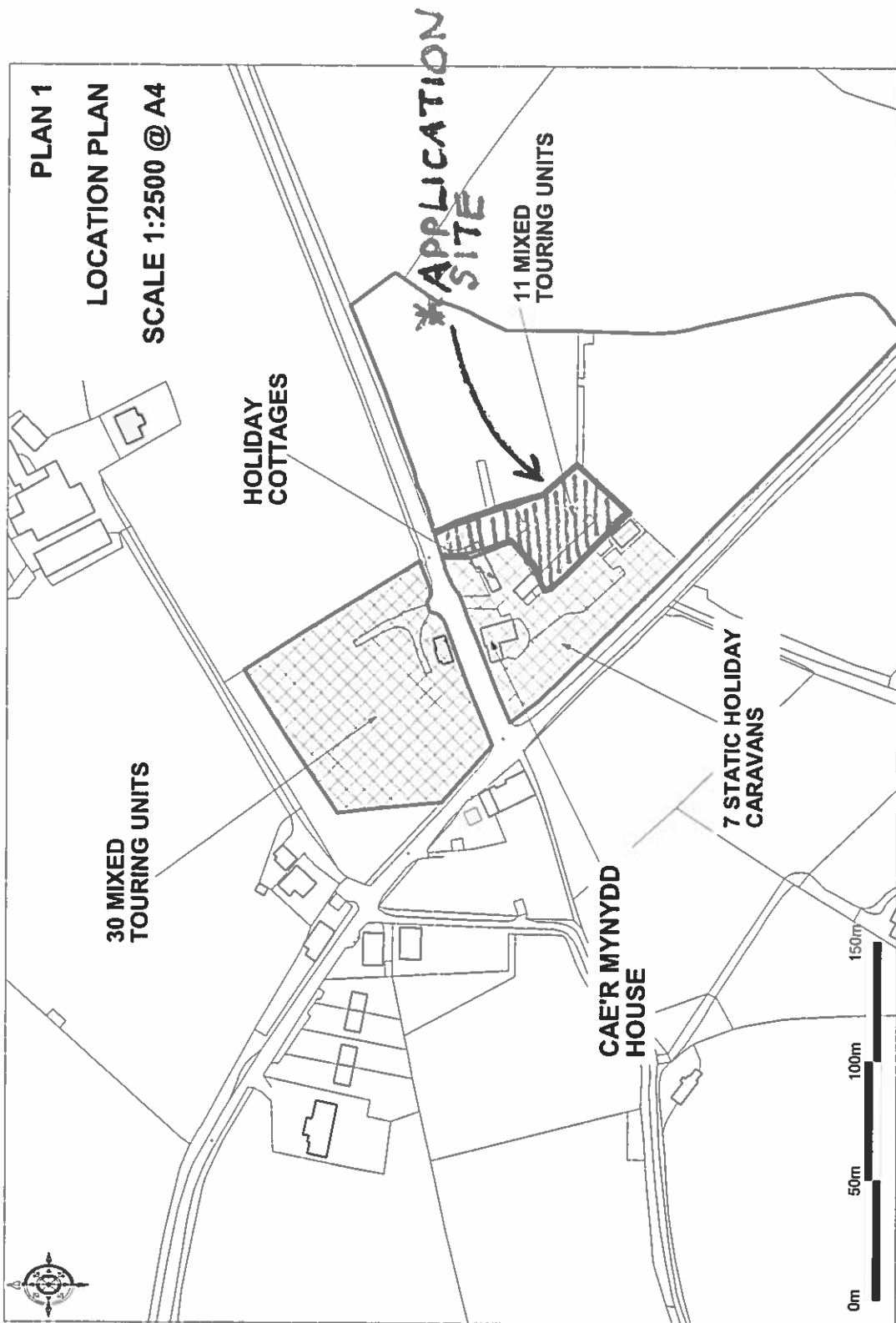
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SITE

23/2014/0112

CAE'R MYNYDD CARAVAN PARK SARON, Nr DENBIGH



PLAN 1
LOCATION PLAN
SCALE 1:2500 @ A4

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ITEM NO: 4
WARD NO: Llanrhaeadr Yng Nghinmeirch
WARD MEMBER(S): Councillor Joe Welch
APPLICATION NO: 23/2014/0112/ PS
PROPOSAL: Variation of Condition No. 4 of planning permission Code No. 23/2009/1219/PF (as amended by application Code No. 23/2011/0015) to allow touring caravan site to be used 12 months of the year
LOCATION: Caer Mynydd Caravan Park (South) Saron Denbigh
APPLICANT: Mr R Barton
CONSTRAINTS:
PUBLICITY Site Notice - NoPress Notice - NoNeighbour letters - Yes
UNDERTAKEN:

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

LLANRHAEDR COMMUNITY COUNCIL

"Llanrhaeadr Community Council has the following same observations to the above two planning applications:-

1. The current conditions should not be amended as 12 month occupancy would be considered as a dwelling for each caravan (i.e. their permanent address).
2. The caravan holders should not be allowed to use local services such as Schools, Health Services etc.
3. Council Tax should be charged on all caravans.
4. All Caravan holders should provide their permanent address which is not the Caer Mynydd Caravan Park"

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection

Pollution Control Officer

Licence amendment required.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

M. & H. Davies, Maes yr Eithin, Saron

Summary of planning based representations in objection:

Residential Amenity- noise and disturbance from existing use is an issue.

Enforcement- site appears to be used presently for year round occupation.

EXPIRY DATE OF APPLICATION: 01/04/2014

REASONS FOR DELAY IN DECISION:

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application relates to a condition restricting the seasonal of use of the touring caravan element of a mixed use site at Caer Mynydd Caravan Park South in Saron.
- 1.1.2 The application seeks permission for a variation of planning condition no. 4 of planning permission ref 23/2009/1219 and amended in 2011 under ref 23/2011/0015 which states, "No caravan shall remain on the site between the 14th January and 1st of March in any year". The original reason for the condition was "in the interest of the character and appearance of the area".
- 1.1.3 The application seeks to vary the condition to allow the caravan site to be used for 12 months of the year.

1.2 Description of site and surroundings

- 1.2.1 Caer Mynydd is an established touring caravan park in Pentre Saron some 5 miles to the south west of Denbigh.
- 1.2.2 Caer Mynydd South is a mixed use site comprising of touring, static and holiday-lets on the southern side of the Saron to Denbigh road. The touring caravan site to the north is under the control of the same applicant and subject of the separate planning application which precedes this application in the agenda.
- 1.2.3 At present the permission allows for 11 touring pitches on Caer Mynydd South.
- 1.2.4 The site is bounded to the north, south and east and by open fields. The location plan at the front of this report indicates the relationship between the site and neighbouring residential properties, which are mainly located to the west of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside any development boundary in the Local Development Plan.

1.4 Relevant planning history

- 1.4.1 The touring caravan part of the site was granted planning permission in July 2010. Condition 2 of the 2010 permission requires that the occupancy of the caravans should be limited to holiday accommodation only, shall not be used as a sole or main unit of living accommodation, no caravans shall be permitted to stay on site for more than 21 days or return to the site within a period of 21 days and the site licence holder is required to maintain an up to date register of the names and addresses of the occupiers of the touring caravans.
- 1.4.2 An application was granted under ref. 23/2011/0015 in 2011 for the variation of Condition No. 3 of planning permission Code No. 23/2009/1219/PF to allow for an extended operating season on the touring units from 1st March to 14 January in the following year (10.5 months).

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 A site licence exists for the caravan park and it is understood that an application would be made to amend this if the variation now sought is granted.

2. DETAILS OF PLANNING HISTORY:

2.1 23/2011/0015 Variation of Condition No. 4 of planning permission Code No. 23/2009/1219/PF to allow for an extended operating season from 1st March to 14 January in the following year - Condition to read: "No caravan shall remain on the site between 15 January and the last day in February in any one year". Granted 16th February 2011.

2.2 23/2009/1219/PF Change of use of land to touring caravan site with 11 pitches and conversion of part of existing outbuilding to form amenity block. GRANTED at Planning Committee, July 2010.

3. RELEVANT POLICIES AND GUIDANCE:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)
Policy PSE12 – Chalet, static and touring caravan and camping sites
Policy VOE1 - Key areas of importance

3.2 Government Policy / Guidance
Planning Policy Wales Edition 6 February 2014
Technical Advice Note No. 13 Tourism

3.3 Circulars
Welsh Office Circular 35/95

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)

4.2 Other matters

4.3 In relation to the main planning considerations:

4.3.1 Principle

There are no Local Development Plan Policies of specific relevance to applications which seek to extend the season of use of caravan sites. There is general reference in policy PSE 12 which covers chalet, static, touring caravan and camping sites, to occupancy restrictions and ensuring holiday uses on new or improved static sites only. Policy PSE 5 Rural Economy recognises the importance of the tourist industry to the local economy subject to tests of detailed impacts. Planning Policy Wales offers similar 'in principle' encouragement for suitable tourist developments, subject to appropriate environmental safeguards. TAN 13 Tourism (1997) predates Planning Policy Wales but suggests as broad principles that the planning system can respond to changes in tourism without compromising policies to

safeguard the countryside, through the use of holiday occupancy conditions to reconcile these two objectives.

This is an established touring caravan site. The most recent grant of planning permission was for an extension of the opening season in 2011. This planning permission allowed for use of the site for a 10.5 month holiday season.

Officers consider that the key issues to address here are whether there would be any 'additional' localised impacts from the potential use of the site between 15th January and the last day in February in any one year, and whether there are adequate controls to ensure the 12 months use is for holiday purposes and would not in effect allow potential to create a residential site. The latter 'problem' is one Members have addressed as significant when considering similar applications in the County recently.

4.3.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

The Council has accepted previously that the use of land as a touring caravan site is acceptable, and the siting of caravans does not significantly harm the rural character of the surrounding area.

It is the opinion of Officers that the proposal to extend the use of the site for a 12 month holiday season would not have any greater impact on the character of the area than existing, hence it is considered the proposal does not raise additional visual amenity policy issues.

4.3.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

In this instance, there are dwellings located to the west and north west of the touring site. The relationship of these dwellings to the site was deemed acceptable when considering previous applications. Concerns have been raised over noise and disturbance by adjacent occupiers.

Whilst acknowledging the potential use of the touring caravan site for all 12 months of the year could increase activity on the site, it is not considered that this increase is likely to result in such significant additional disturbance to adjacent occupiers that a refusal could be justified. The representation received refers to night-time noise which could be dealt with by Public Protection Officers under their legislation should complaints be made and logs kept. It is not considered the proposal raises significant residential amenity policy issues.

4.3.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications.

The access arrangements to the site remain as existing. Having regard to the specific proposals, the Highways Officers raise no objections to the application.

It is not considered that the likely additional trips which may be occasioned by an additional 1.5 month opening period would be so significant to either result in highway safety problems or raise new questions over the principle of the development from reliance on the motor car. A condition will be attached to ensure the site infrastructure is acceptable for year round use.

Other matters/ Controls over holiday use

As mentioned in the "in principle" paragraph above there is limited specific development plan policy content directly dealing with the requirement for controls over occupation of touring and static caravans in the County. There are separate Site Licensing controls administered by the Public Protection section which can include conditions relating to the nature of occupation, but these largely mirror the wording used on the planning permissions. As referred to earlier in the report, there is general support in national policy for all year tourism subject to safeguarding the environment. The use of conditions restricting sites for holiday use is a recognisable mechanism to deliver Welsh Government's objectives, and has to be given due consideration when assessing the merits of an application of this nature.

The Local Planning Authority is obliged to have regard to Welsh Government advice on the use of conditions on planning permissions. Welsh Office Circular 35/95 remains a significant material consideration in this respect, and provides clear advice on how local authorities can ensure a site remains for holiday use, i.e. it sets out the possibility of allowing developments subject to controls. The Circular actually advises the use of a condition specifying use as 'holiday accommodation only'. This approach has been adopted by many Planning Inspectors in issuing decisions on appeals involving caravan site developments, and the County Council has previously used variations on the wording, including the condition on the 2010 permission for this site. This condition states:

"In relation to the use of the touring caravans:- (i) None shall be used other than for holiday purposes only. (ii) None shall be occupied at any time as a person's sole or main place of residence. (iii) No caravan shall be permitted to be present on the site for a period in excess of 21 consecutive days, or to return to the site within a period of 21 days from the date it was last present on the site. (iv) The site licence holder shall maintain an up to date register of the names and addresses of the occupiers of the touring caravans and motor homes, and the dates each caravan or motor home arrives on the site and leaves the site. The register shall be made available on request for inspection by officers of the Local Planning Authority. Responsibility for the maintenance of the register shall be that of the caravan site licence holder or his/her nominated person(s)".

In this context, having regard to the background policy and guidance, and the nature of the development at Caer Mynydd and existing controls over use, Officers consider, with respect to the comments of the Community Council, that it would be reasonable to consent to the principle of a 12 month holiday use of the site. The Council has accepted the principle of 12 month holiday use on a touring caravan site in granting permission at Ffrith Beach in Prestatyn. In this case it was accepted that the adapted model condition which was intended to ease the burden on the Council's officers in enforcing compliance by obliging caravan site owners to keep documentary evidence (available for inspection) was sufficient as it offers a clear and easier/enforceable means of control over the occupation of holiday caravans, and could be adopted as a 'standard' by the authority and may help to address Member and Community Council concerns over abuse of the system.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The touring caravan site is established with a 10.5 month season of use. The proposal to allow use for holiday purposes for 12 months is not considered likely to have significant additional adverse effects on the immediate locality in terms of landscape, residential amenity, or highways impacts. Officers believe there is clear national policy encouragement for year round tourism use in appropriate locations, and the existence of the occupancy

condition of the 2009 permission offers the Council the scope to control the use to ensure the development does not conflict with rural restraints policies.

RECOMMENDATION: APPROVE VARIATION OF CONDITION - subject to the following conditions:-

1. The use of the site for the extended period shall not commence until a site plan showing details of the site infrastructure have been submitted to and approved in writing by the local planning authority. The plan shall show hard standings for parking and turning of vehicles and the access roads, which shall be completed prior to the commencement of period of extended use.

The reason(s) for the condition(s) is(are):-

1. To provide adequate site infrastructure for year round use.

NOTES TO APPLICANT:

The grant of planning permission for the extended period does not over-ride the need for a site licence. Furthermore the licensing process may require additional facilities to be updated or provided on site. To discuss the licensing requirements you are advised to contact Maureen White, Environmental Health Officer - Pollution & Public Health, Planning, Regeneration & Regulatory Services, County Hall, Wynnstay Road, Ruthin, LL15 1YN Tel: 01824 706137.