

PLANNING COMMITTEE	DATE: 10/06/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	DOLGELLAU

Number: 2

Application Number: C19/0279/22/LL

Date Registered: 27/03/2019

Application Type: Full - Planning

Community: Llanllyfni

Ward: Llanllyfni

Proposal: A full application to construct four 'safari' tents, one 'sauna' building along with associated work

Location: Land at Tal Y Maes Mawr, Nebo, Caernarfon, LL54 6RY

Summary of the Recommendation: TO REFUSE

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1. Description:

- 1.1 This is a full application to place four safari tents, construct an associated building to use as a sauna along with other associated works including creating an access road, parking spaces, access paths, landscaping, service links and installing sewage treatment works.
- 1.2 The existing land is agricultural fields with traditional stone walls forming the boundaries of the fields and surrounding fields. Some relatively small scattered individual trees can be seen within the land and on nearby lands. Access to the site leads to the applicant's residential curtilage along the existing private access that backs a detached residential house.
- 1.3 The site is located outside any defined development boundary and, therefore, it is in the open countryside. The site is located within a Special Landscape Area and the Dyffryn Nantlle Landscape of Outstanding Historic Interest, whilst the existing access and part of the access road is located within a C2 flood zone. Part of the site has been designated as a wildlife site. A public footpath runs through the fields parallel to the site's eastern boundary.
- 1.4 The submitted plans show the following:
- Create a new access road off a ramp that has already been created between the curtilage of the applicant's house into the parallel field, create a hard shoulder for parking spaces for nine vehicles and then a series of permanent footpaths towards the individual camping plots.
 - Construct four safari tents of canvas material on a timber frame installed on timber platforms that have been installed on a series of posts in the ground. Service connections leading to the individual units are shown. Inside, they will include an open-plan living/dining area along with a bathroom and two bedrooms. Outside, a decking area will be constructed to the front, giving a total floor surface area of 51.3m². The tents will measure 3.5m high from the timber floor to the ridge, with the floor height from the ground approximately 0.1m, depending on the ground's contour line. The statement submitted notes that the tents will be tacked down into the timber floor and the decking, and not directly into the ground and taken down at the end of the season. It is stated that timber flooring will be installed on the ground.
 - A detached building will be constructed to be used as a sauna room; it will be of timber material, measuring 2.4m to the ridge with a total floor area of 6m².
 - Install standard sewage treatment works with connection to the four tents
 - Create new electricity and water connections into the site from the existing property, feeding individually into the four tents. See also a series of lights parallel to the access paths towards the individual tents.
 - Plant a new hedge along the eastern boundary of the site.
- 1.5 As part of the application, a Landscape Character, Planning and Design and Access Statement was submitted.
- 1.6 For information, no pre-application advice was submitted relating to the proposed development. The application is submitted to the Committee for a decision on the grounds of the proposed development's area size as noted in the application form.

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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.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017**

Policy ISA 1: Infrastructure Provision

Policy TRA 2: Parking Standards

Policy TRA 4: Managing Transport Impacts

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy TWR 3: Static Caravan and Chalet Sites and Permanent Alternative Camping Accommodation.

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

Policy PS 19: Conserving, and where appropriate, enhancing the natural environment

Policy AMG 2: Special Landscape Areas

Policy AMG 3: Protecting and improving features and qualities that are unique to the character of the local landscape

Policy AMG 5: Local Biodiversity Conservation

In addition to the above, it is also considered that the following are relevant:

Supplementary Planning Guidance: Holiday Accommodation

Supplementary Planning Guidance: Tourist facilities and accommodation (draft version but consideration will be given to parts not objected to during the adoption period)

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Isle of Anglesey, Gwynedd and Snowdonia National Park – Landscape Sensitivity and Capacity Assessment – Gillespies March 2014.

2.4 National Policies:

Planning Policy Wales, Edition 10, December 2018

Technical Advice Note 13: Tourism

Technical Advice Note 15: Development and Flood Risk

3. Relevant Planning History:

3.1 It does not appear that this application site has any planning history.

4. Consultations:

Community/Town Council: Objection - impact on the privacy of nearby residents (at least six houses), too prominent and obtrusive in an open location, road safety and an increase in traffic along with unsuitable access, nuisance on the grounds of traffic and visitor noise on the amenities of residents.

Transportation Unit: No objection to the proposal. It is noted that the four units are of appropriate sizes for couples or families and, therefore, likely to attract groups in one vehicle per unit. Consequently, it is assumed that approximately four vehicles at a time are likely to visit the site and, consequently, is unlikely to create significant traffic on local roads. However, the intention to provide parking for nine vehicles is noted and it is assumed that such a large provision is not required.

Footpaths Unit: Not received

Natural Resources Wales: Significant concerns regarding the development and objecting unless the site connects to the main sewage system or if evidence is provided to demonstrate that it is unreasonable to do so. Observations are also presented regarding the impact on the landscape, floods and protected species. These matters are discussed further in the report.

Welsh Water: Standard conditions and advice in relation to equipment, connections and drains

Public Protection Unit: Not received

Biodiversity Unit: No objection

Trees Officer: No objection

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Caravans/Licensing Officer: A licence would be required along with compliance with the requirements of relevant legislation for such sites.

Fire Service: No observations

Land Drainage Unit: No observations

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several letters/correspondences of objection were received on the following grounds:

- Detrimental impact on the local roads network
- Local roads are sub-standard for the increase in traffic
- Impact on visual amenities/landscape
- Detrimental impact on the amenities of local residents and the local area on the grounds of noise, loss of privacy, etc.
- Lack of local consultation and lack of information
- Unacceptable development site/size for the area
- The size of the site suggests that there would be further developments/it would set a precedent
- The sewer system provides for a larger number than what is shown
- Detrimental impact on local biodiversity
- Concern regarding flooding
- Incompatible use for the local area/unsuitable site
- Unacceptable design and form
- Lack of information regarding the period of use
- Concern regarding the impact of an increase in traffic on a frail bridge

As well as the above objections, objections were received that were not material planning objections and these included:

- Other sites had been refused by the Caravan Club
- The site is already being advertised/promoted on social media sites
- Planning matters relating to other sites nearby

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 A number of policies within the LDP are relevant when determining this type of application. It is believed that the main policies under consideration in this case are policies TWR 3 and TWR 5. Policy TWR 5 states that proposals for touring sites, camping or alternative temporary camping accommodation sites will be permitted provided they comply with all the criteria noted.

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- 5.2 It is argued in the Planning Statement submitted with the application that Policy TWR 5 should be considered as the tents will not be permanent, because they would only have a restricted connection with the land.
- 5.3 However, for reasons explained in the report, it is considered that Policy TWR 3 is most relevant in this case, as more permanent elements are proposed as part of the development.
- 5.4 Although it is acknowledged that the tents' frame and canvas cover will be removed, there is no adequate reference in the information submitted about what will be done with the timber platforms and the likely steps to secure them onto or into the ground. The Local Planning Authority is of the opinion that they are permanent given that electricity/water/sewerage are connected individually and permanently, and that the floor itself would be installed on a series of timber posts of various sizes to be in-keeping with the land (see para 6.3.85 of the explanation of policy TWR 5 noted below). Removing them from their place completely at the end of the season in the same way as the frames is likely to be impractical, but no information has been received to explain or justify this. In the submitted statement, it is stated that the timber floor would be installed on the ground. There is no reference to how such a structure will be protected, but it is reasonable to expect that there will be an element of 'tacking' the structure to the ground. The timber platforms are not 'caravans', 'alternative camping accommodation' or 'chalets' in the true meaning of the word, but it is believed that they are associated elements that lead towards installing a permanent structure if they are kept in place. It is considered that the proposal to install electricity and water connections for the individual tents, to create an access road, construct a sauna building (despite its small size), footpaths and hard standings and install a series of lights create permanent elements as well as an excess of hard standings which are contrary to Policy TWR 5 and the explanation of it. Part of paragraph 6.3.85 of the explanation of policy TWR 5 notes: *"They should only provide basic facilities for sleeping, seating and eating without installation of water services or provision of drainage facilities for WC, showers and washing. This ensures that such structures do not generate a level of permanence that could increase the level of landscape impact and site restoration should removal of the structures be required."* It is not believed to be reasonable or practical to set up electricity, water and sewerage connections at the beginning of the holiday season and then remove them at the end of the season.
- 5.5 Given these elements as a whole, it is believed that the proposal would involve establishing permanent elements that could not be removed easily without disconnecting the entire systems, which do not appear to be practical. It is considered that these elements will be fixed or permanent, and therefore it cannot be agreed with the agent's view that Policy TWR 5 is the relevant policy for considering this proposal. Consequently, consideration was given to the relevant requirements of Policy TWR 3 in this instance.
- 5.6 This site is within a Special Landscape Area (SLA), therefore, part 1 of policy TWR 3 must be considered, which states *"proposals to develop new static caravan sites (i.e. a single or double caravan), new holiday chalet sites or permanent alternative camping accommodation will be refused in...Special Landscape Areas"*.
- 5.7 The site and the surrounding area in its entirety is located within the Special Landscape Area 07 North Western Fringes of Snowdonia, and is designated due to its important role as *"fringing highland that forms the transformation of the mountains of Snowdonia to the lower hills and the agricultural lands that surround the National Park."*

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- 5.8 Policy TWR 3 does not permit developing a permanent alternative camping accommodation site on sites within Special Landscape Areas. As already noted, it is believed that this proposal is for the creation of a new permanent site. The proposal does not therefore comply with the fundamental requirements of Policy TWR 3 in terms of the creation of new sites within a Special Landscape Area and, consequently, it is believed that the proposed development is contrary to the relevant requirements of TWR 3.
- 5.9 The Local Authorities of the North West commissioned a study by the Gillespies company in the form of a report in response to increasing pressure on the landscape in order to safeguard the most sensitive and notable landscapes from inappropriate developments and in order to encourage suitable developments within suitable areas. The report provides a study based on evidence of the relative sensitivity and capacity of the landscape to tolerate various types and sizes of developments. The assessment of the area where this application site is located noted that the area's designation as a Special Landscape has been specifically made to restrict and slow down the intensive tourism developments in particular. The assessment concludes by stating "within SLA (and all areas that contribute towards its layout, and the layout of the AONB and the National Park), there is no capacity for static caravan/chalet park developments." It is not believed that the principle of the development is acceptable based on the information submitted, and the officers consider that the relevant policy is TWR 3. Part 1 of policy TWR 3 states "proposals to develop new static caravan sites (i.e. a single or double caravan), new holiday chalet sites or permanent alternative camping accommodation will be refused in...Special Landscape Areas".

Visual amenities

- 5.10 The format and appearance of the tents are standard for this type of development. Nevertheless, it is believed that the size of the units are large. The submitted plans show that the timber floor of the tents measure a total of 37.8m² and the external decking measures 13.5m², giving a full total of 51.3m². It is believed that this size is very large for this type of development. In a recent appeal decision (ref. APP/W1850/W/18/3208401) the Inspector notes that in this instance, the floor surface area size of a tent that was over 45m² was 'very large'.
- 5.11 It is not known why the submitted proposal's size and format have been chosen, i.e., why the tents need to intrude on land that is further away from the applicant's house, thus creating a formal road and parking spaces within the closest field to the house. The application site is substantial given that the proposal is for four tents only, and there is also concern that the parking spaces are an unnecessary over-provision. It is believed that the scale of the development is excessive in terms of its extensiveness, and restricting it to a smaller area closer to the existing construction could possibly be an improvement with regard to visual amenities and ensure a logical development (it is accepted that this alone will not overcome the fundamental policy matters involving the principle of the development). It is believed that the proposal as shown is excessive and includes an excess of permanent and unsuitable features for this type of development. Criterion 2 of policy PCYFF 3 notes that a proposal is required to respect the context of the site along with its place in the local landscape. Additionally, criterion 1 refers to approving proposals as long as they add to and enhance the character and appearance of the site or the area. In this instance, it is not believed that the proposal as submitted fully achieves this, and thus is unacceptable from the standpoint of the relevant requirements of policy PCYFF 3.

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- 5.12 Although the presence of traditional boundary walls around the site is likely to protect appearances to an extent, the tents, once they have been set up, are likely to be visible from outside the site, especially from nearby higher grounds. The proposal includes landscaping on the site's eastern boundary in order to provide additional screening. Even if the proposal would be acceptable in principle, it is not believed that the proposed land format and landscaping is likely to ensure that the tents integrate fully into the ground. Therefore, it is not believed that the proposal, in essence, is acceptable in terms of the specific requirements of policy PCYFF 4, given its sensitive location in the countryside and in the Special Landscape Area and the Dyffryn Nantlle Landscape of Outstanding Historic Interest.

General and residential amenities

- 5.13 As noted above, objections were received from local residents, referring to the likely detrimental impact of the proposal on their residential amenities. The nature of this type of development is likely to have an impact to some degree on the general amenities of any area due to the nature of movements, disturbance, noise etc.
- 5.14 The access road to the site backs on two residential properties whilst the site of the tents itself is parallel to a separate residential area. It is likely that there would be an element of disruption for these units, although it is not possible to measure the scale of this disruption. Nevertheless, this is not a justification in itself to approve a development that could impact the local neighbourhood. Although landscaping is proposed on the eastern boundary, and that there are scattered trees within the area, it is not believed that this in itself would entirely safeguard the amenities of nearby residents.
- 5.15 Although there will be periods of time when the tents or the site are vacant, occupiers are expected for a large majority of the year including the summer months, when residents can anticipate using their gardens and having their windows open without any excessive disruption. The outdoor areas that include decking for each tent means that the tents would have a permanent outdoor activity area.
- 5.16 It is recognised that occupiers of the tent are unlikely to spend all of their time outside. Nevertheless, it is believed that tents 2 and 4 as shown on the proposed plan, would be within an area that directly verges on the boundary of the Bryn Tirion property nearby. Given the proximity of these tents to the site boundary and the restricted distance between this dwelling and the site, it is very likely that there will be potential for noise from nearby people on holiday to cause disruption to local residents as they use their properties.
- 5.17 Although the Public Protection Service did not make an observation on the proposal and that noise is a matter managed by a separate legislation, it is believed that the development's proposed plan has the potential to have a detrimental impact on the living conditions of residents in the nearby properties. The requirements of Policy PCYFF 2 states that proposals will be refused if they have a significant detrimental impact on the amenities of occupiers of local residences due to an increase in activity, disturbance or other forms of nuisance including noise. Therefore, it is considered that, based on the above assessment, the proposal is likely to lead to disturbance and would be unacceptable with regard to the relevant requirements of policy PCYFF 2.

Transport and access matters

- 5.18 Many concerns were expressed by local residents regarding the impact of the development on matters relating to transport and access. Mainly, it can be seen that

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there are concerns about increase in transport on the existing rural roads network. As previously stated, a response was received from the Transportation Unit to the statutory consultation. They note that, based on the numbers that have been noted on the plan, which is four tents for families or couples, it is unlikely that there would be a significant increase in the amount of movements in and out of the site.

- 5.19 They consider that the parking provision shown is excessive for the proposal, and it would usually be reasonable to request an amendment to the plan to convey the correct parking numbers. However, in this case, as there are other fundamental objections to the proposal, it is not considered reasonable to request that the applicant provide amended plans as it would not ensure that the proposed development would be acceptable based on all relevant requirements.
- 5.20 Nevertheless, the Transportation Unit has no real objection to the proposal itself and, therefore, it is considered acceptable in terms of the requirements of policies TRA 2 and TRA 4 only.

Biodiversity matters

- 5.21 The site where the tents would be placed is land that has been designated as a Wildlife Site. In response, the Biodiversity Unit notes: *"The field where the huts would be placed has been designated as a Wildlife Site (Brithdir Isaf) and has been designated for its neutral semi-improved grassland habitat and also its wet grassland. These habitats are included in: **Section 7 - a list of habitats of the utmost importance for the purpose of maintaining and improving biodiversity in relation to Wales. Environment (Wales) Act 2016.** It should be assessed whether these habitats are still on the site before approving the application. A report from an ecologist must be received, and it should include measures to mitigate any impact on important habitats, if relevant."*
- 5.22 Therefore, in order to ensure compliance with the relevant requirements of policy AMG 5, it is believed that an appropriate assessment must be submitted in accordance with the above advice. However, in this case, as previously stated, as there are other fundamental objections to the proposal, it would not be considered reasonable to request that the applicant provided amended plans as it would not ensure that the proposed development would be acceptable based on all relevant requirements.

Flooding matters

- 5.23 As previously noted, the existing access towards the applicant's property is located within a C2 flood zone. Access to the application site would also use the same access. The following response was received from Natural Resources Wales under the heading "Flood Risk":
- "We note that part of the development site's access drive is within a C2. Having consulted our maps, the depth of the floods there is approximately 120mm during extreme events (0.1% AEP). Guidance note OGN105a NRW advises that floods to ancillary areas should not be more than 300mm, therefore, we have no further observations on the flood risk."*
- 5.24 Paragraph 11.22 of TAN 15 states that camping sites could raise new problems regarding floods. In this case, part of the access to the site is within the C2 zone, and not the site itself. Also, NRW confirms that the depth of any floods there would be lower than the recognised measure and, therefore, it is not believed that movements in and out of the site would be disrupted.

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- 5.25 Based on the above assessment and the expert advice received, it is therefore believed that the proposal is acceptable based on flood risk and that it, therefore, complies with criterion 15 of policy ISA 1 as well as TAN 15.

Infrastructure Matters

- 5.26 Substantial concerns about the proposed development were highlighted as submitted by Natural Resources Wales with regard to the proposal to drain sewage into a private sewerage system rather than connecting to the main sewer system. They state that the proposed development would be located within an area that has a public sewerage and, as a result, they would expect a new development to connect to the public system unless satisfactory evidence is submitted to show that it is unreasonable to connect to the main supply.
- 5.27 The agent confirmed that the applicant was considering this matter but, at the time of writing this report, no further response had been received.
- 5.28 It is, therefore, believed that the information as it is with this proposal is unacceptable and, consequently, does not comply with the relevant requirements of policy ISA 1.

Any other considerations

- 5.29 In the statement submitted with the application, reference is made to a recent successful appeal against Gwynedd Council's decision to refuse an application for a similar camping development to what is submitted here. This application was refused by Gwynedd Council on the grounds of a lack of compliance with policy TWR 5. A number of factors were considered by the Planning Inspector with regard to this application, but it was ultimately deemed that there was no detrimental impact on the landscape character and visual amenities of the AONB. However, for the reasons explained above, there are so many permanent elements associated with this application that the situation is not the same and, as a result, the requirements of policy TWR 3 are considered relevant in this case.
- 5.30 Although there is a reference above to an objection that is irrelevant by referring to marketing that is already conducted regarding the site, it is fair to note that the information submitted clearly states that each tent will accommodate four people, giving a total of 16 people only. Nevertheless, a website that already markets the site (that has not received permission) notes that the units will be for up to six people, giving a total of 24.

Response to the public consultation

- 5.31 As previously referred to, observations/objections to the proposal have been received from local residents objecting to the proposal, and a number of matters relating to the proposed development have been raised.
- 5.32 It is considered that the relevant matters have received thorough consideration in the above assessment. Matters that can be considered to be material planning matters are quite specific. Therefore, not all of the matters raised can be considered, such as the planning history of other local sites as they are not deemed relevant to this specific development.

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6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as the observations received, it is believed that this proposal is unacceptable as it is unable to satisfy the requirements of the relevant policies as noted.

7. Recommendation:

7.1 To Refuse – reasons

1. The proposal involves the creation of a new static alternative camping accommodation site within a Special Landscape Area. Policy TWR 3 of the Gwynedd and Anglesey Joint Local Development Plan does not permit the development of new alternative static caravan sites within Special Landscape Areas. Therefore, the proposal is contrary to Policy TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan (July 2017).
2. Policy ISA 1 approves proposals when adequate infrastructure capacity exists. In this case, it is not believed that providing private sewerage treatment works within an area with a public sewerage system is acceptable and, therefore, it is not believed that the proposal satisfies the relevant requirements of policy ISA 1 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).
3. Criterion 7 of Policy PCYFF 2 states that proposals will be refused if they have a significant detrimental impact on the amenities of occupiers of local residences due to an increase in activity, disturbance, noise or other forms of nuisance. The Local Planning Authority is of the opinion that the proposal is likely to lead to unacceptable disturbance on the amenities of local houses and that this would be contrary to the requirements of policy CYFF 2 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017).
4. The relevant requirements of policies PCYFF 3 and PCYFF 4 note that developments are expected to respect the context of the site and its place in the landscape and integrate with its surroundings. It is believed that the proposal, based on the extent of the entire proposed development site, as well as the presence, form and scale of permanent features such as an access road, parking spaces, access paths, timber platforms, sauna building and permanent connections are unacceptable features that are contrary to the relevant requirements of criteria 1 and 2 of policy PCYFF 3 as well as PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan (July 2017) which states that all proposals should integrate with their surroundings.