

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

Number: 7

Application Number: C17/0908/16/LL

Date Registered: 15/09/2017

Application Type: Full - Planning

Community: Llandygai

Ward: Tregarth and Mynydd Llandygai

Proposal: Create a four zipper line course in lieu of the little zipper lines located below the main zip line, siting of associated equipment and infrastructure, platforms similar to the existing ones and extending the existing acoustic bunds (part retrospective application).

Location: Zip World, Penrhyn Quarry, Bethesda, Bangor, Gwynedd, LL574YG

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS.

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

1. Description:

1 This is a full application for the erection of four new little zipper lines in lieu of the two small existing zip wires that run from north to south, installation of associated equipment and infrastructure and platforms similar to the existing ones along with landscaping. The main elements of the application include:-

- Siting four small lines above the northern slopes of the quarry pit but below the existing two small wires and the two large wires so that they run from west to east rather than from north to south.
- Site the *launch* platform for the four lines below the quarry office on a part of the tip constructed from the waste from the dressing mill between 1996 and 2000. The *landing* stage is located opposite the galleries of the quarry below which is a site of special geological interest.
- Currently, two Little Zipper lines are operational within the quarry even though planning consent C15/1199/16/LL gives permission for four little zipper lines. However, the agent on behalf of the applicant confirmed that the two existing little zipper lines would be dismantled with the details to be agreed in writing with the Local Planning Authority.
- The length of the four lines would be approximately 400m (compared with the existing lines' length of 416m) and would be installed side by side with a gap of 3m between them.
- The westernmost landing would include a *launch* platform, a disabled ramp, and concrete foundations.
- The easternmost landing would include a *landing* platform, concrete foundations, a small cabin for customers and a landscaping plan would be undertaken to include native birch trees and *Snowdon* grasses.
- The four new lines will operate in accordance with the requirements of the previous planning consent based on noise constraints and hours of operation.

1.2 The site of this most recent application is located within Penrhyn quarry on the south western outskirts of Bethesda. The entrance to the attraction is the same as that which serves the quarry. The *Zip World* enterprise has operated on this site since March 2013, and includes two large zip wire courses (with permission for two additional large courses to run parallel with the existing ones), along with associated structures and facilities, a purpose-built visitor building, a café, toilets, temporary containers, viewing platforms and ample parking spaces.

1.3 As part of the application a planning statement referring to the relevant planning policies and advice along with noise implications was submitted. A document was also submitted which included ecological surveys of the site and nearby environment.

1.4 It states here, since submitting the planning application, that the work of laying down concrete foundations for the *landing* platform has already begun and that this was undertaken before winter. However, the applicant has now confirmed that no further work will be carried out on the site that is the subject of this application.

2. Relevant Policies:

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

- 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 **Gwynedd and Anglesey Joint Local Development Plan 2011-2026 adopted 31 July 2017:-**
- Policy TRA2 - parking standards.
- Policy TRA4 - managing transport impacts.
- Policy PCYFF2 - development criteria.
- Policy PCYFF3 - design and place shaping.
- Policy PCYFF4 - design and landscaping.
- Policy PS14 - the visitors' economy.
- Policy AMG5 - local biodiversity conservation.
- Policy PS20 - safeguard and, where relevant, improve heritage assets.
- 2.4 **National Policies:**
- Planning Policy Wales, Edition 9 (2016).
- Technical Advice Note (TAN) 11 – Noise (1997).
- TAN12 - Design (2016).
- NCT13 Tourism (1997).
- NCT23 Economic Development (2014).
- 3. Relevant Planning History:**
- 3.1 C11/1113/16/LL A full application to create two zip-wire courses, car parking facilities and a temporary administrative building - approved 16.04.2012
- 3.2 C13/0727/16/LL A retrospective application to retain a one-storey permanent building (an amendment to a previous permission C11/1113/16/LL) - approved 19.09.13

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

- 3.3 C13/0755/16/LL Extension to an existing building to provide office space, staff room and catering facilities as well as the installation of a septic tank, retention of container and the creation of an external viewing area (part retrospective) - approved 21.11.13.
- 3.4 C14/0375/16/LL Application to amend conditions 5 and 6 of permission C13/0755/16/LL in order to retain a catering unit and container for an extended period, beyond the permission - approved 27.06.14
- 3.5 C14/0420/16/LL Change of use of land to create an overflow car park and creation of an access road - approved 15.09.14.
- 3.6 C15/0276/16/LL - Full application for the erection of a new three-storey building to serve as the operations centre *Zip World* to include a reception area/associated facilities including a café and bar as well as the removal of existing temporary buildings, erecting a new zip wire course, creation of a car park, pedestrian boardwalk to connect with the existing visitors car park and installation of a sewage treatment plant - approved 30.09.15.
- 3.7 C15/1208/16/LL - Application to amend condition 2 of permission C15/0276/16/LL to re-locate the building and the small zip's landing point and changes to parking arrangements - approved 13.01.16.
- 3.8 C16/1199/16/LL - Application to install new zip wires (two additional large lines and two additional little lines) adjacent to the existing zip wires along with the installation of associated equipment and platforms, erect a 4.5m high acoustic bund, relocate existing platforms and an existing shelter, alter levels, relocate existing paths and erection of new shelter building.

4. Consultations:

Community/Town Council:	Support.
Transportation Unit:	No recommendation as it is deemed that the proposal will not have a detrimental impact on any road or proposed road.
Natural Resources Wales:	No objection subject to including the mitigating measures included within the Ecological Surveys document in any planning permission.
Welsh Water:	No response.
Public Protection Unit:	At the time of preparing this report, the Unit had not responded to this proposal. It is noted that the Service had had discussions with the applicant and the Local Planning Authority in considering the previous application and a number of conditions to mitigate sound levels were included in the planning permission to add two large zipper lines along with two little zipper lines to the existing lines.

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

Biodiversity Unit:	Having received the Ecological Surveys document, there is no objection to the application subject to including appropriate conditions to safeguard protected species.
Welsh Government (Economy and Infrastructure Department):	No instruction pertaining to this application.
RSPB Cymru:	No objection subject to compliance with the mitigation measures referred to in the Ecological Reports document submitted with the application.
Mineral Officer:	No objection.
Gwynedd Archaeological Planning Service:	This plan does not appear to have a substantial impact on archaeological features within the quarry.
Snowdonia National Park:	No objection.
Public Consultation:	<p>A notice was posted on the site and nearby residents were notified. The advertising period has expired and correspondence was received objecting on the following grounds:</p> <ul style="list-style-type: none"> • Noise - the negative impact from the trolleys rolling down the new wires, the mechanisms on either end of the wires, and the screaming of the users increasing the noise that is generated as a result of the existing wires. • The proposal does not include sufficient acoustic screening. • Since the attraction opened to the public, traffic has substantially increased along the local roads network. • There are no restrictions on opening times and, therefore, the attraction can operate outside normal working hours. • The impact of the proposal on the residents of nearby properties.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The *Zip World* enterprise attraction was established in 2013 and now includes a number of large and small (in length) zip wire courses along with varied associated infrastructure as referred to above. It is, therefore, possible to state that the principle of the enterprise along with activities involved with the enterprise itself have been agreed in terms of their compliance with relevant planning guidelines and policies. This most

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

recent application is an amendment to consent number C11/1113/16/LL (which included the installation of two little zipper lines) along with application number C15/1199/16/LL (which included adding two large zipper lines and two little zipper lines parallel to the original lines - it is stated here that work has already started on this permission on the basis of carrying out engineering works for the acoustic bunds). Considering the above, an assessment must be made as to whether the impact of relocating the four little zipper lines from the previously permitted location to the new location is acceptable.

5.2 Policy PS14 of the LDP states, when ensuring consistency with the local economy and local communities and the protection of the natural, built, and historic environments, that the Councils will support the development of an all-year-round thriving local tourism industry, through:-

- Focusing on tourism, cultural, artistic, and leisure developments that are sustainable, active and on a larger scale in the sub-regional centres, the urban centres and, if appropriate, the local service centres. To this end it is believed that this latest proposal continues to be a tourism and leisure development that is sustainable (as it has used a derelict part of the working Penrhyn quarry) and on a scale that is subservient to the scale of the enterprise/attraction as a whole. In fact, this latest proposal would not lead to any increase in the intensity of the usage of the existing enterprise as the aim is simply to relocate the four little zipper lines so that they run from east to west rather than from north to south as they currently do. The settlement of Bethesda is identified in the LDP as a local service centre, and considering that the principle of locating the *Zip World* enterprise within the quarry boundaries has already been approved in 2012, it is believed that this latest proposal is acceptable based on the site's appropriateness.
- Supporting new tourism provisions and enterprises on an appropriate scale in sustainable locations in the countryside - as referred to above, the enterprise has been established in the quarry since 2013 and, therefore, from this perspective, this latest application does not entail the establishment of a new enterprise; rather, the aim is to amend an element of the enterprise's existing facilities. It is believed that the use made of the site is sustainable as it makes effective (and successful) use of a natural asset within the industrial, historical and cultural landscape of this part of Gwynedd.
- Refuse developments that would have an unacceptable detrimental impact on tourism facilities, including holiday accommodation and places of interest for visitors, or their setting, and make the most of opportunities and recover damage already inflicted on the landscape. It is believed that the enterprise already responds positively to this guidance as it is located within a part of the natural landscape that has already been transformed by the slate quarrying industry and considering the scale and nature of this latest proposal, it is not believed that it would have a substantial impact on the visual amenities of this part of the landscape.

3 In considering this current proposal in the context of the policy guidelines above, the proposal is considered to be acceptable in principle.

Visual amenities

5.4. Policy PCYFF3 and PCYFF 4 is relevant to this latest application and it involves ensuring that proposals contribute to and enhance the character and appearance of the

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

site in terms of the setting, appearance, scale, height, mass, respecting the context of the site and the treatment of elevations, and its place in the local landscape, integrating with their surroundings. Although it is acknowledged that the existing lines are partly visible from a distance, especially from the east, from Braichmelyn, it is not considered that relocating and reinstating the four little zipper lines so that they run from west to east rather than from north to south, as they currently do, would have a significantly greater impact (if at all) than the existing facilities do, or that they would have a significant visual impact considering the thickness and number of the lines. The setting of the four little zipper lines means that they would be located below the two large zipper lines (with work already having started on installing the two new large zipper lines running parallel to the existing ones) and the two little zipper lines already operational on site. Although the proposal has led to tree felling and removal of vegetation in front of the *landing* platform, in order to accommodate the concrete foundations, this part of the site has already been screened by other nearby trees, and it is anticipated that if the line and landing platform are at all visible from the A5 and Ogwen Bank Holiday Park it will be intermittently. A landscaping plan on a parcel of land to the north of the *landing* platform is also intended in order to compensate for the vegetation already lost. To this end, therefore, it is believed that the proposal complies with the requirements of Policy PCYFF 3 and PCYFF4 of the LDP

General and residential amenities

- 5.5 Policy PCYFF2 of the LDP states that proposals that would have a significant detrimental impact on health, safety or amenities of the owners of local property, land materials or other property or the features of the local area due to an increase in activities, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution or other forms of disturbance or pollution, will be refused.
- 5.6 Objections to this latest proposal have been received on the grounds of loss of privacy and the continuing negative impact from noise generated by the attraction at present along with the noise impact on the amenities of local residents that could be generated by the attraction in future. However, in response to these concerns the applicant has confirmed in writing that the four zipper lines that are the subject of this application will be operated in accordance with the conditions included in the previous application which relates to opening hours along with restricting sound levels that are generated by the attraction. In addition to this, the applicant confirms in the planning statement submitted with the application that:-
- the planning condition for restricting noise levels generated by the development included in permission number C15/1199/16/LL and following consultation with the Public Protection Unit will continue to be valid if this most recent application is approved.
 - The applicant, at present, is investing in trolleys that run along the lines transporting the rider in a harness and which reduce any mechanical noise generated during the journeys across the quarry pit.
 - Noise assessments were carried out as part of the previous application, not only within the site in order to determine the noise levels opposite the large zipper lines but also at the nearest residential area, namely, James Street. The new types of trolleys generate less noise than the original type of trolley within the site and the measurements near James Street were inaudible.
 - By relocating the *launch* platform for the little zipper line 300m away from any residential area, any noise from the development that could cause a disturbance will be inaudible, especially the noise from people on the cross-journeys.

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

- The *landing* platform will be a little closer to the Braichmelyn residential area, but the true impact of this latest development would be, on average, 130m farther away from residential dwellings because the new lines will run from west to east rather than down from north to south (on a line that currently runs on a similar trajectory to the location of the residential dwellings in Braichmelyn/James Street) and this is one of the reasons for submitting this latest application.
- 5.7 Based on noise concerns submitted as a result of receiving the previous application the applicant has already agreed on the hours of operation for the zipper lines, between 08:00 and 20:00 daily, (even though the applicant had been operating the lines until 21:00 in summer prior to submitting the previous application). Continuing to restrict the hours of use of the lines will be part of the mitigating measures for safeguarding the residential and general amenities of nearby residents.
- 5.8 It is, therefore, considered that continuing with restricting opening hours, restricting the maximum mechanical noise levels generated through use of the lines, along with the use of new mechanisms for the trolleys in order to reduce noise levels, will be acceptable as measures to mitigate the impact of noise on nearby residents. It is also believed that this latest application is one to relocate four little zipper lines (below the existing lines) rather than one in which the existing numbers are increased. Considering the location of the four new lines in relation to nearby dwellings to the east (James Street and Braichmelyn) it is believed that neither the level, the nature, nor the type of noise that is currently generated by the lines would intensify should this latest application be approved. It is, therefore, believed that this latest proposal is acceptable based on the requirements of Policy PCYFF2 of the LDP.

Transport and access matters

- 5.9 The four zipper lines (based on the entrance and parking requirements) have already been approved in principle under previous applications and it is believed that this latest proposal, which entails relocating the four zipper line from one part of the site to another adjacent one, would not lead to any increase in the numbers using the attraction itself. The Transportation Unit was consulted on this latest application and it was confirmed that they would not include a recommendation as it is deemed that the proposal would not have a detrimental impact on any road or proposed road. A response was also received by Welsh Government and it was confirmed that they would not provide instruction in relation to this application. It is, therefore, believed that the proposal is acceptable based on TRA2 and TRA4 of the LDP.

Biodiversity matters

- 5.10 Policy AMG 5 LDP states that applications should protect and, where possible, improve biodiversity which has been identified as important to the local area. To this end, the applicant has submitted the Ecological Surveys document as part of the application which refers to mitigating measures to protect the site's identified features. The Biodiversity Unit, RSPB Cymru, and Natural Resources Wales had no objection to the application subject to compliance with the mitigating measures within the Ecological Surveys document. It is, therefore, considered that the application complies with the requirements of AMG5 of the LDP.

Archaeological Matters

- 5.11 The site is located within the Ogwen Valley Registered Landscape of Outstanding Historic Interest, and Penrhyn Quarry is one of the main features of the register itself

PLANNING COMMITTEE	DATE: 18/12/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION OFFICER	CAERNARFON

with the zip lines located close to and above two of the monuments within the quarry. However, according to the Gwynedd Archaeological Planning Service assessment of the application, the proposal is unlikely to have any significant archaeological impact and, on the basis of this assessment, the proposal is, therefore, believed to be acceptable based on the requirements of Policy PS20 of the LDP.

Relevant Planning History

- 5.12 The attraction was established in 2013 through the approval of a number of various planning applications and can now be considered to be an established attraction within the quarry boundaries and within the local area. The purpose of this latest application, rather than further extending the attraction beyond the operational boundary of the quarry, is to operate the attraction more effectively by relocating the four little zipper lines so that they run from west to east as opposed to from north to south.

6. Conclusions:

- 6.1 Having considered the observations and responses received, all the policies and material planning matters, it is not believed that the development will have a significant negative effect on the area's visual and residential amenities, road safety, biodiversity, heritage assets, or the setting of the National Park, and considering this assessment it is not believed that this latest proposal is contrary to these relevant policies.

7. Recommendation:

- 7.1 To approve – conditions:-
1. In accordance with the plans.
 2. Protect local biodiversity features by complying with the recommendations of the Ecological Surveys document dated 1.11.17.
 3. Restrict the opening hours to between 08:00 and 20:00, seven days a week.
 4. Restrict the noise levels to the levels agreed with the Public Protection Unit in the previous application.
 5. Landscaping.
 6. Agree on the external materials for the building provided for public use.