

<b>PLANNING COMMITTEE</b>	<b>DATE: 19/03/2018</b>
<b>THE REPORT OF THE SENIOR PLANNING SERVICE AND PUBLIC PROTECTION MANAGER</b>	<b>CAERNARFON</b>

**Number: 7**

**Application Number: C17/1196/03/LL**

**Date Registered: 15/01/2018**

**Application Type: Full - Planning**

**Community: Ffestiniog**

**Ward: Teigl**

**Proposal: Provision of 8 wooden cabins and provision of 'boardwalk' and installation of sewage treatment plant and associated tree planting.**

**Location: Land at Cwm Bowydd, Blaenau Ffestiniog, Gwynedd, LL41 3EL**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS.**

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## 1. Description:

1.1 This is a full application to provide eight wooden cabins for holiday use and to create a wooden boardwalk and associated tree planting. The plan illustrates the site that would comprise the following:

- Parking spaces in the form of a roadside bay.
- Access to the site on foot via a wooden boardwalk.
- A self-contained wooden cabin 3m x 4m, with a 3m x 1.5m platform in front of the cabins set on wooden poles so that it is above the ground. The cabins would have timber cladding and wood/aluminium tiles on the roof.
- Landscaping in the form of a screen of trees to be planted over the road to the development.

The following information was submitted with the application:

- Trees Report
- Ecology reports
- Biodiversity mitigation and enhancement plan
- Construction method statement
- Business Plan
- Details of system dealing with sewerage
- Visual impact Assessment
- Finish Document

1.2 An amended application was received on 15.01.2018 confirming that it was proposed to connect the development to the adjacent main sewer, rather than installing a sewerage treatment system as in the original proposal. This is in response to the comments received from Natural Resources Wales on the proposal.

1.3 The site is located within a valley on the outskirts of an unclassified road that runs past the woodland with a farm further on. The site of the units themselves is within the copse, and it is proposed to provide parking on the outskirts where there is currently an informal bay. It is proposed to plant an area of trees over the road to the copse. The site forms part of a substantial area protected by a formal Tree Preservation Order GCC46.

1.4 It is intended to site the cabins on wooden poles, in order that the units are not built on the woodland floor, and it will be possible to reach them on foot by using the wooden boardwalk, which is also raised on wooden poles. It is proposed to connect the cabins with water pipes, electricity and the sewer.

1.5 The application is submitted to the Committee as it involves five or more dwellings.

## 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.

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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**

TRA 2: Parking standards  
 TRA 4: Managing transport impacts  
 PCYFF 2: Development criteria  
 PCYFF 3: Design and place shaping  
 PCYFF 4: Design and landscaping  
 TWR 3: Permanent alternative static caravan and chalet and camping site  
 PS 14: The visitors' economy  
 PS 19: Conserving and enhancing the natural environment  
 AMG 5: Local Biodiversity Conservation  
 AMG 6: Protection Sites of Local or Regional Significance

Supplementary Planning Guidance: Holiday accommodation

2.4 **National Policies:**

Planning Policy Wales Edition 9 2016  
 Technical Advice Note 12: Design  
 Technical Advice Note 13: Tourism  
 Technical Advice Note 18: Transportation

3. **Relevant Planning History:**

3.1 None

4. **Consultations:**

Community/Town Council: I wish to inform you that Ffestiniog Town Council does not object to this plan, however, we suggest that the plan is contrary to Planning Policy Wales: Paragraph 5.2.9 states "Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage."

Transportation Unit: I refer to the above application and wish to express concern about the impact the development may have on the condition of the adopted road that leads to the site.

Whilst I have no objection to the proposal, the concern is that the increase in traffic would increase the rate of deterioration of the public road. The road is surfaced with

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hardcore and scalplings rather than tarmac, and is therefore likely to wash away quicker with the increase in use.

If the application is approved, it is recommended that standard conditions/notes are imposed regarding applying for a licence to provide roadside parking.

Natural Resources  
Wales:

Response 25.01.2018

As a result of our request in a previous letter dated 4th January 2018, the applicant has amended the proposal in order that foul drainage is disposed into the main sewer. This is in compliance with our request and we therefore withdraw our objection to the application.

We remind you of our comments regarding protected species and environmental management in our previous response.

Response 04.01.2018

We have major concerns about the proposed development in its current form. We suggest that planning permission should not be granted unless the plan fulfils the requirements, namely that the applicant connects the development's foul drainage.

The site lies within a publicly sewered area and the application indicates that foul drainage will be dealt with by means of a private treatment plant. Building a private sewage treatment works in an area with a public sewage system (main sewage running near the path south of the site) is not considered acceptable from an environmental perspective.

We are, therefore, opposed to such facilities unless the developer can demonstrate that it is not reasonable to connect to the public system. In this respect, the applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- i) Formally approach the sewerage undertakers regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- ii) Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertakers refuse the connection.
- iii) Provide details of the reasons given by the sewerage undertakers if they have refused connection under section 98 or section 106 of the WIA 1991, and confirmation that it has appealed against this decision.
- iv) Demonstrate that it is not reasonable to connect to the public foul sewer.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for sewerage undertakers to refuse

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connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue a discharge consent for private treatment facilities in such circumstances.

#### Protected species

We note that the preliminary survey report and the mitigation measures and biodiversity enhancement plan submitted to support the above application (Gritten Ecology 26/04/17 & 21/09/17) have noted that there are no bat roosts present on the site, but the site is likely to be used for feeding and migration. According to the information in the reports, we consider that the proposed development poses a lower risk to bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning' (2015).

Bats and their breeding and resting areas are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). A licence would be required from Natural Resources Wales for any development that would breach the protection given to bats under the regulations.

Paragraph 6.3.7 of Technical Advice Note 5: Planning and Nature Conservation (TAN5) states that Local Planning Authorities should not give planning permission unless satisfied that the proposed development will not have a detrimental impact on any bats on the site or that each of the three criteria for approving the possible licence are likely to be met.

In this case, the reports conclude that the proposed development is not likely to have a detrimental impact or impair bats or their breeding and roosting sites on this site, on condition that mitigation measures, as described in the report, are implemented. Also, since the development is likely to be detrimental to support the population of the species in question and their protected status in their natural environment.

Therefore, we do not object to the proposal, subject to adhering to all the avoidance measures described in the report on bats.

#### Managing the Environment

We are satisfied with the Cabin in the Woods Construction Method Statement and we recommend that a condition is included in any planning permission to ensure that the method statement is followed during construction work.

Welsh Water:

#### Response 01.02.2018

We agree with the proposal to connect to the main sewer subject to a Planning conditions that allows foul water only to connect.

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Response 22.12.2017

General observations

Public Protection  
Unit - Caravans  
Officer:

This development will require a site permit under the above acts if the units are defined as a 'caravan' that moves on wheels.

It is also necessary to consider health and safety implications as the development will be located on a slope and amongst slippery stones.

We trust that the Fire Service will be consulted regarding this application as the development will be sited in woodland.

This development must comply with the requirements of the Acts and Model Standards as follows:-

- Caravan Site and Control of Development Act 1960
- Model Standards 1983
- The Health and Safety at Work etc. Act 1974

The applicant will be required to submit an application for a site licence should this planning permission be approved.

Rights of Way Unit:

The Countryside Unit is eager to ensure that Public Footpath Number 75, Ffestiniog Town Council, close to the proposed development, is protected during and also at the end of this development.

Biodiversity/Trees  
Unit:

The applicant has provided an ecological survey, tree report and a biodiversity mitigation and enhancement plan.

This proposal is to build 8 cabins in a woodland, which is a Plantation on an Ancient Woodland Site (Forestry Commission 2011). The site was felled 30 years ago and replanted with larch trees, therefore the majority of the trees are even aged and about 30 years old, however there are several mature sessile oak trees. The Woodland canopy is mainly larch with some hazel, the ground floor has abundant bluebell and the frequent boulders are covered in mosses. This woodland is currently grazed and this has degraded the ground flora and arrested any natural tree and shrub regeneration. The woodland area is 0.9ha.

The woodland is adjacent to a Wildlife Site (1410 Cwm Bowydd) which supports habitats of very high biodiversity value; upland oak woodland, bog, heath, rush pasture and acid grassland. This development

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proposal is unlikely to have a significant impact on the Wildlife Site as long as mitigation is provided.

The impact to biodiversity from this development include the loss of habitat caused by the footprint of the development and the fragmentation of habitat. Generally developments within woodlands should not be permitted as they are habitats of high biodiversity value, however with regard to this planning application, the development takes measures to reduce the impact to the woodland habitat, by having the cabins raised above the ground and a raised timber walkway. The development will involve minimal ground works. The applicant intends to manage the woodland for biodiversity and exclude livestock. However it is essential that mitigation i.e the fencing of and area opposite and planting trees is undertaken to compensate for impacts (habitat loss and fragmentation) to the woodland.

The biodiversity mitigation area is shown on the plans and will cover an area of at least 2000m square (15m by 135m). I have attached the applicant's plan on which I have included the measurement and I have adjusted the plan included in the Biodiversity and Enhancement Plan to provide a more accurate representation of the mitigation area. I recommend that the applicant submit these as amended plans.

The proposed development will not result in a biodiversity loss if the biodiversity mitigation and enhancement i.e. the creation of a woodland belt, is completed.

#### Recommended Planning Conditions

- Cabins are not to be extended or increased in size
- Before the use of the cabins commence the biodiversity mitigation must be completed i.e fencing an area measuring at least 15m wide and at least 135m in length and planted with trees.
- The biodiversity mitigation must be maintained for 25 years
- Before any trenching for pipelines, electricity lines, sewage takes place detailed plans and tree survey (BS5837) locating the root protection zones of mature trees must be provided to the LPA. The plans should demonstrate that damage to mature trees will be avoided.
- No mature trees shall be felled or lopped without written confirmation of the LPA.

Public Protection  
Unit:

#### Contaminated land conditions

1. As this site is situated between two historical landfill sites, the land may be contaminated and may also be affected by landfill gas. Therefore, a desktop

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investigation will be undertaken to assess the potential pollution risk on the site for the proposed development.

2. If the desktop investigation recommendations indicate that further action was needed, a sufficient intrusive investigation would be required to assess the risk of any possible pollution on the site. If necessary, a Remedial Strategy will be incorporated.
3. The Public Protection Service would have to approve the desktop investigation, site inspection, risk assessment and any precautionary and/or remedial measures in writing prior to the commencement of the development.
4. Once the development has been completed, a Completion Report should be provided on the site and this will need to be reviewed and approved by the Public Protection Service.
  - *The Public Protection Unit have made all reasonable attempts to recommend the most suitable measures regarding possible pollution risks. However, this recommendation should not be considered as a sign that the land is safe or otherwise suitable for this development or any other.*
  - *The responsibility for assessing if the land is suitable for a specific use basically lies with the developer.*
  - *If any contaminated land problems should arise during the development that may disturb the proposed development, e.g. if unusual ground conditions are found, then there should be immediate correspondence with the Public Protection Service.*
  - *Every action should be recorded, and the information disseminated to the Public Protection Service on-site inspections, assessments and remedial work completed, where relevant and included in the site's Completion Report.*
  - *Any investigation should follow the procedure of the following documents:*
    - BS 10175:2011 Investigation of potentially contaminated sites – Code of Practice (British Standards Institution 2011)
    - Planning Policy Statement (PPS)23: Planning and Pollution Control, Annex 2: Development on Land Affected by Contamination (Office of the Deputy Prime Minister 20014, Published by The Stationary Office)
    - Contaminated Land Report (CLR) 11 Model Procedures for the Management



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of Land Contamination (Environment Agency 2004).

- Land Contamination: A Guide for Developers (Welsh Local Government Association, Welsh Assembly Government & Environment Agency Wales 2006).

Reasons for the conditions

It is considered that the measures are essential to safeguard the site holders and surrounding areas.

Wales and West Utilities: No objection to the proposal, however, risk could be caused to our equipment during the construction work.

Public Consultation: A notice was posted on the site. The advertisement period has expired and a letter / correspondence was received objecting on the following grounds:

- Damage and loss of an area of ancient woodland.

**5. Assessment of the material planning considerations:**

**The principle of the development**

5.1 This application is to establish an alternative camping site for eight self-contained wooden cabins for holiday use. Due to the nature of the buildings and the form of the units, as well as their size, this type of development is considered to be permanent alternative camping accommodation and is considered under the relevant requirements of policy TWR 3 of the Local Development Plan. This policy rejects proposals to develop permanent caravan sites, holiday chalet sites or permanent alternative camping accommodation in the Llŷn AONB and in Special Landscape Areas. In other locations permanent static caravan sites, chalet and alternative camping sites are permitted only:

- i. Where it can be proven that they will not lead to too many permanent caravan sites or chalet sites or alternative permanent camping sites in the local area;
- ii. That the proposed development is of high quality in terms of design, layout and appearance, and is sited in an unobtrusive location which is well screened by existing landscape features and/or where units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape;
- iii. That the site is close to the main highway network and that adequate access can be provided without significantly impairing the character and features of the landscape.

5.2 In this case, the proposed development is not within the AONB, and is not close to any Special Landscape Area designation. It is therefore deemed that such a development is supported in principle by the relevant requirements of policy TWR 3 subject to the above.

5.3 An application to site six safari tents was recently approved within the Llechwedd site at the other end of Blaenau Ffestiniog. However, this development and what has already been approved, is not considered to be an excess of this type of accommodation in the area, therefore it is deemed that the proposal is not contrary to point i. above.

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- 5.4 The site in question is in open countryside within an existing copse that forms a small section of a substantial Tree Protection Order in the area. As shown, the site would be served by providing a parking bay at the existing roadside, with access on foot to the copse via a wooden broadwalk that will be raised from the ground. The eight units would be scattered within the site. Although no amenity area has been shown as part of the proposal, it is likely that there would be sufficient space within the site for such a provision, and public footpath number 75 runs close to the site. The plans submitted as part of the application include planting additional native broadleaved trees on a parcel of land opposite the alternative camping site to mitigate and improve biodiversity. Since the proposed units will be sited in the wood, it is considered that the site has been landscaped naturally, and is already an unobtrusive site. The clearance work etc. that will be carried out to complete the development will be minor and therefore the site will continue to be available for natural landscaping. The wooden cabins are designed to be in-keeping with the wood with a minor impact in terms of appearance and impact of the development. The type of cabins proposed are relatively insignificant compared with caravans as they have a finish and colour that are less prominent in the landscape. It is considered that the design, layout and appearance of the proposal are acceptable and they would not cause substantial harm to the visual quality of the landscape.
- 5.5 The majority of the land would remain with natural vegetation and therefore there would not be an excess of permanent developments associated with the proposal.
- 5.6 In respect of the proximity to the road network, an unclassified road runs directly past the site from Blaenau Ffestiniog town centre, which is approximately 700m away. The Transportation Unit had no concerns regarding the proposal, except to highlight the possible impact of the increase in use of the unclassified road as it is not surfaced with tarmac. As this is a proposal for an alternative permanent camping site, visitors to the site would not tow a caravan behind any vehicle they use to come and go from the site and therefore it is considered that the proposal is acceptable in terms of the roads that serve the proposal.
- 5.7 It is, therefore, considered that the proposal is acceptable in terms of points ii. and iii. above.
- 5.8 As a consequence of the above assessment, it is considered that the principle of the proposal is acceptable and complies with the relevant requirements of policy TWR 3 LDP.

#### **Visual amenities**

- 5.9 The site is located in a copse within a valley, and therefore the visual impact is substantially lower due to this. It is proposed to plant trees opposite the site and this will go some of the way to alleviate any possible visual impact from the parking areas situated outside the copse.
- 5.10 The relevant requirements of policy TWR 3 state that the development should be sited in an unobtrusive location which is well screened by existing landscape features and/or where units can be readily assimilated into the landscape in a way which does not significantly harm the visual quality of the landscape. In the same manner, policies PCYFF 2, PCYFF 3 and PCYFF 4 refer to amenity, design and landscaping matters.

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- 5.11 Bearing in mind the unobtrusive location of the proposal within an existing copse, and that the copse will be retained with more trees planted opposite the site, it is deemed that the scale of what is proposed having considered the wider context of the site, its appearance and mitigating measures and suitable landscaping is acceptable and would not appear as an intrusive or unacceptable feature within the landscape.
- 5.12 Therefore, it is believed that the proposal is acceptable in respect of Policies TWR 3, PCYFF 2, PCYFF 3 and PCYFF 5.

#### **General and residential amenities**

- 5.13 The site lies within a valley on the outskirts of the town of Blaenau Ffestiniog, and the nearest residential dwelling is approximately 100m away. It is proposed to have a fairly small site and as a result of this, the nature of the development and the distances between it and residential dwellings, it is deemed that it would not have an unacceptable impact on general amenities or the residential amenities of local residents and that it is not contrary to the relevant requirements of policy PCYFF2.

#### **Transport and access matters**

- 5.14 As noted above, there was full consultation regarding the proposal with the Council's Transportation Unit. There is no objection to the proposal in terms of transportation and therefore it is not believed that the proposal is unacceptable in terms of the relevant requirements of policies TRA2 and TRA4.

#### **Biodiversity matters**

- 5.15 Thorough observations have been received from the Biodiversity Unit regarding the proposal, they confirm that there is no objection as the proposal offers mitigation measures and enhancement of biodiversity, and consequently the work only has a minor impact on the copse. The site forms part a small part of an area protected by Tree Protection Order GCC47; however, it is considered that the proposed work will not have a substantial impact on the Tree Protection Order designation. The Biodiversity Unit has noted that the mitigation and biodiversity enhancement area should be extended, however this is based on the incorrect calculations of the Biodiversity Officer of the biodiversity area that will be affected (i.e. calculated that the floor area affected is more than it is). It is considered that the area offered to mitigate and enhance biodiversity is sufficient in this case. It is also noted that the Biodiversity Unit has noted that a Planning condition is required to agree on the path to install pipes etc. in order not to have an impact on tree roots; however the agent has confirmed that these pipes would be placed under the boardwalk and therefore no section of land will be excavated when laying these. Therefore it is possible to include relevant conditions to ensure that appropriate control is in place and the recommendations in the Ecology Evaluation submitted with the application are followed.
- 5.16 In doing this, it is therefore considered that the relevant requirements of policies PS19, AMG 5 and AMG6 of the LDP are satisfied.

#### **The economy**

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5.17 The presence and success of nearby attractions such as Zip World, Bounce Below, Antur Stiniog etc. mean that demand has been highlighted for overnight accommodation in the nearby area. It can be seen that providing 'new' or alternative resources such as these add to the variety that can be offered in the area in terms of accommodation. Strategic Policy PS14 states that the provision of tourist accommodation of high quality should be managed and improved in the form of ... alternative luxurious camping...'. In this case it is believed that the proposal adds in a positive way to the local economy by offering new accommodation provision to the type of traditional accommodation that can generally be found in the area. The above shows that this is supported by the Council's adopted policies.

## 6. Conclusions:

6.1 Having considered the above and all the material planning matters, including the local and national policies and guidance, together with the observations received, it is considered that this proposal as shown conforms to the requirements of the relevant policies as noted above, subject to relevant conditions.

## 7. Recommendation:

7.1 Approve - conditions

1. Time
2. Compliance with plans
3. Landscaping
4. Biodiversity
5. Restrict the number of units on the site to eight at any given time
6. Holiday use only
9. Keep a register
10. Welsh Water
11. Contaminated land

Notes:

- Welsh Water
- Highways
- Safeguard the public footpath.