

PLANNING COMMITTEE	DATE: 03/09/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 1

Application Number: C18/0385/41/LL

Date Registered: 15/05/2018

Application Type: Full - Planning

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Use of land for a quad bike safari activity in addition to existing segway, paintball (skirmish games) and bushcraft activities

Location: Dragon Raiders Activity Park, Gwynfryn Lodge, Cricieth, Gwynedd, LL52 0LR

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Members are reminded that this application was deferred at the Planning Committee meeting on 23 July, 2018 due to a suggestion that a site visit should be held and a request to receive additional information, namely:
- Confirmation of the number of bikes used whilst conducting the noise assessment
 - Existing opening times and compliance with previous conditions
 - Have any complaints been received regarding a breach of condition?
- 1.2 A full application to use land for a quad bike safari activity, which is an additional use to the site's existing activities of segway treks, paintball (skirmish games) and bushcraft.
- 1.3 The site is located within an existing woodland on the outskirts of Llanystumdwy village, with access to the site from the existing unclassified road, and a designated access and car park. Further into the woodland, an assembly point and reception area has been created for the site's activities, with managed access to the permanent paths that lead through the woodland and the activity areas.
- 1.4 This current proposal is to provide quad bike safaris along the site's existing paths and play areas as an additional activity to the existing activities held on the site. Specifically, the proposed development includes the following details:
- 6 people using a total of up to six bikes at any one time
 - 350cc and 50cc bikes to be used
 - The bikes' speed to be restricted to 12-15 miles per hour
 - Only one activity would be held at any one time i.e. only the quad bikes, not the bikes and the segways
 - Operate the activity between the hours of 9.00 – 17.00 for seven days a week

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**

TRA 2 – parking standards

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TRA 4 – managing transport impacts

PCYFF 2 – Development criteria

PCYFF 3 – Design and place shaping

PS 14 – the visitor economy

TWR 1 – visitor attractions and facilities

AMG 5 – local biodiversity conservation

2.4 National Policies:

Planning Policy Wales Edition 9 2016 –

Chapter 11 Tourism, Sport and Recreation

11.3.3 Authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public.

Technical Advice Note 13 - Tourism

3. Relevant Planning History:

- 3.1 Application C13/1231/41/LL - use of existing building and land for bushcraft activities in addition to existing Segway and paintball activities (skirmish games) and extension to existing car park - approved 17.01.14
 Application C12/0130/41/LL - Use of land for "Segway" - Approved 23.03.12
 Application C02D/0464/41/LL – Use of land for skirmish games. Refused, but approved on appeal in 2003

4. Consultations:

Community/Town Council: Objection on the grounds of concern about noise pollution from the development and the environmental impact; unsuitable development for the site; size of the car park and doubts about the accuracy of a number of facts on the application form.

Transportation Unit: No objection, but it is suggested that a condition should be included to ensure that the previously approved extension to the car park is completed, to ensure that there is additional space for parking.

Natural Resources Wales: No objection but propose standard advices on some aspects

Welsh Water: No observations

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Public Protection Unit: A request for a noise assessment and confirmation about the waste disposal arrangements. The Public Protection Unit confirmed that they accepted the report's contents and conclusions, and therefore recommend approving the development subject to noise level conditions in accordance with the background noise levels noted in the Noise Assessment. The observations are elaborated upon below.

Biodiversity/Trees Unit: It is suggested that an assessment should be undertaken on the health of the trees in the woodland. The woodland does not have any Tree Protection Order designations, and is not within a conservation area.

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:

- Noise impact
- Additional traffic/movements
- Lack of parking on the site
- A lack of consultation by the Local Planning Authority and the applicant
- Misleading information
- Not a sustainable activity
- Concern about extending the hours of use/activities
- Detrimental effect on the amenities of local residents and the overall area
- A harmful effect on wildlife/trees
- Over-development of the site
- Part of the noise assessment is inaccurate, the engineer could not confirm whether or not a bike was being driven while measuring noise from one residential location
- Noise affecting animals

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

- Existing unapproved advertising signage on nearby land

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The application site has already been established as a site used for skirmish games (paintball), bushcraft training and Segway activities, and this current application proposes to use the site for the additional activity of quad bike safaris for groups of visitors.

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- 5.2 Policy PS 14 states that "appropriately scaled new tourist provision and initiatives in sustainable locations in the countryside" will be supported, while policy TWR1 allows for developments related to "an activity restricted to a specific location due to its appropriate use of a historical or natural resource or its proximity to the attraction which it relates". It is considered that the site has been established as a tourist attraction for a number of years, that the current proposal would offer an additional attraction within the same site, and that is therefore acceptable and satisfies the relevant requirements of policies PS 14 and TWR 1.

Visual amenities

- 5.3 The activities are located within the existing woodland and therefore, apart from the entrance and the car park which are closer to the nearest public road, the site's activities are not visibly obvious. The existing proposal make use of established paths that have already been created entirely within the woodland.
- 5.4 It is not considered that the proposal, in relation to visual amenities, is likely to have a greater impact on the local neighbourhood than the existing situation, and therefore it is not considered that it is unacceptable in relation to the relevant requirements of policies PCYFF 2 and PCYFF 3.

General and residential amenities

- 5.5 Observations were received from a local residents, expressing concern regarding the impact of the use of these specific machines on the local neighbourhood, mainly in relation to noise, but there are also references to matters such as over-development of the site etc. As with the previous applications, conditions can be set in relation to numbers and the site's opening times. The applicant states that the site's opening times will be 9.00am - 5.00pm, and if it became evident that a condition such as a restriction on opening times was being breached, this condition would be enforced. It is reasonable to include a condition such as this, as has happened in the past, in order to ensure that this aspect is appropriately managed.
- 5.6 In relation to over-development, it is recognised that a new, additional activity is proposed here. However, it is an activity that would use the existing paths that are used by the segways. The bikes and segways cannot be used at the same time on the paths, the activities will not run concurrently and therefore there will be no increase in the numbers of users at any one time.
- 5.7 Concern has been expressed about the impact of noise emanating from the activity. Evidently, such vehicles would create a new noise, compared to the existing noise, and the concern expressed by neighbours is that this increasing noise will impact their amenities.
- 5.8 Noise - As noted above, a number of the letters of objection have highlighted concerns about the impact of noise emanating from the proposed use. In a formal response to the public consultation, the Public Protection Unit noted that a comprehensive noise assessment response should be conducted in relation to the proposal, for a full assessment prior to making a decision. The acoustic consultants appointed by the applicant to undertake the assessment contacted an officer from the Public Protection unit to ascertain the level of information that would be needed for such an assessment, the main concerns, and what would be required to ensure that the assessment included comprehensive information. A formal assessment was submitted in due course, and was thoroughly assessed by Public Protection officers. The Public Protection Unit

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confirmed that they accepted the report's contents and conclusions, and therefore recommend approving the development subject to noise level conditions in accordance with the background noise levels noted in the Noise Assessment. To confirm, part 3.0 of the Noise Assessment includes details of what was undertaken when collecting information. It can be seen that one 350cc bike was used, with the record stating that the engine was running whilst the bike was stagnant, and that the engine was revved and being driven when passing the recorder and from the back at a speed of 10mph. The assessment claims that these movements are similar to the type of movements that are seen during safari activities. The anticipated noise levels in the assessment have been held based on a worst-case scenario and they were deemed to be substantially lower than relevant guidelines. The recording was undertaken on the site itself and also from nearby houses recognised as the sites that were most sensitive to noise. Although it is recognised that only one bike was used, the assessment states that no noise was recorded from the bike from these houses and that the circumstances were suitable for measuring.

As measuring noise and interpreting assessments relating to noise matters is a technical and specialist matter, the Public Protection Service was asked to elaborate on their observations regarding this element.

In response, the following was received by an Officer from the Service: *"I have considered the above planning application, and the response is based on the Sharpes Redmore Report at Dragon Raiders Activity Park, Cricieth Noise Assessment Project No 1818070 (NA) dated 29th June 2018.*

I have discussed the Assessment in detail with the applicant prior to measuring and interpreting the results. The Department accepts the contents and conclusions of the Report, and therefore, recommends permitting the development subject to conditions on noise levels in accordance with the background noise levels specified in the Noise Assessment.

When assessing any noise source, it is important to define the type of activity and the means by which the activity will be conducted to identify the potential for noise to be an issue. When assessing a source of noise, the nature of the noise will be identified and the level of noise assessed at the receiver or in this case the nearby properties. The means of assessing the noise was discussed with the acoustic consultant prior to conducting the noise assessment in accordance with current guidance and a monitoring method was agreed. The rationale behind the use of the noise parameters is discussed in some detail within the noise assessment report submitted as part of the application.

The department requested that the Applicant measure at the nearby property and at one other property to assess any likely noise impact on the surrounding residential properties. The method of assessment can be either a desktop assessment by using the workers' data or by assessing the equipment in situ. The Assessment provided assessed the noise levels and noise transmission of the quad bike on the terrain that would be used.

The assessment has taken into account the number of quads to be used at any one time (six) and the method of calculating the projected noise level at the receiver has been provided in the Appendices.

The course itself is an existing Segway Course and the use of the quads will be separate to this activity, that is, only one activity will be in operation at one time. The nature of the activity to be provided is not speed based as the nature of the course, from a health and safety perspective, will limit the speed of the riders. I have confirmed that the riders will be led by an instructor in a single file along the track with different grades

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of skill required to navigate the track. The nature of the activity will be regulated by the Instructor and therefore any potential for noise impact will be reduced".

- 5.9 Although this is a new activity, it is not considered that it will intensify the use of the site as it cannot be held at the same time as the segway activity that has already been permitted. The existing paths will be used, and therefore the activity will not extend the activities beyond the current locations. Noise control is a matter that can be managed by conditions, but it is accepted that there will be occasions when noise from the overall use of the site will carry to various locations, depending on the wind direction. However, there is an established lawful use on this site, and it must be considered whether this latest proposal is an excessive addition to the site that would affect the general amenities of the area and local residents to a totally unacceptable degree. Having considered all the relevant matter, it is not believed that the proposal would have a detrimental impact on local amenities on the grounds of a cumulative impact due to the activities already held on the site. It is considered that appropriate conditions could be included to manage the situation (time and noise conditions) and that the proposal would therefore comply with the relevant requirements of Policies PCYFF 2 and PCYFF 3.

Transport and access matters

- 5.10 The Transportation Unit has no concerns regarding the proposal in relation to transportation. However, local residents have expressed concerns about the site's existing parking deficiencies, and the Transportation Unit have therefore considered the matter further. An extension to the existing car park was previously approved under reference C13/1231/41/LL. The owner has confirmed that this extension has not been completed and therefore it would be possible to add an area measuring 20m to the existing car park. The Transportation Unit suggests that a condition should be included on this existing application to ensure that the extension is implemented to ensure that there is additional space for car parking.
- 5.11 In doing so, it is considered that in relation to parking matters, the proposal is acceptable and complies with the relevant requirements of policies TRA 2 and TRA 4.

Biodiversity matters

- 5.12 Initial concerns were highlighted by the Trees Officer about the condition of some trees within the woodland, and a discussion was held on undertaking a trees assessment to consider their existing condition and the proposal's impact on their long-term health. The applicant's proposal originally meant using parts of the woodland that did not include formal paths, but confirmation has now been received that the quad bike activity will be restricted solely to the existing paths, and therefore the development will not affect parts of the undeveloped woodland.
- 5.13 It is considered that the need for a trees assessment in future is a reasonable and sensible request in order to ensure the long term management and health of the woodland. There is no Tree Protection Order in relation to the woodland, it is not located within a conservation area, and there is no formal protection in place. Work on the trees could therefore take place without the need for formal approval. However, in this case the Council's Trees Officer agreed to include a condition to require this information to be submitted within a year of commencing the quad bike activities, when it will be possible to assess whether this activity has directly affected the trees that are closest to the paths. It is therefore considered that the relevant requirements of policy AMG 5 are satisfied.

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Relevant Planning History

- 5.14 From the previous planning history relating to the site, it can be seen that the Council originally refused the original application to create a skirmish games site, which was later permitted following an appeal. Since establishing the original use, two subsequent applications have been submitted and approved, one for bushcraft activities and the other for the use of segways.

Response to the public consultation

- 5.15 As previously referred to, observations/objections to the proposal were received from local residents, raising a number of matters relating to the proposed development and recent history of the business. It is acknowledged that letters were not originally sent to neighbouring residential properties, but a public notice was posted near the site. However, due the local concerns expressed, further letters were sent to local homes, ensuring that there was a sufficient period of time to respond to the public consultation.
- 5.16 The material matters are too numerous to consider one by one, but it is considered that these matters have been noted and have received thorough consideration in the above assessment.
- 5.17 Matters that can be considered as material planning matters are quite specific; consideration is not given to all the matters raised in the observations such as houses losing value, detrimental impact on holiday accommodation businesses, etc. as they are not material according to planning legislation.

Other matters

- 5.18 It was noted at the Committee meeting on July 23 that there was concern regarding existing opening times and whether or not they corresponded to relevant conditions imposed on previous permissions. It can be seen that conditions imposed on the original permission (on appeal) note the opening hours as 9.00 - 17.00 and opening days as Monday, Thursday, Friday, Saturday and Sunday. The same conditions were imposed on subsequent permissions to the original application.
- 5.19 The current application notes that opening hours will be 9.00 - 17.00 and on every day of the week, namely an additional two days to what was originally permitted. It is therefore believed that the current application is asking for the right to operate safari quad bikes for seven days a week. Although conditions on existing permissions restrict the number of days that the site is open, in essence it is possible that the site is open for seven days a week. There is no mention of a restriction regarding days when the site is open on the company website or on information sheets. For the purpose of this current application, one can either approve this change for the purpose of the quad bikes alone or refuse this element and uphold the original conditions namely 9.00 - 17.00 on Monday, Thursday, Friday, Saturday and Sunday.
- 5.20 In historical records, it is noted that a complaint was received some years ago regarding the use of Segway machines on the site. Consequently, this led to an application being submitted which was later approved for this use. A complaint has recently been received regarding the site's existing opening hours, this matter is currently being investigated by the Enforcement service, and at the time of writing this report, the result of this investigation is not known. Therefore, it is evident that complaints regarding the existing site have not been numerous or regular.

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5.21 If previous conditions regarding opening times and days are breached, it would be a matter for the Enforcement service to investigate the matter. Should it be proven that use has been operational for a number of years, an application could be submitted to amend the conditions or for a certificate of lawful use. Or, of course, the applicant could ensure that activities are being held entirely in accordance with conditions (if they are proven to be contrary to relevant conditions). Ultimately, resolving this matter would be a matter for the Enforcement service and it would not prevent the committee from addressing the application in question.

6. Conclusions:

6.1 Having considered the above and all the relevant matters including the local and national policies and guidance, as well as all the observations/objections received, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

7.1 Approve - conditions

1. Time
2. Comply with plans
3. Trees management plan
4. Limit opening times
5. Restrict the numbers
6. Complete the car park extension
7. Noise condition