

30/2016/1252 - Land adjacent to Carp Lake, Llannerch Park, St Asaph

Scale: 1:2500

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Denise Shaw

WARD: Trefnant Community

WARD MEMBER(S): Meirick Lloyd Davies (c)

APPLICATION NO: 30/2016/1252/ PF

PROPOSAL: Change of use of land for the siting of 6 holiday yurts,

construction of ancillary building and parking, and new treatment

plant

Land adjacent Carp Lake Llannerch Park St Asaph

APPLICANT: Mr Richard Jones

CONSTRAINTS:

PUBLICITY
UNDERTAKEN:
Site Notice - Yes
Press Notice - No
Neighbour letters - Yes

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

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

CONSULTATION RESPONSES:

TREFNANT COMMUNITY COUNCIL -

"The Members of Trefnant Community Council have the following comments to make with regards to [the application]:

- 1. The Members have concerns about creeping development into 'green space'
- 2. The Members have concerns about increased traffic at the 2 entrances to the site off the A525. Both are potentially dangerous with limited view of oncoming traffic."

NATURAL RESOURES WALES

Advise protected species were known to be present on the site. Following the submission of a Protected Species Survey, NRW confirm they would have no objection to the proposal, subject to the imposition of planning conditions to protect the interests of otters and bats, and to ensure appropriate Foul Drainage and Environmental Management measures.

CADW (HISTORIC PARKS / ANCIENT MONUMENTS)
No comments received

WELSH HISTORIC GARDENS TRUST

No comments received

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES -

Head of Highways and Infrastructure

Highways Officer –

No Objection. Requests Highways Advisory Notes are brought to the attention of the application.

Public objections with respect to the suitability of the Llanerch Crossing access was brought to the attention of Highways Officers who subsequently carried out an additional site visit. Following the additional site visit, Highways Officers confirmed the original consultation response above remains valid.

Pollution Control Officer -

Requested additional information to clarify what nuisance mitigation / management plan the applicant has in mind for the use of the scheme. Following submission of a Site Management Plan, the case officer has advised there is no objection to the scheme provided that conditions are applied requiring the Management Plan to be adhered to during the operation of the development.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

S. Parkin, 3, Llannerch Crossing, St. Asaph John and Evelyn Owen, 2 Llannerch Crossing, St. Asaph

W. Roberts, 6, Llannerch Crossing, St. Asaph Stephen Boyd, 1 Llanerch Crossing, St Asaph

Summary of planning based representations in objection:

Concerns regarding use of Llanerch Crossing as a means of access

- Concerns about the increasing volume of traffic along Llanerch Crossing road.
- Supporting information states the roads leading to site have a 40mph limit and are 5m in width to allow two way vehicles to cross. However, Llanerch Crossing is 60mph limit and is a narrow single track road, less than the 5m width referred to in the application will not accommodate 2 cars passing.
- Road is un-adopted, therefore maintenance and upkeep is by the residents on the street.
 Using the road for business use would be contrary to the conveyance of 1959 which restricts use to residential.
- Road is in poor state of repair with pot holes.
- The road access/ egress is directly onto the main road with a 60 mile an hour restriction. It has limited vision and unsuitable as an access site.
- Also concerns have been raised regarding construction vehicles using Llanerch Crossing.
- Dwellings along Llanerch Crossing have concealed entrances.

Loss of greenfield land / incremental development

Concern raised regarding the loss of green land to development and could lead to further development of the area.

EXPIRY DATE OF APPLICATION: 13/02/2017

EXTENSION OF TIME AGREED 12/04/2017

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 Summary of proposals
 - 1.1.1 The proposal is for the change of use of land for the siting of 6 holiday accommodation Yurts, construction of an ancillary building, new vehicular access, parking area, internal footpaths, lighting and new boundary treatments.
 - 1.1.2 The Yurts would be circular wooden framed structures covered with canvas and would be sited on a circular decking base. Each Yurt measures approximately 7

metres in diameter with a height of 3.1metres above ground level. A wood burner is proposed in each Yurt with a flue which projects 0.7m above the roof of the Yurt.

- 1.1.3 The facilities building would have wood-stained walls, doors and windows with a pitched roof finished in Black Kingspan tile effect sheets. The building would accommodate kitchen and bathroom facilities, and a covered balcony area is proposed off the kitchen. The building has a footprint of 12.6 metres by 7 metres and a ridge height of 4 metres.
- 1.1.4 An new vehicular access is proposed which would lead to a parking area which provids 8 parking spaces, which includes 2 disabled bays. There is no vehicular access to the individual Yurts.
- 1.1.5 A footpath is proposed leading from the parking area to each Yurt. The footpaths would be natural slate chippings with timber edging boards.
- 1.1.6 11 light bollards are proposed and would be spread throughout the site.
- 1.1.7 An on site plant system is proposed for treating wastewater and would be situated in an area adjacent to the parking area.
- 1.1.8 Picket fences are proposed to separate each Yurt, and new hedgerow planting is proposed behind an existing stock fence to the north and west of the Yurts which are proposed to be maintained at a height of 1.5m. An Oak tree is proposed to be planted adjacent to the proposed vehicular access.
- 1.1.9 The site can be accessed from the A525 from two existing access roads. The first access is along Llanerch Crossing which leads from the A525 to the west; the other access is from along a road through the Llanerch Park estate which starts from an access with the highway to the south of Tweedmill.

1.2 Description of site and surroundings

- 1.2.1 The site is an agricultural field situated on the Llanerch Park estate approximately 280 metres to the west of Llanerch Hall.
- 1.2.2 There are a number of residential properties on the Llanerch Park estate which are clustered around Llanerch Hall, with the closest being Garden Cottage approximately 150 metres to the south-east of the site.
- 1.2.3 Outside of the estate, there are further residential properties in the vicinity of the site which include Woodlands, some 150 metres to the north of the site, and a further 7 properties along the access road leading from the A525 to the west.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is outside of any development boundaries defined in the Local Development Plan and on the edge of the Llanerch Hall Historic Park and Garden.
- 1.3.2 There are a collection of Listed Buildings at Llanerch Hall to the east, including the Grade II* Listed Llanerch Hall main building.

1.4 Relevant planning history

1.4.1 No planning history for the site itself, however there have been planning applications for similar forms of tourism accommodation in the area, including on the Llanerch Park estate.

1.5 Developments/changes since the original submission

- 1.5.1 A Management Plan for the operation of the site was submitted on 8 February in response to concerns raised by the Public Protection Officer. The Public Protection Officers were subsequently re-consulted on the application.
- 1.5.2 A Protected Species Survey was submitted on 3 March and NRW were subsequently re-consulted on the application.
- 1.5.3 Following concerns raised by members of the public, the agent was asked to clarify the proposed access to the site from the public Highway. The agent confirmed the proposal would utilise both existing access / egress points with the A525 which lead to Llanerch Park as both accesses have roads that lead to the site.

1.6 Other relevant background information

1.6.1 The Council's draft Supplementary Planning Guidance Note on Caravans, Chalets and Camping was subject to public consultation until 27 March 2017, and will be brought before Committee in due course.

2. DETAILS OF PLANNING HISTORY:

2.1 N/A

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be: 3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 - Rural economy

Policy PSE12 - Chalet, static and touring caravan and camping sites

Policy PSE14 - Outdoor activity tourism

Policy VOE1 - Key areas of importance

Policy ASA3 - Parking standards

3.2 Supplementary Planning Guidance

Access for all SPG

Parking Standards in New Developments SPG

Trees and Landscaping SPG

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016 Development Control Manual November 2016

3.4 Other material considerations

Draft Caravans, Chalets and Camping SPG is directly relevant to the current proposal, and is a material planning consideration.

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4). Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

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

- 4.1 The main land use planning issues in relation to the application are considered to be:
 - 4.1.1 Principle
 - 4.1.2 <u>Visual amenity</u>
 - 4.1.3 Residential amenity
 - 4.1.4 Highways (including access and parking)
 - 4.1.5 Impact on Listed Building
 - 4.1.6 Ecology

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

Policy PSE 12 sets out the policy context for new static caravan sites, and new touring caravan and camping sites, however it is silent with respect to developments such as Yurts.

Planning Policy PSE 14 relates specifically to outdoor activity tourism and supports proposals for development that expand or reinforce the tourism offer of the County, provided that proposal is appropriate to its setting and location in terms of infrastructure requirements and landscape impacts, with specific reference to the AONB.

The draft Caravans, Chalets and Camping SPG, which at the time of writing this report is the subject of a public consultation exercise, amplifies the policies referred to above. Whilst the draft SPG has not yet been adopted by the Council, Officers consider the draft guidance contained within it is a material consideration.

For the purposes of the draft SPG, 'chalets' also includes log cabins, yurts, pods, tepees, shepherd's huts, other 'glamping' accommodation and other similar structures which are not expected to be moved off-site when not in use (unlike a touring caravan or tent). The draft SPG clarifies that, proposals for new sites involving types of tourist accommodation which fall outside of the scope of policy PSE12 which sustain the rural economy will be supported subject to the criteria in policy PSE 5 being met. Where new chalet development is proposed as part of an outdoor activity tourism proposal (policy PSE 14), this will be permitted where it can be demonstrated there is a lack of tourist accommodation to support the development, and there are no opportunities to use or convert existing buildings in the first instance.

The information submitted refers to an existing development of 5 log cabins on the Llanerch Park estate that has become a well-established themed sporting holiday facility that is in high demand. The supporting information states that the 6 Yurts proposed will add an additional holiday variety to meet tourism needs in this location.

The supporting information also states the proposal will have a specific theme and will be marketed as sporting and recreational hobby activity holidays, which includes activities such as fishing on the local river, as well as the carp lake, golf, horse riding etc. which link to land within the control of the applicant. This approach is considered to make a positive contribution to the local tourism economy.

The application is therefore considered to be in general compliance with policy PSE5 and PSE14, and is acceptable in principle subject to closer consideration of its impacts on the locality.

4.2.2 <u>Visual amenity</u>

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

There are representations on the application expressing concerns over the loss of green land.

The site is situated in open countryside and is on the outer edge of the Llanerch Park Historic Park and Gardens. CADW and Welsh Historic Gardens Trust were consulted on the application, however at the time of writing the report, a response had not been received from either of these consultation bodies.

The site would be situated to the west of the Llanerch Hall complex and the scheme consists of 6 Yurts and a new build wooden ancillary building. Onsite lighting would be limited to lighting bollards distributed through the site and new hedgerow planting is proposed around the site boundary to help assimilate the site into the rural setting.

Officers note the presence of other similar tourism accommodation within the Historic Park and Garden.

Overall, Officers would consider the scheme to be small scale with a low profile, and that views of the site would be limited to the immediate locality. It is not considered that and the visual effects of the development would be such as to merit a negative recommendation.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest. The residential amenity impacts of a development proposal are a material consideration.

There are residential properties within the vicinity of the site, with the closest neighbours being 150m from the site.

Public Protection Officers queried how the site would be managed to ensure the proposal would not have a detrimental impact the amenity of residential neighbours, and an operational Management Plan for the site has been submitted which sets out how the site would be managed on a day to day basis, and includes details such as how arrivals and departures would be managed and site rules to be imposed to prevent any incidents of nuisance.

Public Protection Officers have no objection to the proposal providing compliance with the Management Plan is controlled by condition.

Due to the separation distance between the site and residential neighbours, and subject to a condition being applied to require compliance with the Management Plan, Officers would conclude the proposal would not unacceptably impact on residential amenity of properties in the vicinity of the site.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must me relevant to the regulation of the development and use of land in the public interest. The Highway impacts of a development proposal are a material consideration. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

A number of objections from residents from Llanerch Crossing have been received raising concerns about the adequacy of Llanerch Crossing to accommodate additional traffic. Concerns focus on the limited visibility at the access /egress point with the A525, the narrowness of the road and the 60mph speed limit.

Highways Officers have not raised an objection to the proposal.

The site can be accessed from two existing roads. The first is via Llanerch Crossing from the west, and the second is via the Llanerch Park road from the south-west. The applicant has proposed that visitors could access the site from either road, and they would not be promoting one route over the other.

The proposal is for 6 Yurts and the Management Plan submitted proposes departures would be between 9.30 – 10.30am and arrivals would be between 3-5pm, and therefore peak times would be avoided. Visitors to the Yurts would no doubt travel by car and would likely leave the site by car on a daily basis during the course of their stay. However other than arrivals and departures, it is unlikely that visitors to all 6 Yurts would be driving on or off site at the same time, and similarly the frequency of visitor journeys to and from the site is likely to be low. It is also reasonable to assume that visitors would also utilise the Llanerch Park route as well as the Llanerch Crossing route.

Notwithstanding the concerns of local residents, given that Highways Officers have not raised an objection to the proposal, and the likelihood that the frequency of vehicular movements to and from the site would be low and journeys would be spread out throughout the day, Officers do not consider the impact on highway safety as a result of the additional traffic using Llanerch Crossing would be of a level that would merit arefusal of permission.

4.2.5 Impact on Listed Building

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses

There are a number of Listed Buildings within the Llanerch Hall complex, including the Grade II* Listed Llanerch Hall and 4 other Grade II Listed buildings within the complex.

The proposal is approximately 150m to the west of the closest listed building, and there is existing non-listed buildings between the development site and the closest

listed building. There are also a number of different tourism and business uses on the wider Llanerch Park estate including the equestrian centre and golf driving range.

Due to the nature of the development, the separation distance between the site and the listed buildings, and the presence of other buildings in between the development site and the listed structures, Officers do not consider the proposal would have an adverse impact on the setting of any Listed Building or detract from any features of special architectural or historic interests which is possesses.

4.2.6 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and Conservation and Enhancement of Biodiversity SPG (2016), which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

NRW in their initial consultation response advised protected species were known to be present on the site. Following the submission of a Protected Species Survey, NRW confirm they would have no objection to the proposal subject to the application of necessary planning conditions to protect the favourable conservation status of protected species.

Whilst NRW have made reference to the need for pre-commencement conditions to be applied requiring additional information to be submitted Officers are satisfied the issues raised by NRW can be satisfactorily controlled through the application of directional conditions controlling the lighting and requiring compliance with the otter reasonable avoidance measures set out in the Protected Species survey.

Therefore, subject to the application of planning conditions, it is considered the proposal would not have an unacceptable impact on ecological interests.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposal is for small scale tourism accommodation in association with the wider tourism offer on Llanerch Park, and is therefore considered to be acceptable in principle.
- 5.2 Officers acknowledge the concerns of local residents regarding the impact of increased traffic along Llanerch Crossing, however the Council's Highways Officer has not raised an objection to the proposal, however the proposal is for 6 Yurts and vehicular movements to and from the site and likely to be low in frequency and spread out throughout the day, and therefore

Officers do not consider the increase on vehicular movements along Llanerch Crossing as a result of the development would warrant a refusal of planning permission on highway safety grounds.

- 5.3 The site has the potential to be provide habitat for protected species, and subject to the application of necessary planning conditions, ecological interests can be protected.
- 5.4 A condition is proposed requiring compliance with the operational Management Plan in the interests of protecting the amenity of local residents.
- 5.5 Subject to the application of necessary planning conditions, the proposal is therefore considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT- subject to the following conditions:-

- 1. The development to which this permission relates shall be begun no later thaninsert DATE (5 years)
- 2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
- (i) Proposed Elevations (Dwg. No. 1) received 20 December 2016 (ii) Existing Site Plan (Dwg. No. 1A) received 20 December 2016 (iii) Proposed Elevations, Floor & Site Plan (Dwg. No. 2) received 20 December 2016 (iv) Location Plan received 20 December 2016 (v) Llanerch Park Yurts Management Plan received 08 February 2017 (vi) Protected Species Report (Clwydian Ecology dated 17th February 2017) received 3 March 2017
- 3. All planting comprised in the approved details of landscaping as shown on the proposed site plan shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing.
- 4. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.
- 5. The development hereby permitted shall be carried out strictly in accordance with the reasonable avoidance measures set out in the otter method statement contained in Appendix 3 of the Protected Species Survey carried out by Clwydian Ecology dated 17 February 2017.
- 6. No additional external lighting shall be permitted without the prior written approval of the Local Planning Authority and a light spillage scheme shall be submitted for approval in support of any written request for additional external lighting. The lighting bollards hereby approved shall be low luminosity and lighting shall be pointed towards the ground.
- 7. The operation of the development shall be carried out strictly in accordance with the approved Llanerch Park Yurts Management Plan unless otherwise agreed in writing with the Local Planning Authority.
- 8. The yurts hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.

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

- 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt and to ensure a satisfactory standard of development.

- 3. In the interests of visual amenity.
- 4. In the interest of visual amenity.
- 5. To protect the favourable conservation status of protected otter species.
- 6. To protect the favourable conservation status of protected bat species.
- 7. To protect residential amenity of neighbouring properties.
- 8. The planning permission has only been granted on the basis of policies relating to tourist development and residential use would be contrary to local and national policy.

NOTES TO APPLICANT:

Highways Advisory Note:

The following matters are drawn to your attention as Advisory Notes.

- (i) Highway Supplementary Notes Nos. 1,3,4,5 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.

Foul Drainage Note:

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

You will need to apply for a Permit or Exemption, if you wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. You may also need to apply for a Permit from NRW National Permitting Team to allow certain discharges into ground. You must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on the NRW website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk