

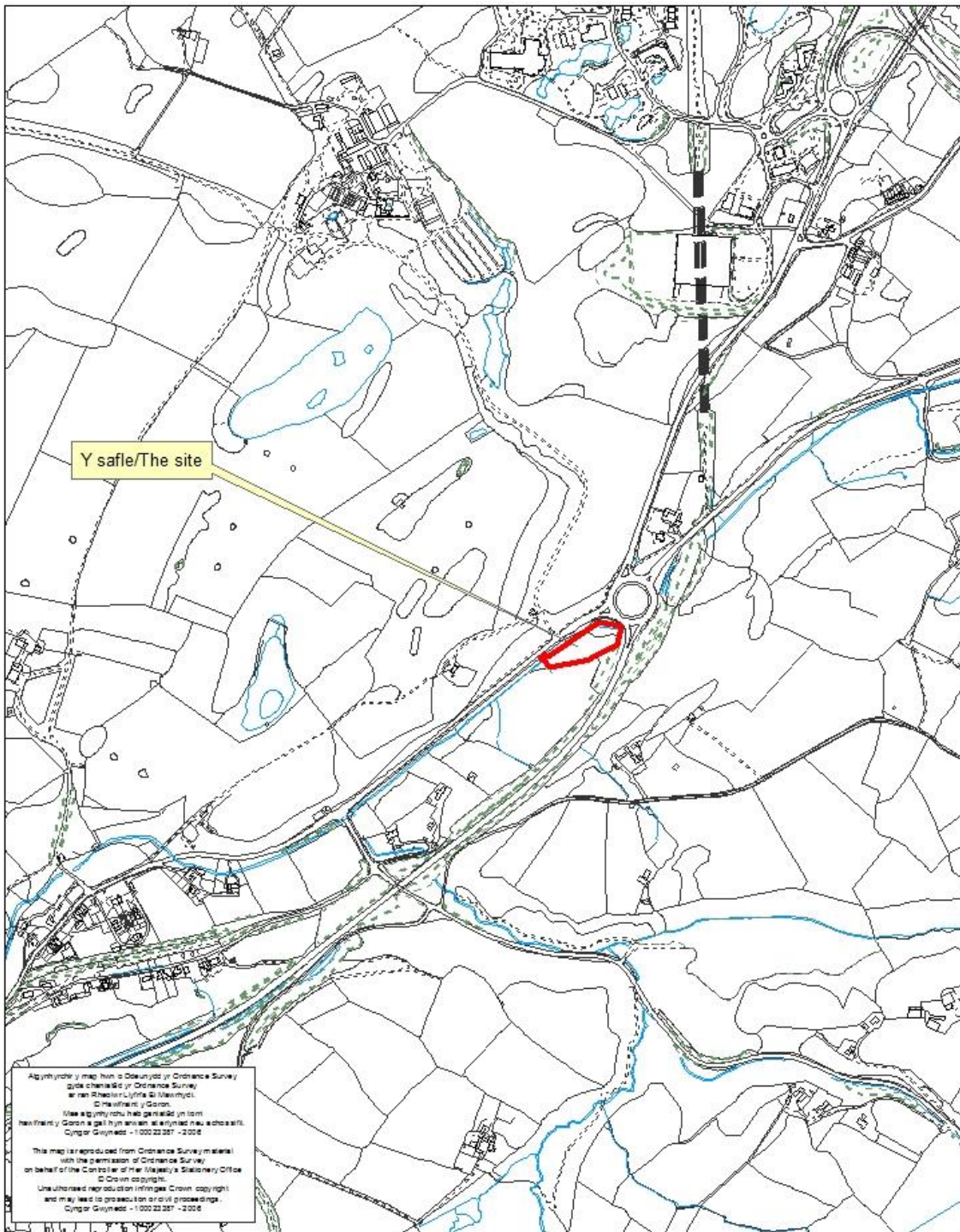
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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	DOLGELLAU

Number: 2



Rhif y Cais / Application Number : C14/1111/25/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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Application Number: C14/1111/25/LL
Date Registered: 12/12/2014
Application Type: Full - Planning
Community: Pentir
Ward: Pentir

Proposal: PROVISION OF A PERMANENT GYPSY SITE TO COMPRISE 8 HARDSTANDING PITCHES WITH PERMANENT UNITS, CREATE A VEHICULAR AND ACCESS TRACK AND A BRIDGE, ERECT A TOILET BLOCK AND BIN STORAGE TOGETHER WITH DRAINAGE AND SEWAGE TREATMENT WORK AND LANDSCAPING
Location: COED FODOL, Y FELINHELI, GWYNEDD

Summary of the Recommendation: TO REFUSE

1. Description:

- 1.1 The application has been submitted in order to provide a permanent gypsy site that comprises eight hardstanding pitches with permanent units, creating a vehicular and access track and a bridge over the river, erecting a block of toilets and bin storage together with drainage and sewage treatment works and landscaping.
- 1.2 The site is located on a plot of land between the B4547 and the A487 near the roundabout between Felinheli and Bangor. The site is not within any development boundary; however several scattered houses are situated around the site together with a café/restaurant business on the other side of the nearby roundabout. The site is located in open countryside. Access to the site would be from the B4547. The walls of the Faenol Estate stand on the other side of the B4547 to the site. A river runs parallel with the B4547 within the site. The site is woodland, however, some trees have by now been felled.
- 1.3 Sections of the site, together with parts of the access and the B4547 highway are situated within the C2 flooding zone.
- 1.4 Parc y Faenol opposite the site has been designated as a Historical Park and the site itself is situated within a Landscape of Outstanding Historical Interest. The Lodge, gates and the surrounding wall are directly opposite the site and are Grade II listed buildings/structures.
- 1.5 The proposal comprises the following:
 - Biosafe sewage treatment system together with attenuation tanks/areas and a water drainage system from the site.
 - Access bridge with railings over the river (as part of the access to the site).
 - Raise/change land levels
 - Open a new access to the site from the B4547 together with provision of visibility splay
 - Provide an amenity building (toilets and showers) with a monopitch roof measuring 10m by 3.6m and 3m high, finished with steel sheeting on the roof and timber cladding on the walls.
 - Provision of bin storage area 4m by 4m with a surrounding 1.8m high timber fence.
 - Provide hardstanding of slate waste for the access track, pitches for eight living units (one double plot) and areas surrounding the amenities building and bin storage area and provision of eight parking spaces.
 - Confirmation of the vegetation to be retained to reduce noise and any visual impact.
 - Confirmation that it is proposed to connect to the Welsh Water mains water supply.

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1.6 The following documents have been submitted as part of the application:

- Statement regarding Planning Policy CH16 of the Gwynedd Unitary Development Plan dealing with 'Gypsy Sites'.
- Flood Consequence Assessment
- Ecological Scoping Survey
- Design and Access Statement including data on number of vehicles
- Community and Linguistic Statement

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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF LISTED BUILDINGS

Ensure that proposals have no effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

POLICY B10 – PROTECTING AND ENHANCING LANDSCAPE CONSERVATION AREAS

Protect and enhance Landscape Conservation Areas by ensuring that proposals conform to a series of criteria aimed at avoiding significant damage to recognised features.

POLICY B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS

Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

POLICY B21 – WILDLIFE CORRIDORS, HABITAT LINKAGES AND STEPPING STONES

Safeguard the integrity of landscape features which are important for wild flora and fauna unless it can be shown that reasons for the development override the need to maintain the features and that mitigating measures can be provided.

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

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POLICY B27 – LANDSCAPING SCHEMES

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A, unless they conform to a series of criteria that are relevant to the features on the site and to the purpose of the development.

POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

POLICY CH16 – GYPSY SITES

Proposals for Gypsy sites in the Plan area will be approved provided there is evidence of genuine need for the development.

POLICY CH17 – PERMANENT RESIDENCY IN CARAVANS, HOLIDAY CHALETs AND CABINS

Proposals to use static caravans, chalets or cabins for permanent residential use will be refused except in specific cases.

POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

Supplementary Planning Guidance: Planning and the Welsh Language (2009)

2.3 National Policies:

Planning Policy Wales (Edition 7) 2014

Welsh Assembly Government Circular 30/2007 ‘Planning for Gypsy and Traveller Caravan Sites’

TAN 11 Noise

TAN 12 Design

TAN 15 Development and Flood Risk

3. Relevant Planning History:

3.1 Nothing that is relevant.

4. Consultations:

Community/Town Council:

Felinheli: Object on the following grounds:

1. The application is not within the development boundary
2. Contrary to policy CH16, the North Wales Strategy does not state that there is a need.
3. Contrary to policy CH17 permanent residency in a static caravan.

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4. Contrary to policies B10 and B12 that refer to biodiversity and conservation issues.
5. Issues involving traffic and safety of road users.
6. There is a tendency for the area to suffer flooding.
7. Risk that the proposed sewage system might flow into the natural water system.
8. Need to protect wildlife on the site.

Pentir: Object on the following grounds:

1. Flooding problems.
2. Access to a busy highway.
3. Impact on the area's beauty.
4. Entails felling a number of trees.
5. A large number of vehicles on the site and using the site.
6. Too much concrete has an impact on the environment.
7. Proximity of the river to the site causes concern regarding pollution.
8. The ecological report identifies the area's indigenous species and trees that need protection.
9. The ecological report states that dogs should not be kept on the site in order to protect the species on the site – how can this be regulated?
10. Local concern regarding tree felling that has already occurred on the site.
11. Need confirmation of the need for sites in Gwynedd.
12. Is it possible to extend the site at Llandygai rather than grant a new site?
13. Will the development address any need for a site for gypsy caravans or will it provide for a private need?
14. The proposed bridge will impair the area's beauty.
15. Question the impact on the area's language and Welshness.
16. The application form is misleading.

Transportation Unit:

No objection to the proposal. The applicant has submitted traffic speed data for traffic passing the site which indicates that the average speed is approximately 40mph, therefore it is confirmed that the location of the access and the visibility splays that can be provided are satisfactory. The size and design of the access is suitable for the proposal and it is confirmed that the proposal is unlikely to have a detrimental impact on the network of local roads.

It is recommended that the applicant provides a footway from the proposed access up to the footway around the nearby bus site in order to provide a useful link. In addition, it is recommended that the access is constructed with a bullnose kerb along the front in order to define the site as a private road.

Propose conditions

Welsh Water:

Not received.

Natural Resources Wales:

Object on the grounds that part of the site is located within a C2 flooding zone, the level of the platform is insufficient to overcome 1% flooding incidents (1 in 100 years), concerns that the river

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bank/platform behind the toilets/store would be eroded during incidents of flooding and would in the end undermine the structures, lack of ecological information and note that the toilet/store buildings are too close to the river and that dogs should be prohibited from the site due to the presence of otters, require a tree report and a rhododendron management plan.

However, they confirm that the sewage treatment tank would not suffer from flooding as there would be a flap on the discharge pipe.

Environmental Health: Require more information on how the sewage treatment system will prevent pollution when there is flooding.

Require a noise report as the living units would be permanent and there is a highway either side of the site.

Biodiversity: The woodland has a medium biodiversity value, however, it is an important section of the river corridor and should be retained. The river is a habitat with a high biodiversity value. The development should be refused as it is too close to the river and would entail damaging the river habitat and loss of the woodland as a habitat.

Trees: Require a tree report and a comprehensive landscaping plan.

The Welsh Government's Transportation Unit: Propose conditions that include prohibiting any access to the A487 trunk road, sufficient visibility should be ensured from the access onto the highway to ensure that it does not affect the roundabout on the trunk road, retain vegetation between the site and the trunk road, it has to be shown that the proposal does not impact drainage from the trunk road.

Gypsy Officer/Housing Department: A North Wales assessment of the needs of gypsies and travellers has been completed and states the need for the provision of 10 additional pitches in Gwynedd for permanent sites for Gypsies and Travellers. The Housing Department does receive enquiries occasionally regarding pitches and there is a reserve list to secure a pitch at Llandygai.

It is considered necessary to consider the proposal against the Assembly's latest guidance on the development of sites for Gypsies and Travellers (Draft September 2014) and therefore the proposal is an over-development of the site on the basis of this guidance. It should be noted that there is no provision to provide separate utility units for each pitch and it should also be considered whether there are sufficient parking spaces and it does not appear that the plots allow sufficient room for an additional travelling caravan as is usual. The new gypsy site recently developed outside Brecon is an example of good practice.

The site also has to meet with the requirements of health and safety and relevant fire measures for caravan parks (6m between individual caravans and should be within 30m to a water hydrant).

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Emergency Planning: Having read the response of Natural Resources Wales to the application in their letter dated 19.01.2015, and the fact that it appears that access to the site (from the highway and over a proposed bridge over the river) is within a C2 zone, we do not support the proposal due to the potential of causing an additional burden on the Emergency Services in a flooding emergency.

As the development comprises creating new permanent units where the entrance/exit does not offer a safe means of escape in substantial flooding, the Emergency Services will be expected to implement additional evacuation and rescue measures.

Caravans Officer: No response

Land Drainage Officer: Proposes conditions to safeguard the amenities of nearby properties.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and several items of correspondence were received objecting to the application on the basis of the following relevant planning matters:

- Biodiversity issues – species and habitats to be protected/Ecological Report.
- Traffic/road safety/sufficient parking
- Pollution
- Visual effect on the landscape.
- Flooding/site of former lake
- Raising land levels
- Unsuitable location
- Impact on the Welsh language.
- Lack of details regarding maintenance
- Proposal is contrary to policies B3 and B4 that deal with listed buildings
- Proposal is contrary to policies B10, B11 and B12 that deal with landscape conservation areas, historical areas and open areas between villages.
- Proposal is contrary to policy CH16 as there is no need for additional gypsy sites/question the need for more sites.
- Proposal is contrary to policy CH17 dealing with permanent residency in caravans.
- Note that a means is required to link the site to a specific need for gypsies and not as a private site for any individuals.
- It is not clear how many people will reside in each unit.
- Consideration should be given instead to extending the existing site at Llandygai.
- Insufficient facilities within the site.

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In addition to the above objections, objections were received that were not valid planning objections which included:

- Documents had been submitted in Welsh only.
- Responses had been received in Welsh only.
- Claim that no site notice had been posted near the site.
- Question the date and the content of the pre-application advice.
- Type of people who will be attracted/live on the site.
- Unable to find the application on the web.
- Impact on local businesses and the economy.
- Effect on tourism

In addition, one letter / item of correspondence was received supporting the application on the following grounds:

- It would not cause traffic problems.
- It is no different to the development of a static caravan site.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 Policy CH16 of the Gwynedd Unitary Development Plan deals with proposals for new Gypsy sites and approves proposals for new gypsy sites in the Plan's area provided there is evidence of genuine need for the development. For the purposes of this policy, Gypsies are defined as people who move and travel as part of their livelihood and this does not include people who drift from place to place unrelated to earning a living, namely those known as New Age Travellers.
- 5.2 There is a purpose-built site for Gypsies at Llandygai near Bangor. Prior to approving an additional site it will be necessary to show the Authority that there is a genuine need for the new site. As in the case of any planning application for a new development, sites that have an unacceptable impact on the landscape, the coast or wildlife will not be approved due to their location or site plan. Because of activities that may be linked to Gypsy sites such as scrap-metal dealing and laying tarmac and the noise that may emanate from such activities, proposals that will impair the amenities of nearby residents or on road safety will not be approved. All these issues are assessed appropriately under the following relevant policies.
- 5.3 The Welsh Assembly Government's Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' states that some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers most in need of public provision. The Circular also notes that these traditional patterns of living (that meant travelling from place to place looking for seasonal work) are, however, changing and the gypsy community has generally become more settled which gives them an opportunity to integrate with the local communities. In addition, it states that even when a need has been proven for gypsy sites, it is necessary to assess the location of the site and the potential for integration into local communities, opportunities for growth within family units, access to utilities, access for emergency services, suitable safe play areas, possible environmental damage and not locating sites in areas at high risk of flooding. These specific issues are assessed under the following relevant headings and policies.
- 5.4 In this case, the proposal is to provide a permanent gypsy site that comprises 8 hardstanding pitches with permanent units, creating an access and vehicular track and a bridge over the river, erect a toilet block and bin storage together with drainage work and sewage treatment works and landscaping. One of the permanent units would be a double unit. The applicant is a gypsy and

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owns the site that is the subject of this application and his intention is to develop the site for his family. The applicant currently lives with his family at the existing permanent gypsy site at Llandygai.

- 5.5 The Gypsy and Traveller Need Assessment was completed on a North Wales level and the document confirms the need for 10 additional permanent pitches to those that currently exist in Gwynedd. The Council has been considering extending the existing site at Llandygai in order to address some (but not all) of this identified need; however thus far no planning application has been received. The current site in Llandygai is full and there is a reserve list for a pitch. Since the period when the Unitary Development Plan and policy CH16 were created it is obvious that there is further need for permanent pitches for gypsies and travellers. As the owner of this site currently lives at the site in Llandygai, enabling him and his family to move to a private site would release public pitches in accordance with what is noted in the Circular.
- 5.6 Therefore it is considered that the proposal conforms with policy CH16 of the Unitary Development Plan and is acceptable in principle, however, it is noted that other considerations are also relevant and are discussed below under the relevant headings and policies.

Visual amenities

- 5.7 Policy B3 of the UDP relates to developments that affect the setting of a listed building, and it ensures that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a number of criteria aimed at safeguarding the special character of the Listed Building and the local environment.
- 5.8 The site is located opposite Parc y Faenol and the main gates and the wall around the access, together with the Lodge are Grade II listed and are situated directly opposite the application site. It is considered that the setting of these listed structures is restricted to the green area situated directly in front of them. The highway is situated between this area and the application site and therefore it is considered that the application site is not directly within the setting of the listed buildings.
- 5.9 The proposal entails opening a new access to the highway opposite the listed buildings, together with developing the site within the woodland. It is proposed to retain some of the vegetation on the boundary between the site and the highway that faces the listed buildings, but in the same manner the proposal includes providing a visibility splay to the access along this boundary which means that no object higher than 1m high can be placed here. According to the plans submitted as part of the application, it appears that the visibility splay cuts through the band of vegetation on the development's boundary and the potential for planting further back in the site is prevented by the river that is situated there. It is therefore considered that there is a potential for the site to be visible and have an impact on views both into and out of the listed buildings, however, it is considered that the impact is not significant or detrimental to specific important views. Therefore it is deemed that the proposal complies with the requirements of policy B3 of the Gwynedd Unitary Development Plan.
- 5.10 Policy B12 of the UDP deals with safeguarding historic landscapes, parks and gardens and the second part of the policy refers specifically to historic landscapes and the need to consider the information about Historic Landscapes noted in Part 2 of the Register of Historic Landscapes, Parks and Gardens of Special Interest in Wales when assessing the impact of proposals that are of such a scale and magnitude as to have more than a local impact.
- 5.11 Policy B10 of the Gwynedd Unitary Development Plan relates to protecting and enhancing landscape conservation areas by ensuring that proposals must conform to a series of criteria aimed at avoiding significant damage to recognised features.

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- 5.12 In this case, the application site is located on the outskirts of the boundaries of the historical Faenol park, a Landscape Conservation Area and within a Landscape of Outstanding Historical Interest. As mentioned above, the B4547 highway is located between the boundaries of the Park and the application site and therefore it is considered that the proposal does not cause a direct significant impact to the character, appearance or its setting or the landscape within the Park that is protected. The proposal is to provide a site for eight permanent living units for gypsies and although it is a fairly substantial site its visual impact is no more than local. Therefore, it is considered that the proposal complies with the requirements of policies B12 and B10 above.
- 5.13 Policy B22 of the UDP deals with building design, and promotes good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment. Policy B25 relates to building materials, and it safeguards the visual character by ensuring that building materials must be of a high standard that complement the character and appearance of the local area.
- 5.14 The proposal comprises providing eight living units in the form of a caravan or chalet (one is a double unit). These units are standard in terms of their design and what is expected within this type of development. The proposal also includes an amenities building (toilets and showers) with a monopitch roof 10m by 3.6m at a height of 3m finished with steel sheeting on the roof and timber cladding on the walls together with a 4m by 4m bin storage area with a 1.8m high timber fence surrounding it. It is considered that these buildings are suitable in terms of design, scale, size, materials and form and they would be in keeping with the nature of the proposal and the site. Therefore, it is considered that the proposal complies with the requirements of policies B22 and B25 above.
- 5.15 Policy B27 of the UDP deals with landscaping plans and it ensures that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features. The plan has been submitted as part of the application and confirms the vegetation to be retained to reduce noise and the visual impact. This vegetation is situated in front and along the side of the site and there is no vegetation to be retained near the rear of the site. As mentioned above, it appears that the visibility splay for the proposed access cuts through a band of vegetation that is to be retained and therefore it is considered that it would not screen the development from the highway effectively. It is considered that suitable screening could be provided around the site if the planning application is approved and this would be via a planning condition and therefore it is not considered appropriate to refuse the application before you for this reason. Therefore, it is considered that the proposal may conform to the requirements of policy B27.

General and residential amenities

- 5.16 Policy B23 of the UDP deals with safeguarding the amenities of the local area by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area. This policy also ensures the amenities of residents living within the application site. Policy considerations include ensuring reasonable privacy to site users and any property nearby, ensure the proposal does not entail over-development of the site, ensure the development does not add to the traffic or noise associated with traffic in a way that will cause significant damage to local amenities, that the plan reduces opportunities for individuals to behave in an anti-social way and create a safe environment, that the design and external layout of the development considers the needs of all its potential users including disabled people together with ensuring the general amenities of the area and the site.
- 5.17 Policy B33 of the UDP refuses proposals located adjacent to an existing source of pollution or nuisance (e.g. dust, dirt, fumes, gases or noise) unless the Local Planning Authority is satisfied

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that there will be no risk to the health or safety of the local community or potential occupants of the new development that cannot be satisfactorily overcome.

- 5.18 The Draft Guidance, Design of Gypsy and Traveller Sites in Wales (2014) although not statutory, offers advice on the provision of suitable sites for gypsies. The guidance was formulated for sites that are offered and managed by Local Authorities only; however, it is thought that the general principles of the design guidance could be considered as best practice for other sites in order to try to maximise any site.
- 5.19 The guidance notes that if a location is inappropriate for conventional housing use on the grounds of health and safety, then it is important that it is not considered appropriate in the future as a site for Gypsies and Travellers. Gypsy and Traveller sites should not be located in areas that would have a detrimental impact on the general health and well-being of the residents. The location of the site should make it possible for residents to access services such as health and education and shopping facilities rather than obstruct this.
- 5.20 In assessing the pitches within the site, the guidance notes that the layout for the pitches would depend on the general plan of the site, but one of the important elements of the plan and the size of the pitches are its proposed capacity and traditionally gypsy families are larger than general and therefore it is likely that a number of larger pitches will be required. As a minimum, each individual pitch should be sufficient to locate an amenities block (7.5m square including a separate toilet with a sink, bath and shower above, a supply of hot and cold water, installation of pipes for a washing/drying machine and sufficient electrical points and a connection to a sewer or appropriate drainage system), a static caravan, touring caravan and parking for two vehicles (2.4m by 4.8m each). They should also have amenity space for a bin and to dry clothes. It is possible that some families will have large vehicles to tow touring caravans and also for employment. The guidance state that amenity blocks should not be grouped together and each block should be suitable for a family of a minimum of six.
- 5.21 The Guidance also states that due to the limited indoor space, the outdoor environment is very important to the children of Gypsies and Travellers and therefore an area for children and young people to play and convene is important, especially if there is no suitable provision within walking distance along a safe path.
- 5.22 The proposal before you entails providing a slate waste hardstanding for eight permanent living units in the form of static caravans/chalets for gypsies. One of these units (pitch 1) is a double unit for the use of the applicant and his family. It appears that the remainder of the site will be used by other members of the family, however the number of people who will reside in the individual units or on the whole site is not clear. The double pitch measures 11m x 12m and the other seven pitches measure approximately 10m x 12m. The site's layout plan indicates that it is proposed to place the pitches in a row along the southern side of the site, with space for approximately two car spaces (one vehicle behind the other) together with a static unit and then a gap of 3m between the static unit and the next pitch. There is no parking space within the double pitch, however it appears that the access road that runs in front of it includes a 'pull in'. The access road passes the front of the pitches at the end of the site, where a platform of empty hardstanding is located together with bin storage and an amenity block to be shared by all site users. The amenity block would provide two toilets and a separate shower for men and women.
- 5.23 The site layout plan does not show the parking spaces for large vehicles, touring caravans or open space for amenities/drying clothes/play area for children and due to the high number of pitches it is considered that there is insufficient room for large vehicles/towing vehicles to turn around. The proposal does not provide separate amenity facilities for every pitch and although this is perhaps not necessary for a private site, it is not considered that the provision of facilities that is offered as

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part of the application and which is to be shared between the eight units is adequate for the number of pitches proposed on the site or the number of people that could be living on the site.

- 5.24 There are road, walking and bus links to the nearby City of Bangor and the village of Felinheli although the nearest shops (Felinheli Village Shop and Tesco, Bangor) are over a mile away. The village/City also offer schools, hospital and a surgery. This distance is not considered unreasonable in this case.
- 5.25 The site is located near a roundabout and between a highway and trunk road (B4547 and A487) and the Environmental Health Unit have stated that the permanent units may suffer from noise impact. No noise report has been submitted as part of the application and therefore it cannot be assessed if the level is suitable nor if it is possible to alleviate any impact to be suitable.
- 5.26 As a result of the above, it is considered that the proposal is an over-development of the site based on the number of proposed units and the lack of amenity facilities and amenity open area and insufficient space to park and turn for associated/employment vehicles. There is insufficient information to assess the impact of noise from the highway and trunk road nearby on the residents of the proposed site. Therefore, based on the above, it is also considered that the proposal is contrary to the requirements of policies B23 and B33.

Transport and access matters

- 5.27 Policy CH33 of the UDP deals with safety on roads and streets and development proposals will be approved if they comply with specific criteria involving the vehicular access, the quality of the existing roads network and traffic calming measures. Policy CH36 deals with private car parking facilities and proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines and having given due consideration to accessibility by public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.
- 5.28 The Transportation Unit and the Trunk Roads Unit have confirmed that they have no objection to the proposal and the proposed access to the site is sufficient and the visibility splays are also sufficient. Although a parking provision is offered within the site, and the provision is sufficient in terms of the requirements of living units such as houses/touring caravans it is necessary to consider that gypsy sites have specific needs and there is potential that there are insufficient parking spaces within the site for touring caravans, large towing vehicles or those associated with employment for all the pitches that form part of the application. Consequently, this is likely to lead to an over-development of the site having an impact on the amenities of residents that live within the site and around it rather than having a direct impact on road safety which has already been considered above. Therefore, it is considered that the proposal in this case conforms to the requirements of the above policies and would be unlikely to have a detrimental impact on road safety.

Biodiversity matters

- 5.29 Policy B21 of the UDP concerns safeguarding the integrity of landscape features which are important for wild flora and fauna and development will only be permitted if it can be shown that the reasons for the development clearly outweigh the need to retain the features and that mitigating measures can be provided. The initial ecological report was completed on the site in January 2014, this report is not comprehensive but confirms that several animals and specific plants exist on the site such as otters and badgers as well as the dipper. The survey suggests that an additional survey should be conducted in the spring, however, no copy of the additional survey has been submitted as part of the application.

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- 5.30 The Biodiversity Unit confirms that the site is situated on wooded land with a river running through the site. Conifers and broadleaved trees have been planted on the land. Moss and ivy grow along the floor of the whole site as well as a number of other plants. The land is wet. There is a record of badgers and a hedgehog on the highway near the site and there is a dipper in the river and the likelihood is that there are also otters present. Rivers are an important habitat and wildlife corridor and a development that is likely to have an impact on these should be avoided.
- 5.31 The woodland has a medium biodiversity value, however, it is an important section of the river corridor and should be retained. The river is a habitat with a high biodiversity value. Based on this, the Biodiversity Unit state that the development should be refused as it is too close to the river and would entail damage to the river habitat and loss of the woodland habitat.
- 5.32 Natural Resources Wales are of the view that there is a lack of ecological information to undertake a full assessment of the proposal and they also state that the toilet/storage buildings are too close to the river. They state that a tree report is required as well as a rhododendron management plan and dogs should be prohibited from the site as otters are present, and it is not clear if this requirement is realistic on such a site.
- 5.33 Therefore it is considered that insufficient information has been submitted in order to ensure that the proposal does not cause damage to the integrity or continuation of the landscape that is very important for the flora and fauna and on the basis of the Biodiversity Unit's comments it is considered that the development is unsuitable for such a sensitive site and it would be likely to have a detrimental impact on the wildlife corridor that has a high biodiversity value. Hence, the proposal is considered contrary to the requirements of policy B21 above.

Language matters

- 5.34 Policy A2 of the UDP safeguards social, linguistic or cultural cohesion within communities against significant harm due to the size, scale or location of proposals. Due to the nature of the proposal for permanent living units it was a requirement to submit a Linguistic and Community Statement with the proposal. In accordance with Policy A2, it is considered that the proposal is unlikely to have a detrimental impact on the Welsh language in the area or the migration pattern. However there is a possibility that the development might cause an increase in the number of pupils in the local primary schools. The site is on the outskirts of the City of Bangor and Felinheli and it is not currently clear how many children there will be on the site and how they would be educated and as a result this element has not received full consideration.

Flooding matters

- 5.35 Policy B29 of the UDP concerns developments on land at risk of flooding and managing specific developments in the C1 and C2 flood zones and directing them towards suitable land in zone A unless they conform with a series of criteria relevant to the features on the site and the purpose of the development.
- 5.36 Natural Resources Wales have confirmed that part of the site is located within a C2 zone and a Flooding Consequence Assessment has been submitted as part of the application. Following the assessment of the Flooding Consequence Assessment, Natural Resources Wales have objected to the application because the level of the platform is insufficient to overcome a 1% (1 in 100 years) flooding incident, there are concerns that the river bank/platform behind the toilets/storage could be eroded during flooding incidents and this in the end would undermine the structures.
- 5.37 The Emergency Planning Officer has also confirmed that he objects to the proposal as access to the site from the highway and the bridge over the river are within a C2 zone and therefore there is a potential to create an additional burden on the emergency services in a flooding emergency.

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- 5.38 Technical Advice Note 15: Development and Flood Risk confirms that caravans and residential developments are a highly vulnerable development and such a development should not be sited within a C2 zone. Welsh Assembly Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites, also states that gypsy sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans.
- 5.39 Therefore based on the above, it is considered that the proposal is contrary to the requirements of policy B29 of the UDP, Technical Advice Note15: Development and Flood Risk and the Welsh Assembly Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

Response to the public consultation

- 5.40 Following the public consultation a high number of observations were received objecting to the application and the majority have already been assessed as part of the above report.
- 5.41 The proposal includes a sewage system designed specifically for use in a flooding area and Natural Resources Wales have confirmed that the system is suitable. The proposal also provides bin storage to store refuse and as long as the site is managed to the appropriate standards it is considered that it is unlikely to cause any significant pollution.
- 5.42 The site is located close to the Faenol Lodge and a restaurant situated near the roundabout. If the proposal is approved it will be necessary for the developer to screen the site with suitable vegetation and therefore it is considered that it will not cause a detrimental impact on housing or local businesses and the site would not be prominent in the landscape.
- 5.43 Policy CH17 of the UDP deals with permanent residency in caravans, chalets and cabins. This policy is not relevant to Gypsy developments as there are national and local policies and guidance that specifically deal with this type of development. If the proposal was approved for a Gypsy site, it will not be possible for any other occupiers to use it without further planning permission.
- 5.44 Discussions are currently taking place regarding improving and extending the existing Gypsy site at Llandygai, however no formal planning application has been submitted thus far and therefore it is not a material consideration.
- 5.45 The application's documentation has been submitted in English and any person has the right to correspond or submit information in Welsh or English and this is beyond the Authority's control. Arrangements have been made to translate comments on the application received by other Council departments.
- 5.46 A site notice was posted near the existing access to the site on the 24.12.2014 and the notice remained on the site during January as well. The application has been inputted into the Council's systems using the address/reference information submitted by the applicant.
- 5.47 The Local Planning Authority has no control over the conduct of any person who might reside on any site.
- 5.48 It is considered that the comments submitted in this case do not outweigh the relevant policy considerations assessed in this report.

6. Conclusions:

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- 6.1 Although the need for permanent pitches for gypsies has been proven, it is essential that proposals for sites also conform to other policies within the Unitary Development Plan. In this case, it is considered that the proposal is an over-development of the site based on the number of units and the lack of amenity facilities and amenity open area and insufficient space to park and turn for associated/employment vehicles. There is insufficient information to assess the impact of noise from the highway and trunk road nearby on the residents of the proposed site. On these grounds, it is considered that the proposal is contrary to the requirements of policies B23 and B33 of the UDP.
- 6.2 Insufficient information has been submitted in order to ensure that the proposal does not cause damage to the integrity or continuation of the landscape that is very important for the flora and fauna, and on the basis of the Biodiversity Unit's comments it is considered that the development is not suitable for such a sensitive site and would be likely to have a detrimental impact on the wildlife corridor that has a high biodiversity value. Therefore, it is considered that the proposal is contrary to the requirements of policy B21 of the UDP.
- 6.3 A section of the site, including access to the site is located within a C2 flooding zone and the development is defined as a development that is very vulnerable to damage and therefore it should not be situated within a C2 zone. Therefore, it is considered that the proposal is contrary to the requirements of policy B29 of the UDP, Technical Advice Note 15: Development and Flood Risk as well as the Welsh Assembly Government's Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

7. Recommendation:

7.1 To Refuse

1. It is considered that the proposal is contrary to the requirements of policy B23 and B33 of the Unitary Development Plan that relate to safeguarding amenities and dealing with development which create pollution or nuisance. Consequently, it is considered that the proposal is an over-development of the site based on the number of units and the lack of amenity facilities and amenity open area and insufficient space to park and turn for associated/employment vehicles. In addition there is insufficient information to assess the impact of noise from the highway and trunk road nearby on the residents of the proposed site.
2. Insufficient information has been submitted in order to ensure that the proposal does not cause damage to the integrity or continuation of the landscape that is very important for the flora and fauna, and therefore it is considered that the development is not suitable for such a sensitive site and would be likely to have a detrimental impact on the wildlife corridor that has a high biodiversity value. It is therefore considered that the proposal is contrary to the requirements of policy B21 of the Gwynedd Unitary Development Plan that protects the wildlife corridor.
3. Caravans and residential developments are defined as particularly vulnerable developments. A section of the site including the access is located within a C2 flooding zone and a development such as this should not be located within a C2 zone. Therefore, the proposal is contrary to policy B29 of the Gwynedd Unitary Development Plan and Technical Advice Note 15: Development and Flood Risk as well as the Welsh Assembly Government's Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites that confirms that a residential development (and specifically caravans) should not be located within a C2 flooding zone.

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