

PLANNING COMMITTEE	DATE: 13/02/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	PWLLHELI

Number: 11

Application Number: C16/1625/16/R3

Date Registered: 21/12/2016

Application Type: Full - Planning

Community: Llandygai

Ward: Arllechwedd

Proposal: Upgrade and extend the existing site to provide 12 pitches, each with an amenity building for gypsies and travellers, construct a new access road within the site and create a children's play area

Location: Greenacres Residential Caravan Site, Llandygai Road, Llandygai, LL57 4HP

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 This is an application to extend and improve the Llandygai gypsy and traveller site by upgrading facilities and revamping the site to create 12 purpose-built pitches to site travellers' vehicles which would meet new legislative standards set by Welsh Government. The development would increase the number of pitches from the existing five and keep within site boundaries.
- 1.2 Each pitch would be separated from each other by a brick wall and there would be a hard surface for the purpose of storing vehicles and an amenity building within each pitch, with a soft landscaping zone surrounding each site for amenity purposes and fire safety. It is intended to create a new access road around the site, create a children's play area, install a perimeter fence around the site and re-install infrastructure such as drains, street lights and walking paths.
- 1.3 The amenity buildings would be single-storey structures with brick walls and slate roofs and they would include ancillary facilities such as a bathroom, a launderette and a kitchen.
- 1.4 All of the application site is within the boundaries of the existing gypsy and traveller site although the southern part has been neglected in recent years and left to become wasteland. There is considerable vegetation on this part of the site and a Phase 1 Environmental Assessment was submitted with the application to identify any ecological impacts that could derive from the development.
- 1.5 A Design and Access Statement together with a Community and Linguistic Statement have been submitted with the application.

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 considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty 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. 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 making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 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 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.

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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.

POLICY B27 - LANDSCAPING PLANS

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 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 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)

The Gwynedd and Anglesey Joint Local Development Plan, which is currently being prepared, is subject to an ongoing Public Inquiry. At present, it is not a relevant planning consideration for making decisions on planning applications.

2.4 National Policies:

Planning Policy Wales - (Edition 9, November 2016)

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

Technical Advice Note 12: Design (2009)

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Technical Advice Note 18: Transport (2007)

3. Relevant Planning History:

3.1 C98A/0614/16/R3: BREAK UP CONCRETE SLABS AND TARMAc AND REMOVE MATERIALS FROM THE SITE. RE-SITE EXISTING BOUNDARY FENCE ON A NEW LINE. ERECT CHAIN LINK FENCES TO REPLACE EXISTING CONCRETE PANEL FENCES - Approved 06/01/99

3.2 3/16/GC235A: INSTALL HARD SITES AND MOBILE TOILETS ON THE TRAVELLER SITE - Approved 18/03/92

4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection - suggest clearing the vegetation near the existing access

Welsh Water: Comments
Condition required to ensure an acceptable drainage plan
Offers standard advice for the developer

Natural Resources Wales: No objection - need to ensure that appropriate steps are followed to assess whether or not there is a risk from contaminated land.

Public Protection: Comments
Offers conditions to ensure that there is no risk from contaminated land.

Fire Officer: Comments
Highlights the appropriate steps to ensure fire safety

Land Drainage Unit: Not received

Biodiversity Unit: No objection - suggests a condition to ensure that the recommendations of the Environmental Assessment report are followed.

Public Consultation: A notice was placed on the site and in the press. The advertising period has ended and no correspondence was received on the application.

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.

5.2 The existing Llandygai site near Bangor offers a location for five touring units. Prior to approving additional sites it will be necessary to show the Authority that there is a genuine

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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 dealing and tarmacadam 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 under the following relevant policies.

- 5.3 The Welsh Assembly Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' notes that gypsies' traditional lifestyle (that meant travelling from place to place looking for seasonal work) is coming to an end and that gypsy communities have now become more settled which gives them an opportunity to integrate with the local communities. The Circular also notes 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, potential 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.
- 5.4 In this case, the proposal is for the extension of an existing permanent gypsy site for five living units into a purpose-built site for 12 units designed to appropriate modern standards to meet the requirements of the Housing Act (Wales) (2014), the Mobile Homes (Wales) Act 2013 and statement of the Welsh Government's Minister for Communities and Tackling Poverty "Travelling to a Better Future". All of these documents require every local authority in Wales to identify the needs of gypsies and travellers in their areas and provide appropriately for them.
- 5.5. Background work for the preparation of the Joint Local Development Plan (Topic Paper 18) recognised that there is a need for ten additional permanent pitches to the current provision in Gwynedd. The current site in Llandygai is full and there is a reserve list to secure a pitch. Therefore, it is considered that there is an evident need for additional pitches and therefore, this proposal complies with policy CH16 of the Unitary Development Plan and therefore, the proposal is acceptable in principle.

Visual amenities

- 5.6 The application site is located on a separate parcel of land between two parts of the Llandygai Industrial Estate. Due to the nature of the landscape and current vegetation nearby, the existing site can hardly be seen and the proposed development will not change anything on lands outside the site, therefore, no harm to the area's visual amenities is expected from the new development.
- 5.7 The site lies within the Ogwen Valley Landscape of Outstanding Historical Interest and policy B12 of the UDP is involved with protecting such designated landscapes. In this case, although the application site is located on the outskirts of the boundaries of the historical Penrhyn Castle park and is within a Landscape of Outstanding Historical Interest, the location is concealed from external vistas and therefore, it is not considered that the proposal would have an immediate significant impact on the landscape and therefore, it is considered that the proposal complies with the requirements of policy B12 as well as Policy B23, as it relates to the protection of visual amenities.
- 5.8 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.

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- 5.9 The proposal comprises providing 12 permanent living units in the form of a pitch for vehicles and an amenity building. These units are standard in terms of their design and are expected within this type of development. It is considered that these buildings are suitable in terms of design, scale, size, materials and form and that they are 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.
- 5.10 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. A plan has been submitted as part of the application indicating some internal landscaping in order to improve the amenities of residents. It is not considered that external landscaping is necessary as the site is already concealed. Therefore, by ensuring the proposed internal improvements, it is considered that the development complies with the requirements of policy B27.

General and residential amenities

- 5.11 Policy B23 of the UDP deals with safeguarding 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. 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 plan of the development considers the needs of all its possible users including the disabled together with ensuring the general amenities of the area and the site.
- 5.12 Policy B33 of the UDP encourages refusing proposals on sites that are located adjacent to an existing development that creates pollution or nuisance (e.g. dust, dirt, fumes, gases or noise), unless the Local Planning Authority is satisfied that there will be no risk to the health or safety of the local community or potential occupants of the new development that can not be satisfactorily overcome.
- 5.13 The Draft Guidance, Design of Gypsy and Traveller Sites in Wales (2014), although not statutory, offers advice on how to provide suitable sites for gypsies. The guidance was formulated for sites that are offered and managed by Local Authorities and general principles of the design guidance are deemed best practice for sites.
- 5.14 The guidance note 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 as a site for Gypsies and Travellers either. 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.
- 5.15 In assessing the pitches within the site, the guidance note that the plan for the pitches would depend on a 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 (which includes a separate toilet with a sink, bath and shower above, a supply of hot and cold water,

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installation of pipes for a washing machine/tumble dryer and sufficient electrical points and a connection to a sewer or appropriate drainage system), static caravan, touring caravan and parking for two vehicles. They should also have amenity space for a bin and to dry clothes. 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.

- 5.16 The Guidance also state that due to the limited indoor space, that 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.
- 5.17 There are convenient links from this site in order to walk, cycle or catch a bus to the city of Bangor and the city offers shops, schools, a hospital and a surgery in accordance with modern expectations. Distance to the city is not considered unreasonable in this case.
- 5.18 The proposal involves creating 12 sites that meet the Draft Guidance and therefore, they are considered appropriate for the amenities of users. Due to its distance from any housing and the industrial nature of the surrounding area, it is not considered that it will have any harmful impact on the amenities of any local residents who live outside the site.
- 5.19 Given the above, it is believed that the plan complies with the requirements of policies B23 and B33 of the Unitary Development Plan.

Transport and access matters

- 5.20 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.
- 5.21 The Transportation Unit has confirmed that they have no objection to the proposal, and that the existing access is sufficient. Therefore, it is considered that this proposal conforms with the requirements of the above policies and that the proposal will be unlikely to have a detrimental impact on road safety.

Biodiversity matters

- 5.22 Policy B21 of the UDP deals with safeguarding 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. The initial ecological report has been completed and the Biodiversity Unit are satisfied with the development on the condition that the work follows the report's recommendation. It is therefore considered that the proposal is acceptable under Policy B21.

Linguistic matters

- 5.23 Policy A2 of the UDP safeguards the social, linguistic or cultural coherence of communities against significant harm due to the size, scale or location of proposals. Due to the nature of the proposal for permanent living units, a Linguistic and Community Statement was submitted with the proposal. At the time of writing this report, the Joint Planning Policy Unit

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was assessing its contents and the outcomes of that assessment will be reported upon to the Committee.

Contaminated land

5.24 Policy B30 of the Gwynedd Unitary Development Plan relates to contaminated land or buildings and ensures that proposals conform to a series of criteria aimed at managing or restricting the pollution. In this case, the proposal is located on a former waste disposal site. The Public Protection Unit has proposed conditions for contaminated land to be imposed on the permission to ensure that no environmental harm derives from the development. In addition, there is a separate management system for pollution control and it will be a requirement for the developer to regularly comply with those regulations. Therefore, it is considered that the proposal complies with the requirements of policy B30.

6. Conclusions:

6.1 Based on the above assessment, it is not considered that the proposal is contrary to any relevant planning policy. The development proposed is acceptable in principle and is unlikely to have an unacceptable detrimental effect on the amenities of the local area or any nearby properties and it will provide an important and standard facility for users.

7. Recommendation:

7.1 To approve subject to conditions

1. Time
2. Compliance with plans
3. Slate roof for the buildings
4. Welsh Water Condition
5. A desktop investigation must be submitted and agreed to assess the risk of contamination. If the desktop investigation indicated that further action was needed, any precautionary and/or remedial measures would have to be agreed prior to commencing work on the development.
6. Development must be completed in accordance with the recommendations of the Phase 1 Environmental Assessment report.

Notes

Welsh Water

Natural Resources Wales

Highways

Fire Officer