



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 12TH DECEMBER 2013

Subject: **PLANNING APPLICATION 13/03998/FU – Laying out of traveller site, comprising 12 pitches, ancillary buildings, parking and landscaping, land to the west of Cottingley Springs, Gildersome**

APPLICANT

Yorkshire Housing

DATE VALID

6th September 2013

TARGET DATE

6th December 2013

Electoral Wards Affected:

Farnley & Wortley
Morley North

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and REFER the application to the Secretary of State as a departure from the Development Plan with a recommendation that the application be approved subject to the following conditions and an agreement to pay £30,000 towards off site beck improvements given that it is considered that very special circumstances exist in this case which outweigh the harm caused by inappropriate development in the green belt and the other limited harm identified in the report. Should the Secretary of State not call in the application for determination Members are asked to delegate approval to the Chief Planning Officer.

1. Time limit on implementation – 3 years
2. Development in accordance with approved plans
3. Approval of external materials
4. Laying out of access and parking areas to agreed levels and details
5. Implementation of agreed landscaping scheme
6. Long term management plan for landscaping to be agreed including replacement planting
7. Site investigation works to be carried out and agreed remediation works to deal with identifies contaminants and gas be done prior to occupation
8. Intrusive site investigation works recommended within Section 5.3 of the Phase 1 desk top study be undertaken prior to commencement of development. Should site investigations confirm the need for remedial works to treat any areas of shallow mine

workings and/or any other mitigation measures to ensure the safety and stability of the proposed development then these should also be undertaken prior to commencement of development

9. Works identified in approved Flood Risk Assessment to be fully carried out prior to occupation.
10. Details of flood evacuation plan to be approved and implemented
11. Surface water drainage works, including any measures to deal with springs and storage on site and to include run off rate to the beck to be submitted and approved and then implemented in accordance with approved details.
12. No building or other obstruction within 3 meters either side of the centre line of the sewer which crosses the site.
13. Full details of play area and bin storage for the site to be submitted, approved and implemented prior to occupation.

1.0 INTRODUCTION:

- 1.1 Members received a position statement about the application at the Panel meeting on 24th October and also visited the site. The position statement set out the background and details of the application and the issues it raises. Members noted the report and commented at the meeting on the issues recognizing the difficult position the Council faces in relation to providing adequate pitches for travellers in the City.
- 1.2 The application is being brought now for determination by members and then referral to the Secretary of State. It is brought to City Plans Panel as it relates to a sensitive development proposal of a strategic nature for the city, contrary to development plan policy, and is subject to a considerable number of representations from residents and ward members.

2.0 PROPOSAL:

- 2.1 The proposal consists of the provision of the 12 no. pitches together with 6 no. semi-detached amenity buildings, that provide on-site facilities for all twelve of the pitches. The pitches will be located either side of the six single storey amenity buildings, which are semi-detached to provide facilities for two pitches. The proposal will be an extension to the existing gypsy and traveller sites which adjoin the site to the east.
- 2.2 The amenity buildings are constructed in red brick under a pitched concrete tiled roof. Decorative banding is proposed at the eaves level to add subtle interest to the facades. Each building would provide semi-detached accommodation incorporating a kitchen/day room and bathroom/WC.
- 2.3 Access into the site is to be achieved via the current entrance to Site B at Cottingley Springs, off Gelderd Road. It is proposed to extend the existing cul-de-sac, through part of the disused play area, through open land to the south of the existing pitches, and to the north of the beck, and then into the open land to the west. A large turning head is to be provided at the western end of the proposed site. Visitor parking is to be provided in the form of lay-bys to the front of the pitches.
- 2.4 The southern part of the site is in Flood Zone 3 and originally parts of Plots 10, 11 and 12, the play area and part of the access road were all within the 1:100 year flood area. Since the October meeting and the receipt of the formal comments of

the Environment Agency the scheme has been formally revised to resite these plots. The 12 plots are now all north of the access road and outside Flood Zone 3 as is the proposed play area. A short section of the access road outside pitches 1 and 2 is partly covered by the 1:100 year flood level and the road is slightly lower also at this point. The revised plans have been accompanied by an indicative landscape scheme and visual appraisal and detailed cross sections. The layout does now include some space for planting to the northern and western boundaries adjoining existing fields as well as indicated planting in the area to the south of the access road between the road and the beck. There is a 5m wide planting strip to the western boundary and 3-4 m shown to the northern boundary which also includes a 1.8m fence and indicates a possible land drain in this area. The plans have been subject to re-consultation and people given further opportunity to comment. The cross sections indicate that the amenity blocks will be cut into existing levels by at least a meter across the site and the land to the north will be retained by a gabion retaining wall with a 1.8m high fence above it and planting to the 1.1m post and rail boundary fence to the field to the north.

- 2.5 Areas of private amenity space will be provided with each of the 12 pitches. This will comprise grassed areas and hard landscaping. It is also proposed to provide two play areas, one of which is a refurbishment of the existing play area, adjacent to the proposed access, and the second is a new play area to the south of the access road to serve the new pitches.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposed development is to be located to the west of the existing Cottingley Springs travellers sites, (there are two existing traveller sites known as Sites A & B). Site A, which is located further to the east, has its own separate access off Gelderd Road, and has 20 pitches, and Site B, abutting the site has 21 pitches.
- 3.2 The application site is currently used as agricultural land and has an approximate 3 metre change in level in a north/south direction. The northern and western boundaries are delineated by post and rail fencing, whilst existing mature vegetation delineates the boundary to Site B to the east.
- 3.3 There is no demarcation to the southern site boundary, whilst to south lies Farnley Wood Beck. Between the beck and Gelderd Road lies existing mature trees (either side of the beck), open land, and immediately abutting to the south is an existing farmstead, including house and agricultural buildings (104 Gelderd Road). A private right of way for this property passes through the site, in a north-south direction, and dissects the site at it's easterly end. The land to the south is at a higher level than the application site.
- 3.4 Approximately 140m west of the application site is a public right of way (Footpath 169/171), which runs in a north – south direction, and connects the A62 Gelderd Road in the south with A58 Whitehall Road in the north.
- 3.5 The site is in the Green Belt. Apart from the existing Cottingley Springs travellers and gypsy site, and an industrial area to the north east of Site A, the area is mainly open and rural in character.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/03292/FU - Alterations and single storey extension to utilities block to provide bedroom for disabled person, 29 Cottingley Springs Caravan Site B – Approved September 2013.
- 4.2 Cottingley Springs Site A was constructed in 1987. Site B was constructed as 36 pitches in 1990, mainly for residents of a site which had recently closed down, and 20 families from roadside camps. Due to management problems in 1996/97, the site was reduced in 1998 from 36 pitches to its current size of 21 pitches.
- 4.3 10/00188/FU – Retrospective application for change of use to vacant land to caravan site at The Stables Block, Nepshaw Lane South, Gildersome granted permission on 31.03.10 subject to a condition restricting the number of caravans to a maximum of 3. The site was not in the Green Belt and close to the motorway and local services and supported by Morley Town Council due to the shortage of pitches in Leeds District.
- 4.4 Enforcement Notice quashed and appeal allowed on 24th May 2012 for stationing of caravans for human habitation on land north of The Bungalow, Ninevah Lane, Allerton Bywater subject to personal permission for temporary period of 3 years. The site is in the Green Belt.
- 4.5 Enforcement Notices quashed and appeals allowed on 13th August 2012 for stationing of twin unit residential caravan for the purpose of human habitation and detached building for toilet, bathing and cooking on land to the rear of Springfield Villas, Gildersome subject to personal permission for temporary period of 3 years. The site is in the Green Belt
- 4.6 In considering the two enforcement appeals mentioned above the Inspectors concluded there is manifest, substantial and pressing need for the provision of new gypsy and traveller pitches in Leeds. The mismatch between need and supply is high and there has been little prospect of this being addressed for some time. The lack of any realistic lawful alternative pitch which appellants can occupy either now or in the near future is seen by Inspectors as a significant factor and is particularly relevant when considering whether to grant a temporary planning permission.
- 4.7 12/04737/FU – user of vacant land for the stationing of caravans for occupation by gypsy-traveller site on land to the rear of Sandon Mount, Sandon Grove, Hunslet – the application involves one permanent mobile home and space for up to 3 temporary caravans on the site close to existing housing and a school. The application remains undetermined but has attracted substantial local objection from residents and ward members.
- 4.8 Appeal against refusal of 10 pitch gypsy travellers site at Castle Gate, Stanley in Wakefield adjacent to M62 and the boundary with Leeds considered at a Hearing on 25th September 2013. The application has been called in for a decision by the Secretary of State as it involves significant development in the Green Belt. A decision is awaited. At the Hearing it was clear that a number of families wishing to live on the site are currently in the Leeds area and at least two families have been on the waiting list for Cottingley Springs for some time.

- 4.9 In January 2011 a Council Scrutiny report was published with 12 recommendations to better meet the housing needs of gypsies and travellers and recommended that permanent pitch provision be developed for 12 Leeds roadside families who were invariably trespassing on public land in the city.
- 4.10 In September 2012 the Council's Executive Board approved the proposal to explore the possibility of expanding Cottingley Springs after an extensive site search on Council owned land across the city had not identified any alternative sites which could be developed in the short term.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers in the Council have given advice regarding sites involved in the site search and been involved at pre application stage prior to the submission of the application. Since the submission the red line has been extended to the west, the site layout and cross sections revised to deal with flooding issues and additional information submitted regarding contamination, and a visual appraisal has been undertaken and submitted with indicative landscaping around the site.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as Proposed Major Development which does not accord with the provisions of the Development Plan (i.e. it is a departure from Green Belt policy) by Site Notice dated 6th September 2013. In addition, the application was advertised in the Morley Advertiser on 18th September 2013. The revised details submitted in mid November have been subject to reconsultation.
- 6.2 As at 29th November a total of 744 standard letter of objection and 67 individual letters / comments objecting to the application had been received including representations from Morley North Councillors Finnigan and Gettings, Farnley & Wortley Councillor Ann Blackburn, Morley Town Council (3 comments), Gildersome Parish Council (2 comments), GATE, David Storrie Associates on behalf of local residents, Justice for Travellers, a petition signed by 7 residents of Site A and a petition signed by 11 residents of Site B at Cottingley Springs.
- 6.3 The standard letters object on the grounds that the site is in the green belt and there are not very special circumstances to justify approving it; it breaches Government and Council guidelines stating that developments should be on smaller brownfield sites close to local facilities and there is little support from travellers living at Cottingley Springs or their representative organisation. These grounds are reflective of many of the representations received.
- 6.4 Morley North Councillors. Councillor Finnigan and Councillor Gettings, object to the proposal on similar grounds and that the site generates significant levels of anti-social behaviour and criminality. Four residents have been sentenced to prison sentences over the last year for between 9 months and 9 years for offences including metal theft, fraud, burglary and robbery with violence. Other anti-social behaviour from site residents includes trespass, hare coursing and hunting with dogs. Various reports have been made of the theft of farming equipment. Expansion of this site will increase such problems and have a significant impact on local residents.

The alternative sites considered have had no independent analysis of their capacity to support a Travellers sites. Most of the alternative sites satisfy the NPPF, Central Government and Leeds City Council guidance on Travellers sites but have been rejected with incomplete and inaccurate analysis.

No visual impact study has been undertaken.

The proposed site is subject to flooding.

Most of the Travellers on Cottingley Springs oppose its expansion. Gildersome Parish Council, Morley Town Council and local Ward Members oppose the expansion for the reasons above.

Leeds City Council previously reduced the size of Cottingley Springs as the site was unmanageable. This will make the site larger than it was previously with similar problems with management.

The application should be forwarded to the Secretary of States for a final decision as it is a variation to the UDP.

- 6.5 Councillor Ann Blackburn considers the application flies in the face of Planning Policy for Traveller Sites (PPTS) and the emerging policy H7 of the Core Strategy as the site does not have reasonable access to public transport, health care, schools, shops and local services; the desk top study states the site has moderate ground contamination: part of the site is within Flood Zone 3 and is known to flood; green belt policies apply and the site will be seen from the public footpath to the west; and Site B was reduced from 36 pitches to 21 to make it more manageable in 1996/7 so to increase it by another 12 pitches is plainly ludicrous.
- 6.6 Gildersome Parish Council object to the proposal and reiterate their objection to the revised plan. They consider the proposal is contrary to Green Belt policy and consider the statement that there are no other suitable sites as highly questionable. It appears that this is a cheap and easy option, in an area which already has more than its share of travellers and gypsies. They consider the proposal will also infringe on the Human Rights of adjoining residents and landowners, due to increase in crime and anti-social behaviour and exacerbate existing flooding problems.
- 6.7 Morley Town Council reiterate many of the above grounds. In relation to revised plans and information they draw attention to the concerns of the Environment Agency; the 12 pitches are now smaller than others on Cottingley Springs and appear cramped with poor levels of amenity and the layout appears contrived and fails to face up to the inadequacy and unsuitability of the application site; concerns about the adequacy of the ground investigation report given that the site was previously a sewage works; that the site will be prominent in the green belt and that the Coal authority report confirms the site is within a development high risk area.
- 6.8 Leeds Gate (Leeds Gypsy and Traveller Exchange – A community members organisation whose aim is to improve quality of life for Gypsies and Travellers living in Leeds and West Yorkshire). GATE generally welcome new accommodation given the largely unmet Gypsy and Traveller accommodation needs. However the proposed extension alone would not meet existing or future needs. In detail they raise concerns about scale, access, contaminated land, flood risk and alternative sites;

- Given serious concerns about flood risk and land contamination it is vital that all guidance from the Environment Agency and any from the land contamination officer is taken on board and responded to with alterations to design, including the number of pitches proposed and route of the road access into the site, where necessary.
- The road access, particularly where that utilises the existing access into Cottingley Springs B site, is not adequate despite comparisons made to road access in the Leeds Street Design Guidance. This guidance is aimed at the bricks and mortar residential environment, and at no point makes reference to the specific highways requirements of Gypsy and Traveller sites. For instance, large vehicles transporting or towing mobile homes / caravans. The DCLG site design guidance should be referred to in this instance.
- Residents of B site already have significant concerns regarding traffic, difficulties of access for emergency vehicles, lack of secure pavements for pedestrians and lack of adequate parking areas, without the proposed extension.
- We recommend in the strongest possible terms that that road access to the site extension is significantly altered and use of the existing road into B site is restricted only to the immediate access off Gelderd Road.
- Given that the application is not compliant with the Core Strategy, particularly in respect of sustainability and access to local services, it is vital that those services mentioned, such as the school transport, are secured for the lifetime of the site.
- In work that the Council have done in bringing forward a policy it is clear from consultations that the extension of Cottingley Springs was not favoured and in terms of the type of site is the last option after consideration of brownfield and greenfield. The previous sites considered by the Council should be reassessed. GATE do welcome dialogue with planning officers and hope to be able to continue that to bring forward suitable alternative sites appropriate to need.

6.9 Justice for Travellers comments that whilst there is no doubt a need for further traveller sites in Leeds they object to the expansion of Cottingley Springs as it is the only site in Leeds owned by the Local authority and so the travelling community have no alternative location in which to live; the site is already larger than Council and Government guidelines and if expanded will make it the second largest site in the England; it is the opinion of many that the expansion will create friction amongst the travelling community and smaller sites are the preferred option; the expansion does not meet the guidelines due to size, green belt, prone to flooding, contaminated land , not well located near schools, shops, medical facilities and local amenities.

6.10 The comments made by objectors can be summarised and grouped under the following headings for clarity;

Consultation with existing residents

6.11 The site is obviously two sites as sites A & B are obviously segregated with two separate access points and amenities. Site B was consulted on 1 October and 19 June whilst site A consultation was held on 15 October and 20 June. If the site is one community why was there a requirement to hold four separate consultation meetings across the two sites? There are requests made by residents of site A and B that if planning is approved there should be three separate play areas across all sites. This further confirms that the sites are indeed segregated communities.

At the local resident/ direct neighbours consultation meeting on 24 July, the majority of attendees had not been formerly invited to attend, word of mouth had reached the wider community.

Wish to highlight the small number of play areas in the Gildersome village, around two. It also took a number of years of campaigning to eventually get the skate park next to Gildersome Library.

LCC made it quite clear at the last meeting that they would proceed with the application within 4 weeks of the meeting regardless of residents objections and views. The SCI states quite clearly that the residents of Cottingley Springs sites A & B, immediate neighbours and neighbours in the wider community of Gildersome and surrounding areas DO NOT want the new site.

Lack of suitable sites

- 6.12 It feels as though the area of Gelderd Road in the immediate vicinity of the site has become a political planning dumping ground / no man's land for LCC as there are other issues with the AWM planning applications. We cannot believe that out of 65 LCC owned plots there were NO other suitable sites. Would there have been if Morley and Farnley/Wortley were Labour/Conservative wards?.

Private sites should be included in a robust search for sites.

There should be a full and independent assessment of alternative sites.

Sites have been dismissed due to 'encroachment'. Encroachment would happen at this site.

Consideration should be given to providing sites outside Leeds, as Leeds already has sufficient sites.

Green Belt

- 6.13 The proposal is inappropriate, and harmful to the Green Belt. Substantial visual impact from the public right of way, and Harthill, Gildersome, which are elevated from the site. Adverse visual impact from Gelderd Road, as the site can be clearly seen from the A62 Gelderd Road, especially in the months when the nearest trees are not in leaf.

Sustainability

- 6.14 This application breaches Central Government Guidelines that state Travellers Sites should be developed on brownfield sites and close to local facilities such as schools and health centres.

Local children already have problems obtaining places at first choice schools. Concerns have been raised by the LCC Childrens Services Department as local schools are indeed at full capacity. This point was raised at the consultation meetings but residents views were once again dismissed.

The overall site would be massive, well in excess of guidelines.

The site has previously had to be reduced in size due to high crime and management difficulties. This proposal reintroduces serious problems again.

The adjoining watercourse floods several times a year, and the site is not suitable due to flooding problems.

The proposal fails to comply with any of the guidelines in respect to size and location and access to schools, health centres and local amenities.

The proposal does not have the support from the existing Cottingley Springs residents, nor their representative organisation.

Not sustainable to close homes for the elderly, whilst spending over £1m on this proposal.

Not sustainable to provide separate play areas. One larger play area would be more effective expenditure and would encourage integration between different sites.

Anti-social behaviour/crime

- 6.15 There is a high level of crime and anti-social behaviour from the existing sites, which the current proposal will exacerbate.
Serious concerns that the site will not be able to be adequately policed, and that a large ghetto would be created.
Very high levels of rubbish dumped in the watercourse by existing residents.

Road conditions

- 6.16 Whitehall Road is already very busy and indeed has had the speed limit reduced recently so to encourage more traffic onto Whitehall Road would harm local road conditions.
The existing Cottingley Springs residents pay little regard to highway safety.

Private matter

- 6.17 No solution has been reached on how to deal with the private right of way which crosses the application site, and crosses the proposed vehicular access road into the site.

7.0 CONSULTATIONS RESPONSES:

STATUTORY

- 7.1 The Coal Authority – The application site falls within the defined Coal Mining Development High Risk Area. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment and Coal Recovery Statement are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development and that the proposed development will not unnecessarily sterilise shallow coal deposits. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a suitable condition to ensure the intrusive investigation works recommended in Section 5.3 of the Phase 1 Desk Top Study Report be undertaken prior to the commencement of development.
- 7.2 Environment Agency – Formal response on 28th October following a site meeting on 21st October. Main areas of concern identified as pitches 9,10,11 and 12 and advised that development layout needs to be amended to take account of the actual flood risk to the site. Further thought also needs to be given to the springs that are known to surface on the site – this is not likely to be a point of objection by the EA but could impact on the success of the development.

Following receipt of revised plans and cross sections the EA have informally commented that the revised plan represents a significant improvement on the original proposals from a flood risk point of view. Main concern remaining is that part of the eastern section of the access road is shown to be at flood risk but this is a matter for the Local authority and if they are satisfied this can be suitably addressed by an evacuation plan then the EA would accept this. Formal comment awaited.

NON-STATUTORY

- 7.3 Flood Risk Management – Surface water is to be discharged from site into Farnley wood Beck at the restricted rate of 5litres per second with suitable on site attenuation. Farnley wood Beck is a sensitive catchment area due to persistent flooding downstream of this site. A contribution of £30K is required towards future

improvement works to the beck to mitigate for additional surface water discharge and compensatory flood storage. There is shown on the revised layout a dip in the road for a short section within the 1:100 flood level with a road level of 69.5 and a 1:100 flood level of 69.7m. It is noted that the existing access nearer the entrance does drop to a lower level and is already compromised to an extent. Any impact on floodplain areas from the development can be compensated for on land to the south of the access road. Any springs on site will be dealt with via a land drain which will run to the watercourse. It is noted an evacuation plan will be developed and issued to all residents to ensure that they are fully aware of what steps need to be taken in a flood event. Do not object to the approval of the development subject to conditions and agreement to the payment of a contribution to off-site works of £30K.

7.4 Yorkshire Water - A 375mm diameter public combined sewer crosses the site. No building or other obstruction should be located within 3m either side of the centre line of the sewer. Suggest a planning condition and note that there is no capacity to accept any discharges of surface water from the proposal site which are going to the watercourse.

7.5 Highway Authority –

ACCESSIBILITY :

The arrangements for getting children from the existing site to schools is being clarified. It is understood that the L51 school service is the nearest dedicated bus to this site, which could be accessed at Branch End, but is some 1500m south of the site. There are bus stops on both sides of Gelderd Road in close proximity to the site access.

The nearest local services are in Gildersome approximately 30 minutes walk from the site, the nearest GP is also in Gildersome and further than the recommended maximum 20 minutes walk away.

A half hourly bus service between Huddersfield and Leeds operates on Gelderd Road in the peak hours and hourly outside of the peak hours. The services also link to Batley and Birstall, the bus stops are within a 5 minute walk of the site but the service is not as frequent as the 15 minute recommendation of the Core Strategy. A further 3 bus services are available on Beeston Ring Road approximately 23 minutes walk from the site which are all hourly.

Overall it is difficult to say that the site has reasonable access to public transport, healthcare, schools, shops and local services and does not meet the accessibility criteria set out in the emerging Core Strategy for residential development.

The site compares to the Council's emerging Core Strategy as set out in the table following:-

To Local Services	To Employment	To Primary Health	To Primary Education	To Secondary Education	To Town Centres/City Centre
Accessibility Standards					
Within a 10 minute walk	Within 5 min walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Within a 20 min walk	Within a 20 min walk	Within a 30 min direct walk or 5 min walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Within a 5 min walk of a bus stop offering a direct 15 min frequency service
Gildersome	229 and 219 half hourly in peaks	Finkle Lane Gildersome	Gildersome Primary School	Bruntcliffe School Morley	229 and 219 half hourly in peaks
2750m 32.7 mins	415m 4.9 mins	2800m 33.3 mins	2750m 32.7 mins	Walk 3700m 44 mins	Bus -
					415m 4.9 mins

VEHICULAR ACCESS: The vehicular access onto Gelderd Road meets the required standard.

INTERNAL LAYOUT / SERVICING / BINS: The proposed refuse turning head is acceptable. All areas to be used by vehicles would need to be hard surfaced. If the road is to be adopted then changes will need to be made to the turning head, footpath and the levels. Conditions recommended

ROAD SAFETY: The proposal raises no specific road safety concerns

- 7.6 Environmental Protection Team - Having checked on our system there are very few complaints relating to public nuisance from the existing site apart from a number of complaints relating to the burning of rubbish within the sites. No objections subject to a condition to prevent burning of rubbish.
- 7.7 Waste Management - The revised road layout is such that if there are vehicles parked in and around the turning head the waste vehicles will not be able to access the site safely. Consider that the best way to collect refuse from this site would be to have bin stores at the entrance to the site. Crews have experienced varying forms of anti social behaviour from time to time on the two existing sites.
- 7.8 Education - Not a big enough proposal to ask for any contribution. There is a lack of space in the local schools in the area, both in terms of primary where nearly all at or near capacity and in South Leeds for secondary there is particular pressure for places with year 7 capacity projected to be exceeded by 2014.
- 7.9 West Yorkshire Police – Cottingley Springs is located in the Pudsey Neighbourhood Police Team and impacts upon the adjoining Morley Neighbourhood Police Team. West Yorkshire Police is comfortable with the proposal to expand Cottingley Springs and is wholly confident in its capacity to effectively police the site and the surrounding area.
- 7.10 Architectural Liaison Officer – has commented and made recommendations regarding the proposal to improve security of the site.

- 7.11 Contaminated Land Officer - Phase 1 Desk Top Study and Phase 2 Ground Investigation report considered with additional data from gas monitoring. Additional site investigation works are proposed for the site and remediation statement will be required to deal with contaminants identified. Conditions are suggested if recommending approval. Gas protection measures will be needed given that filter beds on this site and will need to test for metals. Considered to be a moderate ground contamination risk setting for human health and low to moderate for controlled waters.
- 7.12 Landscape Officer - agreed the extent of the visual assessment with the consultant. Overall conclusion is that there will be harm caused in relation to visual amenity which is likely to be limited given the nature of the landscape, its contained nature and setting and ensuring the proposed landscape treatment is effective. The main impact will be in the first few years -longer-term much will depend upon the quality of the proposed mitigating landscape provision, in design, implementation and longer term management. The photo montages submitted are a good attempt to reflect the benefits of the maturing soft landscape elements but the new build development will be visible and apparent, particularly in winter months

8.0 PLANNING POLICIES:

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan , unless material considerations indicate otherwise.

Development Plan

- 8.2 The Development Plan for the area consists of the saved policies of the adopted Unitary Development Plan Review (2006), and the the Natural Resources and Waste DPD (2012). This is supplemented by relevant supplementary planning guidance and documents. he Local Plan (Core Strategy and Site Allocations Plan) will eventually replace much of the UDP – the Core Strategy has been submitted to the Secretary of State and underwent Examination Hearings in October 2013. The Site Allocations Plan is at Issues and options stage having been through a period of public consultation in the summer of 2013.
- 8.3 Unitary Development Plan Review (adopted July 2006)

The site is within the Green Belt and so Green Belt policies apply. Relevant policies;

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy GP11: Sustainable Design Principles.
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H16: City Council approach to provision of sites for travellers
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development

- Policy N24: development to be assimilated into open areas
- Policy N25: Site boundaries should be designed in a positive manner.
- Policy N33: Overarching Green Belt policy which sets out appropriate development - inappropriate development will require to demonstrate very special circumstances
- Policy LD1: landscape schemes should meet specific criteria of good design.

CORE STRATEGY

- 8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. The Examination Hearings took place in October 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

- 8.5 The policy concerning accommodation for Gypsies, Travellers and Travelling Showpeople (Policy H7) was prepared during 2011 and agreed by Executive Board on 10th February 2011. It sets criteria to determine suitable sites.

Government guidance, published in March 2012 at the same time as the National Planning Policy Framework (NPPF), "Planning Policy for Traveller Sites", set out a requirement for locally set pitch targets rather than criteria. Without pitch targets Policy H7 is not compliant with national guidance and on this basis may not have been found sound at the Core Strategy Examination; potentially placing progression of the whole plan in jeopardy.

The Council therefore has prepared a Draft Gypsy and Traveller Pitch Requirement Study (2013) to support Policy H7.

On 4th September 2013, Executive Board approved the Leeds Gypsy and Traveller Pitch Requirement Study for the purposes of supporting the evidence base for Policy H7 of the Submission Core Strategy at Examination and this has now been submitted to the Inspector for consideration through the Examination.

- 8.6 The following 'Extract from Submission Version Core Strategy (April 2013)' - Accommodation for Gypsies, Travellers and Travelling Showpeople is relevant:

"5.2.28 In planning for all sections of the community to have access to decent housing, there is a need to make appropriate provision for gypsies, travellers and travelling showpeople. According to government guidance Core Strategies should provide criteria for future Site Allocations DPD, to enable sufficient sites to be allocated to provide for identified need.

5.2.29 The West Yorkshire Gypsy and Traveller Accommodation Assessment 2008 (GTAA) provided an overall assessment of the long term requirement for Gypsies and Travellers (residential and transit sites) and Travelling Showpeople. The GTAA identified that there was an unmet need for residential pitches (not including pitches for transit sites and travelling showpeople) up to 2015.

5.2.30 Following consideration of the GTAA findings, relevant guidance, local circumstances and the analysis of immediate short/medium term priorities, the initial focus of the City Council has been to address the housing needs of the Leeds

based 'roadside' families, who have a housing need for 12 pitches in advance of producing future Site Allocations plans.

5.2.31 In order to determine an up to date level of local need for the plan period, the City Council will undertake further monitoring, evidence based work and through appropriate mechanisms establish requirements. In order to guide the identification of sites to meet these requirements, Policy H7 sets out site selection criteria to accommodate additional pitches through the Site Allocations DPD.

5.2.32 Consultation responses from representatives of the Gypsy and Travellers community have previously indicated a strong preference for sites to be of a small size suited to occupation by close family groups, and reasonably located for local facilities. Extension of the existing site at Cottingley Springs was not favoured. It may not be possible to identify sites without considering exceptional and limited alterations to the Green Belt Boundary. Any alterations to the Green Belt boundary will need to be considered as part of the Site Allocations DPD. Alternatives will be explored before Green Belt locations are considered."

POLICY H7 : ACCOMMODATION FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE

The City Council will identify suitable sites (of around no more than 15 pitches per site) to accommodate Gypsies, Travellers and Travelling Showpeople, through a Site Allocations DPD, subject to the following criteria:

- i) Sites must be located near major roads and have reasonable access to public transport, health care, schools, shops and local services (and should not be located on land that is deemed unsuitable for general housing such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.),
- ii) Sites should avoid zones of high flood risk (zone 3 flood risk areas),
- iii) The following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt,
- iv) Alterations to the Green Belt boundary to accommodate sites will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations DPD, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople site only.
- v) Sites should avoid designated areas, including nature conservation sites and Special Landscape Areas and should not introduce unacceptable off-site impacts such as might occur from recreational pressures on such sites.

- 8.7 The Inspector who carried out the Examination Hearings into the Core Strategy wrote to the Council on 8th November on two matters , one of which concerned Gypsies and Travellers. Policy H7 as proposed to be amended included a target of 41 pitches for gypsies and travellers and updated evidence was submitted by the Council at the Examination Hearing. Whilst welcoming this proposal the Inspector considered that on its own the additional evidence did not provide a robust and reliable indicator of the full need for gypsy and traveller accommodation in Leeds. The Inspector considered this could be overcome by the production of a Gypsy and Traveller Accommodation Assessment (GTAA) and , depending on the results, the revision of Policy H7. There has been subsequent correspondence with the Inspector on this matter but for the plan to progress further work is being done on the evidence base in consultation with GATE prior to taking the conclusions and outcome back to Development Plan Panel and Executive Board in the early part of 2014. It is highly unlikely that the further assessment work will result in any reduction in the level of need for gypsy and traveller pitches. The short term need identified in the Core Strategy was not contested at the examination Hearing.

8.8 SUPPLEMENTARY PLANNING GUIDANCE:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG4: Greenspace Relating to New Housing Development;

8.9 As well as the supplementary planning guidance documents that have been retained, the following new supplementary planning documents are relevant;

- Sustainable Design and Construction SPD (2011); and
- Greening The Built Edge
- Street Design Guide.

NATIONAL PLANNING POLICY:

8.10 National Planning Policy Framework (NPPF) (March 2012)

Requiring good design

Promoting healthy communities

Protecting Green Belt land

Conserving and enhancing the natural environment

8.11 Planning Policy for Traveller Sites (PPTS) (March 2012)

This policy document should be read in conjunction with the NPPF. The policy areas relevant to this application are as follows;

8.11.1 Policy A: Using evidence to plan positively and manage development - local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

8.11.2 Policy B: Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a. promote peaceful and integrated co-existence between the site and the local community
- b. promote, in collaboration with commissioners of health services, access to appropriate health services
- c. ensure that children can attend school on a regular basis
- d. provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e. provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f. avoid placing undue pressure on local infrastructure and services
- g. do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h. reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

8.11.3 Policy C: Sites in rural areas and the countryside - When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

8.11.4 Policy E: Traveller sites in Green Belt - Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

8.11.5 Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

When considering applications, local planning authorities should attach weight to the following matters;

- effective use of previously developed (brownfield), untidy or derelict land
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including;

- limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
- specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

- limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

8.12 Also of relevance is a written Ministerial Statement by Local Government Minister Brandon Lewis on 1st July 2013 which states:

“Our policy document, ‘Planning policy for Traveller sites’, was issued in March 2012. It makes clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development.

As set out in that document and in March 2012’s ‘National Planning Policy Framework’, inappropriate development in the green belt should not be approved except in very special circumstances. Having considered recent planning decisions by councils and the Planning Inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of ministers.

The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt.

The Secretary of State wishes to give particular scrutiny to traveller site appeals in the green belt, so that he can consider the extent to which ‘Planning policy for Traveller sites’ is meeting this government’s clear policy intentions. To this end he is hereby revising the appeals recovery criteria issued on 30 June 2008 and will consider for recovery appeals involving traveller sites in the green belt.

For the avoidance of doubt, this does not mean that all such appeals will be recovered, but that the Secretary of State will likely recover a number of appeals in order to test the relevant policies at national level. The Secretary of State will apply this criteria for a period of 6 months, after which it will be reviewed. “

8.13 As the current proposal is for a travellers site in the Green Belt and is a departure from the Development Plan it will be referred to the Secretary of State and in accordance with this Ministerial Statement there is a strong possibility it could be recovered for determination by the Secretary of State.

9.0 MAIN ISSUES AND APPRAISAL

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework (and its Technical Guidance) and Planning Policy for Traveller Sites (PPTS) together with the Ministerial statement of 1st July 2013, the emerging Core Strategy and evidence base, the City Council’s approach to dealing with the immediate need and the demand/ need for sites and detailed development management matters relating to sustainability, highways, amenity, impact, flooding and landscape.

9.2 Policy H16 in the adopted UDP Review is the most pertinent policy in relation to travellers and sets out a commitment to search for suitable permanent, temporary stopping and transit sites for travellers and travelling showpeople and will encourage

suitable private sites to be advanced to provide a balanced distribution throughout the district to supplement existing provision in south west Leeds. Some criteria are advanced in the policy which are;

- Acceptable to the travellers community itself
- Within easy reach of community and other facilities
- In locations where the environment provides acceptable living conditions and where the development will not have unacceptable environmental consequences

Policy H16 states that sites for travellers will not normally be acceptable in the green belt.

9.3 Policy H16 is still relevant but needs to be read now in conjunction with the NPPF and the Planning Policy for Travellers Sites (PPTS) which were issued in March 2012 and emerging policy H7 which is subject to ongoing work and consideration by the Inspector at Examination.

9.2 **Green Belt considerations**

The site, whilst an extension to an existing travellers site, is in the designated Green belt in the Revised Draft UDP and the proposal is therefore inappropriate development by definition. Section 9 of the NPPF and the more recent written Ministerial Statement by Brendon Lewis make it clear that the Government attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristic of Green Belts is their permanence and openness (para 79 of NPPF). Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. (para 87). Substantial weight should be given in decision making to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness , and any other harm, is clearly outweighed by other considerations (para 88).

The "Mole Valley" High Court decision in 2013 has confirmed the correct approach to be taken to applications for inappropriate development in the Green Belt. LPAs must ask 3 separate sequential questions when applying Green Belt policy;

- Is "*inappropriate development*" proposed?
- Do "*very special circumstances*" exist?
- Do such circumstances "*clearly outweigh*" the potential harm caused by the inappropriateness of the development and any other harm?

The first question is beyond doubt and straight forward. Inappropriate development is proposed. Members must therefore consider the issue of very special circumstances and come to a view in this case as to whether very special circumstances exist. If the answer to that is yes then the very special circumstances need to be weighed and balanced against identified harm (from inappropriateness and any other identified harm) to see whether the very special circumstances "clearly outweigh" the identified potential harm.

In reaching that judgment members should be aware that the written Ministerial statement of July 2013, which is a material consideration, makes it clear that the Secretary of State considers that the single issue of unmet demand is unlikely to outweigh the harm to the green belt and other harm to constitute "*very special circumstances*" justifying inappropriate development in the green belt.

Members should also be aware that in previous appeal cases regarding travellers sites the lack of availability of alternative sites has been confirmed as a factor which can amount to very special circumstances justifying what would otherwise be inappropriate development in the green belt.

9.3 The “ Very Special Circumstances” case

The applicants have put forward what they consider to be the ‘very special circumstances’ in this case and consider it can be demonstrated by taking into account the following matters;

- Identified unmet housing need relating to Gypsies and Travellers that can only be met through the provision of pitch based accommodation on sites with planning permission.
- The current absence of alternative sites, following an extensive city-wide assessment of potential sites, to meet this unmet housing need.
- The possible planning effects associated with unauthorised encampments which are likely to increase in the event that planning permission is not granted.
- The fact that government funding is currently available to deliver the proposed development; there is no guarantee that such funding will be available in the future and therefore there is a ‘window of opportunity’ to deliver these proposals.

Each of these are now set out in more detail;

Unmet Housing Need – In January 2011, a Council Scrutiny report was published setting out 12 recommendations to better meet the housing needs of Gypsies and Travellers, to promote better relations with the ‘settled’ community and to make best use of Council resources. The inquiry report recommended that permanent pitch based provision was developed for 12 ‘Leeds roadside families’ who invariably were trespassing on public land in the city. The expectation was that new provision would have to be established in the city given that the existing Cottingley Springs provision is fully occupied and turnover is low.

There are currently 19 households, on the Leeds City Council Housing Register, who the Council has accepted are statutorily homeless and the accompanying housing duty can only be met through pitch based provision. The 19 households are either living on the ‘the roadside’, ‘doubling up’ with family or friends at Cottingley Springs or living in ‘conventional housing’ that it is assessed they have a ‘cultural aversion’ to. New pitch provision at Cottingley Springs would be let to households with the highest level of reasonable preference’ (priority) and therefore 12 new pitches would significantly address the existing assessed unmet housing need.

The Council is currently assessing longer term pitch need, up to 2028, to be included in the Core Strategy. The existing statutory homeless applicants will need to be included in this assessment, along with Gypsies and Travellers who have made private planning applications and those that have not engaged through the housing or planning routes. Household growth relating to all these groups would also need to be factored in.

Paragraph 9 of the Planning Policy for Traveller Sites sets out an obligation on the part of planning authorities to ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets’: this is the figure to be included within the Core Strategy. The addition of 12

pitches at Cottingley Springs would significantly contribute to the Council's obligation to demonstrate a five year supply of sites.

Absence of Alternative Sites – In September 2012, the Council's Executive Board approved the proposal to explore the possibility of expanding Cottingley Springs after an extensive site assessment programme did not identify any alternative sites that were suitable and available for use as accommodation provision for Gypsies and Travellers.

The report to Executive Board sets out the process that was followed in the site assessment work. 224 Council owned sites were initially considered with 87 being shortlisted because they were available for immediate use or likely to be available within a one year period; the 137 discounted sites were deemed to be required for other Council purposes, tenanted/occupied or subject to disposal.

A desk top assessment was carried out on the 87 sites with 35 being considered as potentially suitable and available for use. Site visits were carried out on each of the 35 sites and a decision was made that none were suitable for use as Gypsy and Traveller accommodation.

The site assessment process assessed the suitability and availability of sites based on relevant and appropriate criteria - including planning criteria. The Council's Executive Board identified Cottingley Springs as its preferred site option for use as Gypsy and Traveller accommodation. If Cottingley Springs is not approved as an expanded site then there would be a need to carry out a further assessment of available sites to meet the housing need that would have been met through the expanded site. This process will inevitably be time consuming (it is likely to take many months to carry out) and the outcome is uncertain as no obvious alternative candidate sites were identified as the result of the 2012 site search exercise. In the meantime, the pressing need for site provision will not have been met and no inroads made into demonstrating a five year supply of sites

The lack of availability of alternative sites has been confirmed as a factor which can amount to very special circumstances. This often arises as an issue when Gypsies or travellers occupy Green Belt sites without having first obtained planning permission. For example, in the South Staffordshire case ¹ the High Court confirmed that a planning inspector had been entitled to conclude that there were very special circumstances justifying the grant of planning permission for a caravan occupied by a family on a Green Belt site where there were no existing gypsy and traveller sites available in the region; the local planning authority had failed to carry out any assessment of the need for such sites for many years; and there was no reasonable expectation that the need for sites would be met within a reasonable timescale.

¹ R (on the application of SOUTH STAFFORDSHIRE DISTRICT COUNCIL) v (1) SECRETARY OF STATE FOR COMMUNITIES & LOCAL GOVERNMENT (2) PATRICK DUNNE [2008] EWHC 3362 (Admin)

Impact of Unauthorised Encampments: By way of background the number, and size, of encampments by year is set out below:

Year	Public	Private	Total	Number of Caravans
2012/13	35	11	46	293
2011/12	51	25	76	913
2010/11	53	34	87	1002
2009/10	39	33	72	614
2008/09	69	57	126	1164

It is important to stress that the reduction in number of encampments in 2012/13 is not a result of a reduction of Gypsies and Travellers in unmet housing need. Rather it was a result of the Council accepting two 'tolerated encampments' at Bath Road, Holbeck and Dolly Lane, Lincoln Green during the year. This shows the value of having 'settled' places for Gypsies and Travellers. A failure to provide further permanent/long-term provision would lead to an increase in unauthorised encampments.

The Council incurred costs of approximately £2,455,000 between 2003/04 and 2012/13 in dealing with unauthorised gypsy encampments. These costs are primarily made up of legal costs to recover possession and site clean-up. It does not include costs incurred by West Yorkshire police.

The cycle of unauthorised encampment and eviction does not address unmet housing need, creates frustration for local communities affected by encampments, fosters tension between Gypsies and Travellers and local communities and results in expenditure that could otherwise be used for other Council priorities.

It is believed that the expansion of Cottingley Springs would significantly reduce expenditure on dealing with unauthorised encampments. It is also estimated that an expanded site would generate additional rent income of £77,000 per year.

Whilst the matters set out above relating to the relative cost of dealing with unauthorised encampments are not material planning considerations, there are planning consequences associated with the likely increase in unauthorised encampments that could well result from a failure to grant planning permission. Unauthorised occupation can give rise to amenity problems – particularly as the development will not be regulated by conditions controlling issues such as screening, noise attenuation etc. These amenity problems can affect both residents and occupiers of premises in the area.

Government Funding: the Homes and Communities Agency (HCA) has approved grant funding of £1,074,000 to develop 12 pitches at Cottingley Springs. This funding commitment needs to be drawn down by the end of March 2015. If the proposal to expand Cottingley Springs is not approved then it is considered unlikely that the Council can identify an alternative site and submit a planning application before the funding release deadline. It is not known whether the government will make funding available for Gypsy and Traveller site development from April 2015.

9.4 **Openness and Visual appearance**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristics of Green Belts is their

openness and permanence. Whilst this proposal will add a further 12 pitches to the existing 41 pitches on Sites A and B it will result in a further incursion into the green belt and result in a permanent loss of openness. The 5 purposes of Green Belt set out at paragraph 80 of the NPPF are:-

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.,

The proposal will result in further encroachment into the countryside. The development will give rise to a westwards incursion into the countryside to accommodate the 12 plots. The latest proposals will enable scope for buffer landscaping and planting to the northern and western boundaries of natural species with additional planting to give structure to the land to the south. The visual appraisal of the site considers the site is set in an area which is typical of the urban fringe landscape having a paddock like appearance, open in character and with no notable features of landscape quality. Officers agree with that assessment. Given the restricted views of the site from Gelderd Road and the contained landscape and its character it is considered there is limited harm to openness and that whilst the site will be seen from the public footpath and glimpses from Gelderd Road this will be filtered by landscaping, which will mature with time, and will be seen against the backdrop of the existing sites and the main urban area. The pitches and ancillary buildings are also proposed to be set into the hillside which will help to minimize impact although they are in a linear form. There will clearly be some impact but it will be limited but permanent. The landscaping will give a softer edge over time. On the loss of openness and impact on views across the site officers have concluded that the harm is limited.

9.5 **Crime**

There is a perception that Cottingley Springs creates and attracts a high level of crime. This is not borne out by crime statistics. In September 2013, there were 127 reported crimes in the mile radius surrounding Cottingley Springs. There is currently an unauthorised Gypsy and Traveller encampment at Dolly Lane, Lincoln Green. In September 2013, there were 1485 reported crimes in the mile radius surrounding Dolly Lane².

In any event, whilst public fear and concerns about the possible effects of development can be material to planning decisions the Court of Appeal decision in the Smith case³ is relevant to this issue. A planning inspector had refused permission for a gypsy caravan park and upheld enforcement notices. He concluded, amongst other things, that the needs of the residents on the site were outweighed by the serious harm that the use of the site as a gypsy caravan park would cause. The inspector took into account as a material consideration evidence of increased crime since the caravan park was set up and fears that such crime would continue. One of the appellant's arguments in the Court of Appeal was that the inspector had erred in relation to the issues about fear of crime.

² Figures obtained from www.police.net

³ N SMITH V (1) FIRST SECRETARY OF STATE (2) MID-BEDFORDSHIRE DISTRICT COUNCIL [2005] EWCA Civ 859

The Court of Appeal unanimously concluded that fear and concern had to have some reasonable basis and the object of that fear and concern had to be the use, in planning terms, of the land. In this case, the number of incidents of crime reported had diminished. Further, it was necessary in order to take those incidents into account to attribute them not merely to the individuals concerned but also to the use of the land. The Court was of the view that a caravan site was not akin to a polluting factory or a bail hostel, likely of its nature to produce difficulties for its neighbours. It could not be right to view the use of the land as a gypsy site as inherently creating the real concern that attached to an institution such as a bail hostel. The Court of Appeal went on to conclude that if the concern for the future rested not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of the future occupiers, then in accordance with the guidance contained in the West Midlands case⁴ this could not be taken into account when determining the planning application.

Accordingly when it comes to the proposals to develop Cottingley Springs, to take into account public fear of crime based partly on assumptions about future occupiers is not appropriate – in other words it is not a material consideration to the determination of the planning application and should not feature in the planning balance.

9.6 Sustainability

It is recognised that the site is not in the most sustainable location in relation to services and facilities, located at the edge of the main urban area and will result in an enlargement of an already substantial site in the Green Belt. It is also clear both in relation to Central Government guidance and the City Council's own adopted policy and emerging policy that the proposal does not sit comfortably with the general approach that is advocated for approaching the location of travellers sites in terms of smaller sites in sustainable locations with Green Belt being the last resort.

9.7 Other Matters

With the revisions to the scheme there are now no technical objections to the development of the site – flood risk, access and contamination can all be adequately addressed and do not form reasons why the proposal should not be supported in principle subject to the detailed approval of matters which have been conditioned. The right of way is a private matter which will need to be resolved between the relevant parties.

9.8 The Planning Balance

Members recognized at the 24th Panel meeting the difficult position the Council faces in relation to meeting the needs of travellers in the city. The issue of bringing forward additional sites in the city as set out in adopted UDP policy H16 has seen little progress since the UDP was adopted in 2001 and the selective Review in 2006. Apart from small sites such as Nepshaw Lane in Gildersome other sites have not come forward or been approved. The Council did oppose development on two sites in the Green Belt at Springfield Villas at Gildersome and Ninevah Lane, Allerton Bywater for travelers but in both cases the Inspector granted temporary permission

⁴ West Midlands Probation Committee v SSE and Walsall MBC (1997) JPL 323.

on the basis that there was no alternative provision to move to and no progress had been made in providing additional pitches in the city.

Moving forwards the 5 year position and longer term need will need to be addressed through the Core Strategy and Site Allocations Plan. The Inspector through the Core Strategy Examination Hearing has requested that more work be done in relation to the evidence base for emerging policy H7 before the Plan can be found sound and this is likely to result in an increase in the level of identified need over and above the 41 pitches already identified. The short term need identified in the Core Strategy was not contested at the Examination Hearing. Through the Site Allocations work suitable sites will need to be identified to meet the need and the Council have set out criteria in terms of how this should be approached in policy H7 which is consistent with the PPFT and broadly consistent with the contents of policy H16 of the adopted UDP Review. It should be borne in mind that to meet that need it may be necessary, as with the need to meet the general housing needs of the city, to make a change to the green belt boundary to allocate it for housing – this would be consistent with national guidelines in the NPPF and PPFT recognizing that green belt boundaries should only be altered in exceptional circumstances but that specific need can be a reason for doing so through the plan-making process.

It is clear that there is an identified short term need for additional pitches for travellers which should be met urgently and that there are significant implications for the council and existing communities from illegal encampments if that need remains unmet. The proposal to layout an additional 12 pitches at Cottingley Springs follows an extensive site search on Council owned land for land which is suitable and available. The decision to make an application at Cottingley Springs was made by Executive Board in September 2012 as no other options remained at the time. Whilst it does not fit the criteria both nationally and locally for the choice of sites for travellers it will meet identified need in the short term and it can be delivered if permission is granted. There are ongoing consequences if the need is not met. Officers consider that given the process that has been followed, the urgency of the need and the consequences of not making any provision that very special circumstances have been demonstrated.

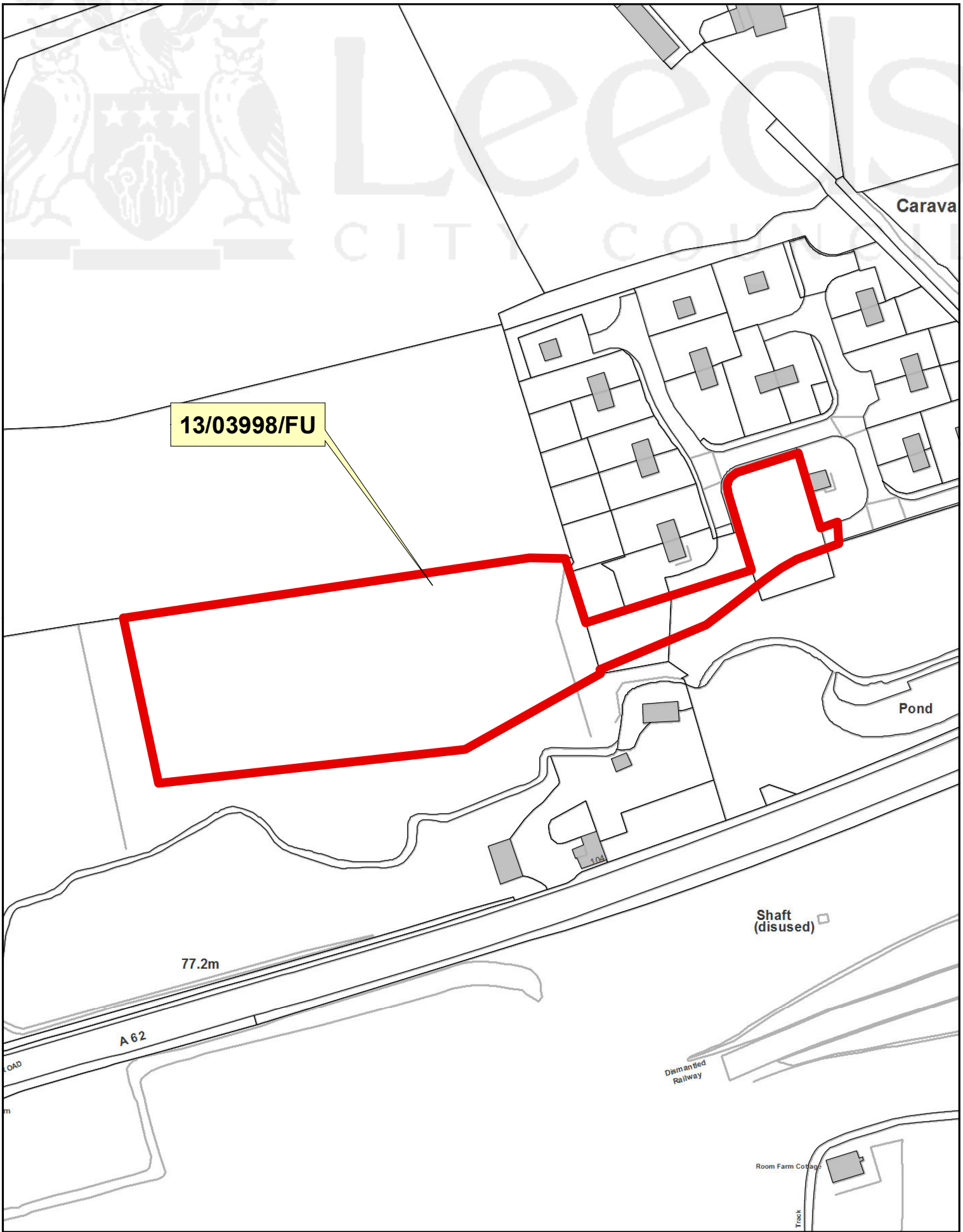
The proposal is inappropriate development in the green belt and harmful by definition. Substantial weight should be given to the harm from the development being inappropriate. To that should be added the limited harm identified from the impact on openness and visual appearance. Finally there is identified harm because the site has relatively poor sustainability credentials located at the edge of the urban area and not well located in relation to services and facilities and will consolidate an existing travellers site. Moderate weight is given to the harm identified to the sustainability issues.

Officers overall however, recognizing the present situation, consider that the very special circumstances case put forward is strong enough to outweigh the harm identified and in the planning balance have given overriding weight to the identified need and the consequences of not making provision for the urgent short term need for both the city and existing communities. The final decision is likely to rest with the Secretary of State should members resolve to accept the officers recommendation as the application will need to be referred to him as a significant departure from the development plan.

10.0 Background Papers:

Application file

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SCALE : 1/1500

