



Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 4th September 2014

Subject: PLANNING APPLICATION 12/04737/FU – Use of vacant site for the stationing of caravans for occupation by Gypsy-Travellers with associated development including new access track, hard standing, utility building, fencing, external lighting and foul drainage on Land to rear of Sandon Mount, Hunslet

APPLICANT
Mr M Maloney

DATE VALID
3rd December 2012

TARGET DATE
28th January 2013

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

That planning permission be refused for the following reasons:

- 1. The use of the site for a Gypsy and Traveller caravan site is premature in respect of the current allocation of the site for allotment purposes in the 2006 UDP Review. The appropriate route for determining such matters is via the Site Allocations process in the context of the deficiencies of open spaces in the Inner Area Housing Market Characteristic Area.**
- 2. That the location of the proposed Gypsy and Traveller site is in conflict with Policy GP5 of the UDP in terms of environmental intrusion and loss of amenity arising from noise from the adjoining M621.**

1.0 INTRODUCTION:

- 1.1 The application is for a Gypsy/Traveller pitch on a privately owned site consisting of one permanent mobile home, utility block, three temporary pitches and associated hard standing. The application has been requested to come to Plans Panel by Ward Members due to local concerns raised about the application.

- 1.2 Members may be aware that at a recent City Plans Panel meeting regarding the proposal to extend Cottingley Springs, concerns were raised by objectors that the application at Sandon Mount for a small development in a sustainable location on a private site had not been determined. It is considered therefore that given the sensitivity of the application and opposing views that the application should be brought to the Plans Panel for determination.

2.0 PROPOSAL:

- 2.1 The application would see the use of the land change from being vacant land/allotments to residential use for two families, comprising two Gypsy and Traveller pitches made up of several distinct elements. New hard standing would be laid and one permanent pitch would be sited comprising one mobile home along with a utility block providing toilet, bathroom and utility facilities. This would be a small, rectangular structure measuring 5m x 4m x 3.56m high and constructed from brick, wood and tiles. A further three touring caravans would also be provided along with associated car parking. A boundary fence would be erected around the site (making space for four caravans in total).
- 2.2 It is anticipated that the applicant would occupy the mobile home and use one touring caravan for travelling, with another family occupying the other two caravans for both residence and travelling. Generally travelling is carried out between April and October for two to three weeks at a time.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is part of an unused and overgrown piece of land sited at the rear of a relatively recent development of houses that front onto Sandon Mount between the houses and the motorway (the M621). There was a brick built unit in front of the site which used to operate as a builders yard but has now been demolished and the site left derelict. A route has been formed between houses which gives access to the builders' yard and to this site. There is an area of grassland behind the houses adjoining this site which functions as informal greenspace.
- 3.2 There is a mobile home on the site and evidence of some hard standing, although the site is generally very overgrown. The site is surrounded by high fencing with locked gates and at the time of the site visit there was a lot of rubbish within the site. At the rear of the site the land banks up towards the M621. The site is on the edge of a residential area comprising small, semi-detached properties. There is also a school, sheltered housing and some shops close by.

4.0 RELEVANT PLANNING HISTORY:

In relation to this site in particular:

- 4.1 10/00515/FU – Detached residential caravan. Withdrawn 13/04/10.
- 4.2 21/347/05/OT – Outline application for detached house. Refused 31/03/06 due to being on greenfield land and noise. The applicant had not demonstrated that the proposal could overcome such an issue and the proposal for a dwelling was considered to be detrimental to the residential amenity of intended and future residents and therefore contrary to GP5 of the adopted UDP.

In relation to adjacent site (incorporating builder's yard):

- 4.3 09/02099/FU – Site to east incorporating builder's yard. Three 2-bedroom town houses and one 1-bedroom detached bungalow to vacant site. Approved 09/07/09. This permission has now lapsed although in 2010 an application was submitted for a varied house type on the bungalow plot, application ref 10/03842/FU. Although described as "2 bedroom detached dwelling (amendment to previous approval 09/02099)" the red line boundary was for just the bungalow site and did not include the town houses. Permission for the bungalow expired on 20/10/13.
- 4.4 13/04841/FU – detached dwelling to replace the expired permission for a bungalow. Approved 09/12/13.

Other sites of relevance to this matter:

- 4.5 Cottingley Springs is the only publically managed main Travellers site in the City. 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.
- 4.6 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. 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.
- 4.7 Planning application 13/03998/FU for the expansion of Cottingley Springs with 12 pitches was submitted in September 2013. After a site visit Members resolved to approve the application in December 2013 and to defer and refer it to the Secretary of State as a departure from then Development Plan given it is in the Green Belt and is inappropriate development. The Secretary of State decided on 24th February 2014 to call in the application for determination at a local inquiry which took place in July/August 2014.
- 4.8 10/00188/FU – Retrospective application for change of use of 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.
- 4.9 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.
- 4.10 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.

- 4.11 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.
- 4.12 Planning application no. 14/03263/FU, application for 15 pitches at Kidacre Street, Leeds, for a temporary period of one year is awaiting determination.
- 4.13 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 was called in for a decision by the Secretary of State as it involves significant development in the Green Belt. The appeal was dismissed by the Secretary of State in February 2014. 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.
- 4.14 Planning application no. 14/01914/FU, change of use of former distribution centre and oil refinery land to Gypsy traveler caravan park at Valley Road, Morley, to provide 36 pitches and car parking – under consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There has been little negotiation on the application but substantial delay in consideration due to consideration of the Council's policies relating to the provision of sites within the city, in the context of the draft Core Strategy and in Examination.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by a site notice posted on 14/12/12 as well as neighbour notification letters sent out on 03/12/12. Ward Members were briefed on 03/12/12. Publicity expired on 04/01/13.
- 6.2 Ward Member response – All three ward members oppose the application due to the impact on the local area. Hilary Benn MP considers it is an unsuitable location for the proposed use and asks that full weight be given to such concerns although he does not elaborate on the matter.
- 6.3 Public Response – 51 individual objections have been received raising the following planning concerns;
- Increase in traffic and use of larger vehicles will be harmful to pedestrians and other road users, in particular school children attending nearby primary school.
 - The land is contaminated with asbestos from previous buildings.
 - There will be increased demand for already overstretched facilities such as school and doctors.
 - Increase in surface water and potential flood risk.
 - Any business use of the site will result in noise and disturbance.
 - Impact on residential amenity due to siting of caravans at rear of dwellings.

- Noise issues from motorway.
- Unsuitable site

6.4 A petition signed by 32 local residents in objection has also been received.

6.5 89 similar letters from people in support of the application, sent in by Leeds GATE (Gypsy and Travellers Exchange) who also state their support – they have worked with Mr Maloney for many years and recognise the need for him and his family to be settled and have somewhere permanent to live.

7.0 CONSULTATIONS RESPONSES:

STATUTORY

7.1 Coal Authority – Due to type of development proposed then no objections are raised.

NON-STATUTORY

7.2 Highways – No objections provided that the access is properly surfaced.

7.3 Local Plans – Objections had been raised by Local Plan officers on the grounds that the proposal involves the use of designated allotment land, of which there is an acknowledged shortage in the area. The provision of allotments is being considered as part of the Site Allocations process which will follow the adoption of the Council's Core Strategy later in 2014.

7.4 Gypsy/Traveller Service – The applicant's family currently reside at Cottingley Springs and are doubling up on a pitch with extended family. Cottingley Springs currently has a waiting list with approximately 1-2 vacancies coming up each year. It is therefore very unlikely that Mr Maloney will be offered a pitch in the near future.

7.5 Contaminated Land – No objections subject to conditions.

7.6 City Services Waste Management – No objections.

7.7 Flood Risk Management – No objections subject to soakaway provision

7.8 Air Quality Team – No issues of concern from local air quality management.

7.9 Architectural Liaison Officer – Crime statistics for local area supplied. The local area has higher than average crime rates particularly in serious acquisitive crime, criminal damage/arson and anti-social behaviour. Concerns have been raised with Neighbourhood Policing Team by residents regarding this application however on planning merits there are no detrimental comments to make.

7.10 Environmental Protection – A caravan cannot be compared to a new build house as it is less permanent and the occupants accept the situation with regards to noise. The caravan will not offer a great deal in terms of sound reduction and the site is in the shadow zone of the M621 and will benefit from some screening. Usually for a new housing scheme or mobile home park a noise mitigation scheme would be required – this is an unusual and specific set of circumstances.

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 Natural Resources and Waste DPD (2012). This is supplemented by relevant supplementary planning guidance and documents. The 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 and June 2014 where the issue of future Gypsy and Traveller and Travelling Showpeople accommodation was subject to further consideration at the Examination. The Site Allocations Plan is at Issues and options stage having been through a period of public consultation in the summer of 2013.

Unitary Development Plan Review (adopted July 2006)

- 8.3 A triangular site which includes part of this site is allocated as N1A Allotments on the Proposals Map of the Revised Draft UDP. Relevant policies;
- Policy N1 and N1A Greenspace and allotment gardens
 - Policy H16 Accommodation needs of Travellers
 - GP5: Detailed planning considerations which seek to avoid loss of amenity
 - Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety

Draft Core Strategy

- 8.4 The draft 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.
- 8.5 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.
- 8.6 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 for identifying suitable sites through the Site Allocations process.
- 8.7 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.

- 8.8 The Council therefore has prepared a Draft Gypsy and Traveller Pitch Requirement Study (2013) to support Policy H7.
- 8.9 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 was submitted to the Inspector for consideration through the Examination.
- 8.10 The Examination re-opened in May 2014 and further evidence was submitted by the Council with regard to the future provision of Gypsy and Traveller sites during the Plan period. As a consequence, a modified policy H7 and supporting text was submitted for consideration. This identified an unmet provision of 62 pitches, of which the Council and private sector should provide 25 and 28 pitches respectively with negotiated stopping provision of 9 pitches (until March 2028). This provision is to be made through the Site Allocations plan and through determining planning applications in accordance with the following criteria:

MM69	70	Policy H7	<p>Revise Policy H7 as follows:</p> <p>The City Council will identify suitable sites in the Site Allocations Plan (of around no more than 15 pitches per site) to accommodate the following identified needs:</p> <ul style="list-style-type: none"> • <u>62 pitches for Gypsies and Travellers (of no more than 15 pitches per site), and</u> • <u>15 plots for Travelling Showpeople (to be accommodated on either one or two sites).</u> <p><u>In identifying land or determining planning applications for pitches / plots, consideration will be based on</u> Gypsies, Travellers and Travelling Showpeople, through a Site Allocations DPD, subject to the following criteria:</p> <ol style="list-style-type: none"> i) <u>pitches and plots should</u> 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) <u>pitches and plots 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</u> iii) <u>pitches and plots</u> Sites should avoid zones of high flood risk (zone 3 flood risk areas), iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. <u>Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople’s site only.</u> <p><u>the availability of alternative deliverable sites for Gypsies and</u></p>	Soundness and to reflect up to date evidence
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			<p><u>Travellers and Travelling Showpeople</u></p> <p>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, site will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople site only.</p> <p>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.</p>	
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8.11 Following the hearing session in May, the Core Strategy Inspector agreed that Main Modification 69 above would ensure that the Draft Core Strategy was sound and in line with National Guidance. To that end, significant weight can be placed on Policy H7 as modified.

8.12 Draft Core Strategy G6 Greenspace is also of relevance.

POLICY G6: PROTECTION AND REDEVELOPMENT OF EXISTING GREENSPACE

Greenspace (including open space in the City Centre) will be protected from development unless one of the following criteria is met:

- i) There is an adequate supply of accessible greenspace/openspace within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
- ii) The greenspace/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or
- iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing greenspace quality in the same locality.

Furthermore, the Site Allocations Plan is currently considering the greenspace role of the site and confirms that greenspace provision in the locality is deficient especially in terms of allotment gardens. Para 4.5.1 of the Inner Issues and Options Site Allocations Plan indicates that site proposals for deletion (eg either allotments or green spaces) will be considered in the context of the surpluses and deficiencies identified in each particular area.

Supplementary Planning Guidance / Documents:

8.13 The following SPGs / SPDs are relevant;

- Neighbourhoods for Living
- Crime and Design SPD
- Street Design Guide

NATIONAL PLANNING POLICY:

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

- Requiring good design

- Promoting healthy communities
- Conserving and enhancing the natural environment

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

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

8.16.1 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.

8.16.2 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:

- promote peaceful and integrated co-existence between the site and the local community
- promote, in collaboration with commissioners of health services, access to appropriate health services
- ensure that children can attend school on a regular basis
- provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- 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
- avoid placing undue pressure on local infrastructure and services
- do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans 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.

8.16.3 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
- other personal circumstances of the applicant
- 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

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

8.17 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. The Council cannot currently demonstrate a 5 year supply of deliverable sites for Gypsies and Travellers in Leeds. The calculation of a 5 year supply for Gypsies and Travellers differs from the approach to settled housing needs. The Draft Gypsy and Traveller Pitch Requirement Study (2013) identifies that the majority of need is made up of a current un-met need and is not spread evenly per annum throughout the plan period. National Guidance encourages unmet need to be addressed within 5 years where possible. The current identified need for public pitch provision (i.e. G&T on the housing waiting list who express a preference for public provision) is 26 families. The current need for private pitch provision (i.e. G&T on the housing waiting list, doubling up on existing pitch provision, on the roadside or in bricks and mortar housing) is 26 families. The current identified supply over the next five years comprises 12 pitches at Cottingley Springs (see paragraph 4.7 above) and 15 temporary pitches at Kidacre Street. The Council therefore has a 2.6 year supply of pitches, dependant on the grant of permission for Cottingley Springs. The Site Allocations Plan will identify sufficient sites to meet the needs of Gypsies and Travellers. It will also seek to identify sufficient sites to meet private needs although it is recognised that this may not be possible. The criteria in Policy H7 are therefore also applicable to the determination of planning applications.

8.18 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

Other Material Considerations

8.19 West Yorkshire Gypsy and Traveller Accommodation Assessment 2008 – identified a shortage of sites across the region. Leeds itself has a demand for more than double the number of sites that are provided.

Leeds currently has 41 pitches all of which are located at Cottingley Springs. The need in 2008 – 12 was estimated to be for an additional 40 pitches, during this time no further pitches were provided.

8.20 Article 8(1) of the European Convention on Human Rights – provides that everyone has the right to respect for his private and family life, his home and his correspondence.

The Council must weigh the rights of Gypsies, Travellers and local residents in its decision making, and ensure that where its decision is an interference with article 8 rights that this is a proportionate response in the public interest.

- 8.21 Article 2 of the First Protocol of the ECHR – right to a proper education, this is especially applicable to Gypsies as many Gypsy children are assessed as having Special Educational Needs.
- 8.22 The Equality Act 2010 places a further duty on local authorities to consider equality in their decision making processes and to have due regard to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and those who don't and foster good relations between such. The need for Gypsy and traveler sites and pitches is recognised in both plan-making (Core Strategy and Site Allocations) and decision taking on individual planning applications.

9.0 MAIN ISSUES

- Principle of development
- Need for Gypsy and Traveller sites
- Human rights and personal needs
- Amenity issues
- Highway safety issues
- Response from public consultation

10. APPRAISAL

Principle of Development

- 10.0 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), the emerging Core Strategy and evidence base, and detailed development management matters including sustainability, highways, amenity, impact and noise.
- 10.1 The starting point is compliance with The Development Plan. Part of the site is allocated as N1A (Allotments). The policy states "Development of land currently used as allotment gardens will not be permitted for purposes other than outdoor recreation, unless the need in the locality for greenspace is already met and a suitable alternative site for allotment gardens can be identified." The Issues and Options Document for the Site Allocations Plan identifies surpluses and deficiencies in the different types of greenspace in the Inner Area. For the City and Hunslet ward only children and young people's equipped play is in surplus when assessed against greenspace standards as set out in PPG17. For allotment gardens the deficit in this part of Leeds is 2/3 of the standard i.e. -0.16 ha against a standard of 0.24ha per 1,000 people. Table 4.5.1. of the Draft Issues and Options Site Allocations Plan for the Inner Housing Market Characteristic Area indicates that there is a deficiency in all categories of open space in the City and Hunslet Ward (apart from Childrens and Young Peoples Play). Para 4.5.1. indicates that the process of dealing with current allotment allocations should be considered in the context of deficiencies identified in that particular area (ie through the Site Allocations process).

- 10.2 The site is fenced at present, has a disused mobile home sited on it and is untidy in appearance and is in the ownership of the applicant. There is no surfaced access to the land at present from the tarmac double turning head. The agent in one of her submissions states that the site is a former allotment area and presumed it was once part of the larger allotment site adjoining which are still in cultivation. The adjoining site again looks run down and does not appear to be actively and intensively used. The Council owns the access road and has granted rights of access for agricultural purposes, but this does not include residential use. This would be required if the site is to be used for purposes proposed in this application.
- 10.4 Greenspace policies in the Development Plan are supported by an up-to-date evidence base published in 2011. This considered the role of the allotment and concluded that it should remain as an allotment site in this area of shortfall. This area of Hunslet is located in the inner-south sub area where there is an under provision of allotment provision compared to the Core Strategy standard. The Sandon Mount site fell below the minimum quality standard reflecting the fact it is largely disused. There are two other allotment sites within the 960 m catchment area.
- 10.5 Emerging Core Strategy policy G6 sets out 3 criteria under which development on protected green space sites would be acceptable. There is not an adequate supply of greenspace in the Inner area nor is any replacement greenspace being offered by the proposal. The NPPF paragraph 74 adopts a similar approach to protection of existing green space. It is noted that whilst the application does not comply with the policy designation and policies which lie behind it the site is currently disused and has previously been identified as being surplus and sold off by the Council in 2007. Moreover on adjoining land it should be noted from the planning history that planning permission has been given for housing although this has not been implemented and has lapsed.

Need for Additional Sites

- 10.6 Policy H16 in the adopted UDP Review 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 that sites should be;
- 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
- 10.7 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 on-going work and consideration by the Inspector at Examination. The approach in PPTS and emerging policy H7 are similar with the emphasis on smaller sites in sustainable locations close to local facilities with a sequential preference for brownfield followed by greenfield.
- 10.8 Revised Policy H7 of the draft Core Strategy has now been published as part of the Inspector's Proposed Modifications.

This sets out the future need and criteria against which the provision of new Gypsy and Traveller sites should be made through the Site Allocations process.

In summary, sites should be chosen which:-

- Have reasonable access to public transport, schools, health care, shops and local services
- Should not be located on land that is deemed unsuitable for general housing
- Should avoid areas of high flood risk
- Should preferably be located on brownfield sites and should be considered in the context of alternative deliverable Gypsy and Traveller sites

10.9 The site is small and well located in relation to facilities and services within the main urban area. It is also clear that there is significant unmet need for Traveller pitches within the city evidenced by previous appeal decisions, the lack of a five year supply and the case put forward by the Council at Cottingley Springs.

10.10 In the appeal into a proposed caravan at Springfield Villa's in Gildersome (in 2010) the Inspector noted the proposed extension to Cottingley Springs and the identification of sites through the Site Allocations DPD. The Inspector was however critical of the delays already caused in the process of the DPD and considered that sites were not likely to become available until 2015 at the earliest. The Inspector therefore considered that the lack of provision was a material consideration. Significant progress in the provision of new sites has taken place since then via the Core Strategy and through the proposals at Cottingley Springs and Kidacre Street.

Human Rights and Personal Needs of Applicant

10.11 The applicant has a young family who attend a local primary school. For some years the applicant was moved on from a number of unauthorised encampments, before taking a more settled approach and doubling up on a plot on Cottingley Springs that is occupied by another family member. Essentially however the applicant and his family are homeless and the doubling up on a plot means that the amenity of the wider family is compromised by having less space in which to live satisfactorily.

10.12 The applicant has applied for his own plot on Cottingley Springs but he is not of the highest priority and advice from the Gypsy and Traveller Service is that he is unlikely to be given a plot in the next few years due to the lack of supply. The applicant owns this plot of land at Sandon Mount and has chosen to create a home for his family on this site. The site will provide a permanent mobile home for his family, a utility building, and space for three touring caravans. This additional caravan space represents an important cultural need for Gypsies and Travellers to have wider family gatherings, but also allow space for a growing family.

Amenity Issues

10.13 Subsequently, the Council has sought to bring forward new Travellers sites on a temporary and permanent basis. The proposed expansion at Cottingley Springs (on the basis of an application submitted by the Council) would provide 12 new pitches. A 'call in' Inquiry under Section 77 of the Town and Country Planning Act 1990 has recently taken place and a decision is awaited.

10.14 Further temporary provision is also proposed by the Council. It has recently submitted an application for the provision of 15 new pitches on a site at Kidacre

Street in the City Centre for a temporary period of 12 months. This application is awaiting determination.

- 10.15 Furthermore, should the Inspector's proposed modifications be accepted, the Council is committed to identifying land for 62 new pitches on a mixture of local authority and private sector sites through the Site Allocations process, in accordance with the Inspector's Modified Policy H7 (see Para 8.10 above).
- 10.16 Accordingly, in considering this application, it is appropriate to balance a number of factors relating to the location of the site, its current designation as allotments, emerging Core Strategy policies in relation to both future Gypsy and Traveller site provision and the future need for green space allotment sites within the Inner Area (South) (in the context of the Site Allocations process), the location of the site and general environment, the issue of local residents and the provision of the Human Rights Act.
- 10.17 The Inspector's Proposed Modifications on the Draft Core Strategy sets out a need for the future provision of both future Traveller sites and consideration of allotment land. Both of these should come forward as part of the Site Allocations process which is underway.
- 10.18 The site currently comprises statutory allotments which have been abandoned and the applicant does not own the section of land required to access the site (which is in Council ownership). However, the land remains allocated as allotments within the UDP NIA boundary. There is an under-provision of allotments within this area of the city of 0.161ha and therefore the loss of this allotment land would further reduce the provision and necessitate the identification of additional allotment land in the locality. As the proposed modifications to the Draft Core Strategy indicate, the appropriate way for considering both future allotment land and Gypsy sites is through the Site Allocations process. The application is premature in these respects.
- 10.19 The Council acknowledges (via the Draft core Strategy) that there is a current shortage of Gypsy and Travellers sites and is taking steps to remedy this through the provision of both permanent and temporary sites (at Cottingley Springs and Kidacre Street respectively) and is seeking to ensure that there is a 5 year supply of temporary and permanent sites in appropriate locations.
- 10.20 A further consideration relating to the application relates to its suitability as a location for residential occupation in terms of the proposed Core Strategy modification Policy H7. The site is generally well located to the existing urban area in sustainability terms and therefore is in general compliance with reworded Policy H7. However it is important to recognise that Paragraph H7 (ii) also states that:
- 'pitches and plots 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.'*
- 10.21 Members will note a previous refusal for residential development of the site (planning application no. 21/00747/05/07 in 2006 on the grounds of residential development and noise impacts from the adjoining M621, although consent for the development of a bungalow on adjoining land was granted in 2009 and received in 2013 for a permanent dwelling. In this respect it is appropriate to have report to the comments of the Environmental Protection Team who comment as follows:-

'A caravan(s) cannot be compared to a new build house as it is less permanent and the occupants accept the situation with regard to noise. The caravan site does not offer a great need in terms of sound reduction and the site is in the shadow zone of the M621 and will benefit from some form of screening. Usually, for a new housing scheme or mobile home park a noise mitigation scheme would be required as this is an unusual and specific set of circumstances.'

- 10.22 It should be noted that the application is for four caravans and therefore the exposure to residents from noise from the motorway is more significant than that likely to be experienced by residents of concrete built permanent dwellings as indicated by the Council's Environmental Protection Team. The site immediately adjoins the M621 and so very limited amelioration of noise is likely. In this respect, the applicant has declined to offer further mitigation as part of the proposals. Accordingly, Members may consider that the location is inappropriate in terms of habitation for four caravans because of the limited noise insulation and proximity to the motorway. This would be contrary to Saved UDP Review (2006) Policy GP5, which seeks to avoid problems of environmental intrusion, loss of amenity and pollution.

Highway Matters

- 10.23 The proposal will involve the use of an existing access which is used to serve both this site and the builders' yard. The access has been assessed as being adequate for the level of intended use proposed from a highway perspective, and is suitable for use by caravans. Some local objection comments have questioned the safety of caravans using the local roads, however these are not substandard in their width or capacity and can adequately cater for the applicant's needs without restricting others.
- 10.24 The stretch of access from the turning head into the site will need to be properly hard surfaced for at least 15m to ensure water does not run off the site onto adjacent ground, and to ensure that vehicles can safely access the site. This land is owned by the Council and the applicant would need to obtain consent for the use.
- 10.25 Intensification of the use of the site by additional traffic is of marginal significance.
- 10.26 The site is capable of providing adequate access and parking facility within its boundaries and no objection is raised on these grounds.

Other Matters

- 10.27 The site can be drained, although the applicant will need to ensure that any soakaway does not impact on the embankment of the motorway. To control this details of the drainage are requested. Surface water run off should be dealt with so that no increase in off-site flows is experienced.
- 10.28 Comments have been raised about the soil here being contaminated due to the site being formed by spoil tip from the formation of the motorway. The fact that the site (if approved) is to be hard surfaced though will act as a cap to any such contamination and so deal with this matter. It is noted that the use of the site for growing vegetables was not restricted in any way regardless of potential for contamination.

10.29 A number of objections raise concerns of anti-social behaviour, community cohesion, loss of land values etc. Many of these matters are not planning considerations, and should be disregarded.

11.0 Conclusion

11.1 The shortage of Gypsy and Traveller sites and lack of a 5 year supply is accepted by the Council and it is acknowledged that there is a need to identify additional locations as part of the Site Allocation process in according with Modified Policy H7 of the Draft Core Strategy. In the meantime, the Council is seeking to remedy part of this shortfall by bringing forward new sites at Cottingley Springs and Kidacre Street

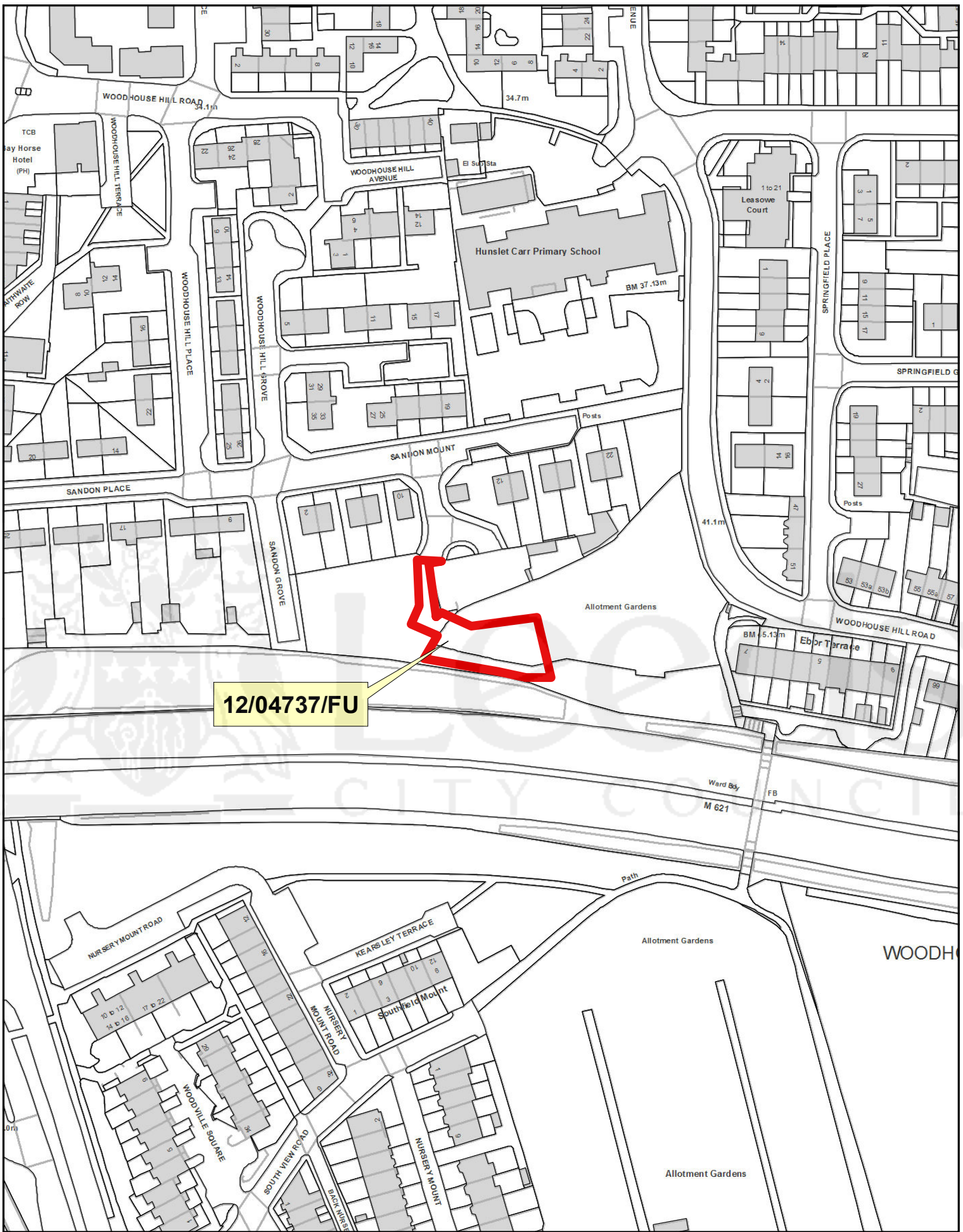
11.12 The identification of new gypsy and traveller sites (up to 2028) is being addressed through the Site Allocations process where potential locations are being fully evaluated. The Site Allocations process will also address specific shortages of green space in the Hunslet and City Ward, including consideration of maintaining the existing allotment allocation, and/or identifying alternative allotment sites. Accordingly, the application is considered to be premature in advance of the Site Allocation process, and furthermore does not to comply with UDP (Review) Policy GP5 in respect of the potential noise impacts on the residents (and therefore amenity) from the adjoining M621 and the site allocation processes where surpluses and deficiencies in allotments and green spaces can be fully evaluated. On balance, refusal of the application is recommended. It is considered that this is a proportionate response to the planning harm caused notwithstanding the interference with the applicant's Article 8 rights.

Certificate of Ownership:

Land served on LCC due to access crossing.

Background Papers:

See planning history.



SOUTH AND WEST PLANS PANEL

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