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**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH & WEST**

**Date: 24<sup>th</sup> October 2013**

**Subject: POSITION STATEMENT – 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**

6<sup>th</sup> September 2013

**TARGET DATE**

6<sup>th</sup> December 2013

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**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

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**RECOMMENDATION:** Members are requested to note the contents of this position statement, and to make any appropriate comments at this stage

**1.0 INTRODUCTION:**

- 1.1 The purpose of this report is to provide Members with information about the application and the issues involved and to give opportunity for Members to visit the site, ask questions and make any initial comments at this stage.
- 1.2 The report is brought to the Plans Panel because it relates to a controversial and 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.
- 1.3 The proposal has been submitted following an extensive site search which commenced in December 2011. Leeds City Council officers carried out a site assessment exercise to identify whether any Leeds City Council owned sites were suitable for use as accommodation provision for Gypsies and Travellers. Of an initial tranche of 224 sites, 87 were deemed to be 'currently available for use' or 'being prepared for marketing in the next 12 months'. A desk top exercise

reduced the pool of 87 sites to 65. All 65 sites were then visited and 35 sites were considered to warrant an in-depth assessment against set criteria. A planning statement submitted with the application provides detail of this process. None of the aforementioned sites were considered to be currently available for use as permanent housing provision for Gypsies and Travellers as judged by the criteria. The Cottingley Springs site, although in the Green Belt, has been in existence for a period of 25 years and is well established and in the absence of alternative site options, combined with unmet housing need of Gypsies and Travellers has been identified as the preferred site by the Council ( Report to Executive Board 5<sup>th</sup> September 2012 which gave the negative results of the site search options and in the light of the pressing need to resolve immediate issues to seek to expand Cottingley Springs subject to complementary improvements to the existing site for existing residents and a further bid to the HCA to part fund a modernisation programme).

- 1.4 The Draft Gypsy and Traveller Pitch Requirement Study carried out to support the evidence base for the Core Strategy identifies that as of 2013 there are 19 Gypsies or Travellers who have registered a housing application requesting pitch based accommodation in Leeds – all have been assessed as being statutorily homeless.
- 1.5 A Council Scrutiny Board Inquiry was held back in 2010 and concluded that the current cycle of unauthorised encampment and eviction was not meeting the needs of Gypsies and Travellers, was leading to community tensions and was not delivering value for money in relation to the use of the Council's resources. The immediate priority of the Council was to address the housing needs of 12 Leeds based roadside families.
- 1.6 The Council has successfully applied for Homes and Community Agency grant funding to develop 12 pitches at the Cottingley Springs site which meets the immediate and short term needs of Gypsies and Travellers in the city.
- 1.7 Officers are still considering the application including consultation responses and public representations and assessing the very special circumstances argument put forward by the applicant to justify what is by definition an inappropriate development in the Green Belt. Once all the information is collated and considered officers will present a report to a future Panel which will set out in full all the considerations and go through the balancing exercise and what weights are being attached to each before making a recommendation for Panel to consider.

## **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.
- 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 As the southern part of the site is in Flood Zone 3 (parts of Plots 10, 11 and 12, the play area and part of the access road), it is proposed to raise the ground levels by a metre over a large part of the site, and construct a 1m high gabion wall to a large part of the southern boundary, to prevent flooding of the site. As part of the cut and fill proposed, a gabion wall will act as a retaining wall to the northern site boundary. A 1.8m high timber fence is proposed on top of the gabion walls, to the site boundaries.
- 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 east corner of the new site.
- 2.6 Street trees are proposed along the side of the access road into the site.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The proposed development is to be located to the west of Cottingley Springs, ( 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 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.
- 4.3 Enforcement Notice quashed and appeal allowed on 24<sup>th</sup> 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.
- 4.4 Enforcement Notices quashed and appeals allowed on 13<sup>th</sup> 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
- 4.5 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.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 There has been no negotiations since the application was submitted. 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.

## **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 6<sup>th</sup> September 2013. In addition, the application was advertised in the Morley Advertiser on 18th September 2013.
- 6.2 Morley North Councillors. Councillor Finnigan and Councillor Gettings, object to the proposal on the following grounds:
- 6.2.1 The application is development in the Greenbelt. It is therefore inappropriate development.

The application breaches NPPF guidance as Travellers Site in the Greenbelt are deemed inappropriate development.

The application breaches Central Government Guidance on the location of Travellers sites which state they should be smaller family sites on previously developed brownfield land close to local facilities such as schools, health centres and public transport. This application fails all of these tests.

The application breaches recently agreed Leeds City Council policy on Travellers sites which states brownfield sites first followed by greenfield and Greenbelt only in

exceptional circumstances. The policy also states that Travellers sites need to be close to local amenities. This fails this policy on all counts.

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 that 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.

- 6.3 Gildersome Parish Council object to the proposal on the following grounds:  
The proposal is contrary to Green Belt policy. The statement that there are no other suitable sites is 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.  
The proposal breaches national and local guidelines which states that such proposals should be on brownfield land, small in scale and in sustainable locations.  
There are considerable issues with the existing sites in terms of crime and anti-social behaviour.  
The proposal would infringe on the Human Rights of adjoining residents and landowners, due to increase in crime and anti-social behaviour.  
The proposal would exacerbate existing flooding problems.
- 6.4 230 letters of representation had been received by close of play on 1st October. Significant further representations have been received since – Members will be updated at Panel. The summary below reflects the comments made up to 1<sup>st</sup> October and are grouped under headings for clarity;
- Consultation with existing residents**
- 6.5 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**

- 6.6 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**

- 6.7 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**

- 6.8 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**

- 6.9 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**

- 6.10 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**

- 6.11 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 Coal Authority - 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.

- 7.2 Environment Agency – comments awaited.

NON-STATUTORY

- 7.3 Highway Authority –  
ACCESSIBILITY : Emerging Policy H7 requires the Council to identify suitable sites to accommodate Gypsies, Travellers and Travelling Showpeople subject to the following relevant criteria:-

“Sites must be located near major roads and have reasonable access to public transport, healthcare, schools, shops and local services”

It is understood that a school bus operates at the site but no details are provided within the submitted Transport Statement. The provision of a school bus would address accessibility standards relating to education but the site still fails to meet other accessibility criteria set out in the emerging Core Strategy.

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.

The site compares to the Council's emerging Core Strategy as follows:-

To Local Services	To Employment	To Primary Health	To Primary Education	To Secondary Education	To Town Centres/City Centre
<b>Accessibility Standards</b>					
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	415m 4.9 mins
				Bus -	

**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.

**ROAD SAFETY:** The proposal raises no specific road safety concerns

**CONCLUSION:** Further information should be provided regarding school travel options at the site. Considering the sites location in the context of Policy H7 it is difficult to say if it has "reasonable access" to public transport, healthcare, schools, shops and local services.

7.4 Flood Risk Management – Farnley Wood Beck is one of the sensitive catchment areas due to persisting flooding issues downstream of this site. FRM would ask the developer to contribute £30,000 towards future improvement works to the beck - to mitigate for additional surface water discharged from site and compensatory flood storage.

The developer should fully implement the recommendations as set out in the FRA accompanying the application. No objections, subject to the above.

7.5 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.

7.6 Waste Management - The access road and turning head on this application may cause problems as it totally fenced off and if cars or vans are parked on this road it may be impossible for our vehicle to get into the site and turn round. It would be

better if a bin store was built at the entrance to the site to house communal bins and remove the need to get into the site.

Please also note that we have had serious problems in the past with the existing sites at Cottingley which have varied from verbal abuse, anti-social behaviour and physical threats etc..

7.7 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). The following comments are made;

- 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 Geldard 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.

## 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 adopted Unitary Development Plan Review (2006), the Natural Resources and Waste DPD (2012) along with relevant supplementary planning guidance and documents. The Local Plan ( Core Strategy and Site Allocations Plan) will eventually replace the UDP – the Core Strategy has been submitted to the Secretary of State and is currently undergoing Examination and 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.

- 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. The Examination started on October 8<sup>th</sup>.

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 be found sound at the Core Strategy Examination; potentially placing progression of the whole plan in jeopardy.

The Council has prepared a Draft Gypsy and Traveller Pitch Requirement Study (2013) to support Policy H7. Officers are currently engaging with Gypsy and Traveller groups and neighbouring local authorities on the Draft Study (a further requirement of national guidance).

On 4<sup>th</sup> September 2013, Executive Board 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.

#### 8.8 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.

8.8 Also of relevance is a written Ministerial Statement by Local Government Minister Brandon Lewis on 1<sup>st</sup> 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. “*

8.8 As the current proposal is for a travellers site in the Green Belt and is a departure from the Development Plan it is likely 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

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 1<sup>st</sup> 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 The site is in the designated Green belt in the Revised Draft UDP and the proposal is 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?
- 9.3 The written Ministerial statement of July 2013 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.
- 9.4 In previous appeal cases regarding travellers the lack of availability of alternative sites has been confirmed as a factor which can amount to very special circumstances.

## **10.0 APPRAISAL CONSIDERATIONS**

- 10.1 This section sets out in summary the main elements which will be considered in the final determination report to be weighed by members in reaching a decision. At this point they are still under consideration and so firm conclusions are not drawn.

### **Green belt impact**

- 10.2 As well as significant harm as a result of inappropriate development in the green belt an assessment is being done of the impact of the proposal on openness and visually within the wider area. Members will be able to judge the impact on openness and the landscape from the site visit and how widespread that is. There is no doubt, however that there is harm. The proposal involves the removal of existing vegetation to form the vehicular access into the site and a ‘cut-and-fill engineering operation to deal with the three metre change in levels through the site. The 6 pairs of amenity buildings, the areas of hardstanding and stationing of vehicles will erode the openness of the Green Belt in this location. The application site is an open field in area which is mainly open and undeveloped towards the west of the existing Cottingley Springs sites. The site can be clearly viewed from the Public Footpath 169/171, whereby the roofs of the amenity buildings 7 – 9 are likely to be visible, as would the high sided white caravans. A 3m wide drainage easement through the western boundary would prevent substantial planting over 6m wide area, which would reduce opportunities for screen planting. The 1.8m high screen fencing to the edge of the development would create an urban edge – opportunities for landscaping are still being explored.

- 10.3 The land rises in a northerly direction along the public footpath. As such, there are views down onto the site, from the north-west of the site, which would be difficult to screen.
- 10.4 In terms of impact from the A62 Gelderd Road, when approaching from Leeds, the site is well screened along the A62 corridor. When approaching from Gildersome, however, and especially on foot, there are open views into the western part of the site, with the application site at a lower level than the carriageway. Some of the tree belt is in third party ownership, and some of the planting is deciduous, which would not be in leaf for a significant part of the year.

### **Sustainability**

- 10.5 Policy B of 'Planning for traveller sites' (PFTS) states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Policy H of PFTS suggests certain criteria which local planning authorities may wish to consider in dealing with any planning application. The first point is that the PFTS advises that the site allocations criteria should be used in assessing proposals on unallocated sites such as this. Therefore, in respect of emerging Core Strategy Policy H7, the following comments are made against each of the 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.),

The site is adjacent to the A62 Gelderd Road. In para 7.3 above, Highways Officers set out the sustainability in the emerging Core Strategy. More information has been requested, but concerns have been raised that the location of the site does not meet the accessibility criteria set out in the emerging Core Strategy for residential development. In addition, Childrens Services has advised that local schools are at (or approaching) capacity.

ii) Sites should avoid zones of high flood risk (zone 3 flood risk areas),

The southern part of the site, including part of Plots 10, 11 and 12, the large part of the play area and part of the access road are within Flood Zone 3. The Environment Agency (E.A.) has requested a meeting with the applicant, as the E.A. has received information from a third party which appears to show the site flooding. The final comments from the E.A. will be reported in due course.

iii) The following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt,

The site is Green Belt. The issues regarding the search for suitable sites has been mentioned at the start of this report and greater detail is included in the application submission.

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,

The current proposal is a planning application, rather than a site allocation, therefore, this paragraph is not relevant to this proposal.

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.

The site is Green Belt, but not a Special Landscape Area nor a conservation area.

### **Compliance with national policy “Planning Policy for traveller sites”**

10.6 These are dealt with in the order raised in the document:

10.6.1 Policy B is concerned with general sustainability issues, which are covered in the section above, therefore no further comments are made on this.

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.

Concerns have been raised by Leeds GATE regarding the scale of the development. They are not convinced that an extension to the existing, already large site is the best or indeed only option for Traveller site provision. The addition of 12 pitches to the 41 existing pitches will create one of the largest Traveller sites in the country, which will in effect ‘dominate’ the local settled community. This would be in conflict with Policy C.

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.

The site is in the Green Belt, and the applicant will need to demonstrate very special circumstances to overcome green belt and any other harm.

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

The applicant is relying on these issues as very special circumstances to allow the development to proceed..

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.

The proposed site is not allocated in the development plan, is in a Green Belt designated rural area. The proposal would constitute a substantial increase (over 20%) on the existing settled travellers site.

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

- (i) effective use of previously developed (brownfield), untidy or derelict land;

The site is open grazing land in the Green Belt, and is not untidy or derelict.

(ii) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

The site is in the Green Belt, where the openness will be impacted upon. No landscape scheme has been submitted, but the applicant's Design & Access Statement states that the landscaping will comprise grassed areas and hard landscaping, and that additional tree planting will also be carried out.

(iii) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;

A new play area is proposed for the site, and a refurbished play area is proposed for site B.

(iv) 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.

Apart from a gap where the access is to be formed, the site will be enclosed with a 1.8m high close boarded timber fence, with concrete posts. The enclosure, combined with the location of the site beyond the boundaries of the existing settlement, projecting into open countryside, could be perceived that the site is isolated from the existing community however, it will also provide security to the site..

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.

It is considered that the local planning authority does not have an up-to-date five-year supply of deliverable sites. The proposal is for a permanent site and not temporary. The supply of sites is however a significant issue and the question to be answered is whether the case put forward amounts to very special circumstances in this case.

### **Very Special Circumstances**

10.7 The case put forward by the applicants is that the expansion of Cottingley Springs is the Council's preferred option for immediate provision and follows an extensive , district wide search exercise which failed to identify a suitable alternative Council owned site. There is a clear need and significant cost to the Council in moving on travellers from unauthorised sites because of a lack of alternatives and this site is being put forward to deal with an immediate need in the context of considering the number of pitches over and above these which are needed in the Core Strategy period through the updated evidence base recently submitted to the Inspector undertaking the Examination. There has been significant criticism of the Council about the lack of provision and this has resulted in applications on smaller sites in the green belt being granted temporary permission. Failure to grant planning permission for the expansion of Cottingley Springs will mean that there is no preferred Council site and no reasonable prospect of identifying an alternative Council endorsed site in the near future. It has taken just over a year from the

Executive Board resolution which concluded the site search exercise to get to this stage of the planning application process. This means that not only is there an unmet need and a pressing case to provide additional pitches, there is no prospect of this need being met for months and perhaps years of permission is not forthcoming for the extension at Cottingley Springs.

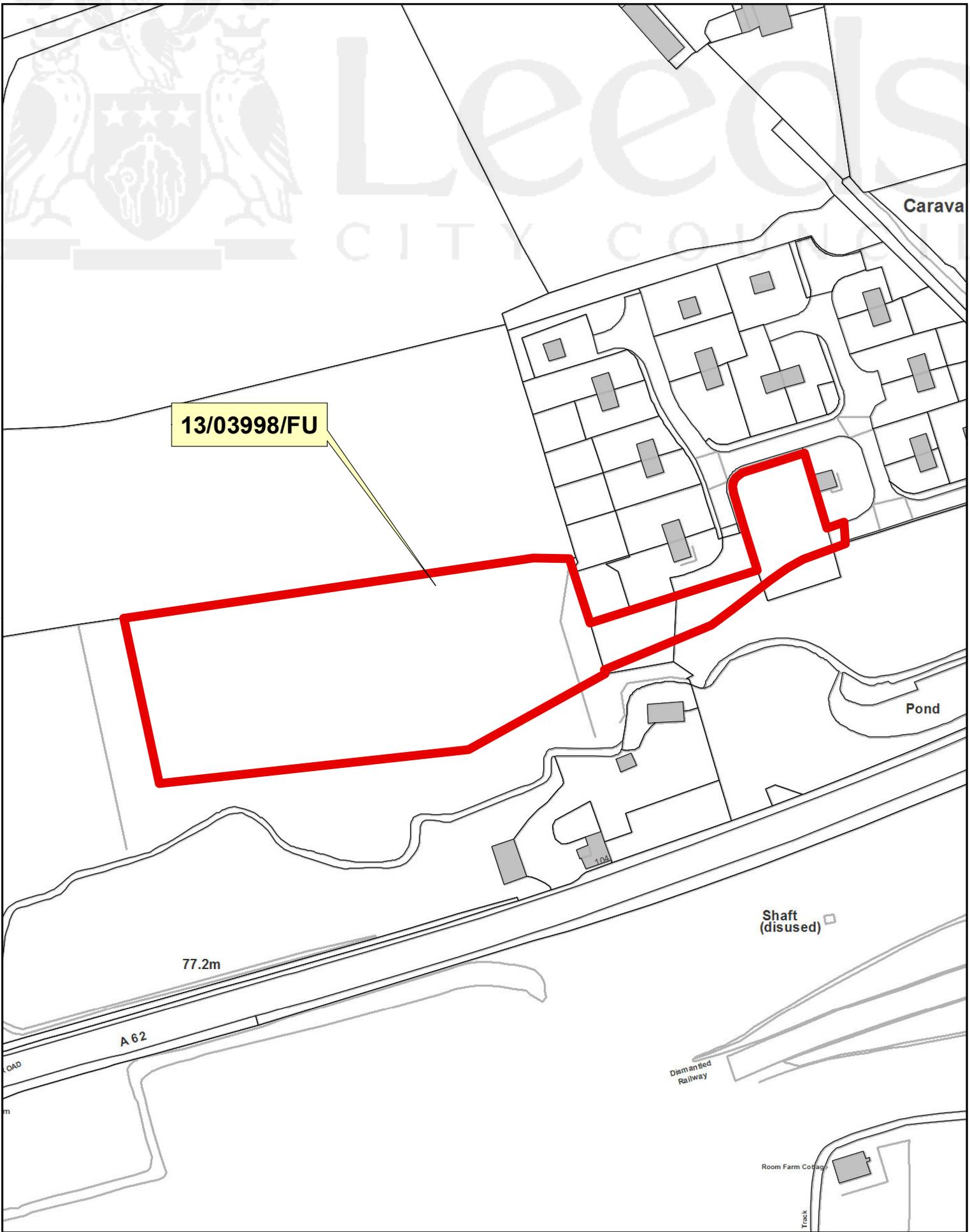
## **11.0 REPRESENTATIONS**

- 11.1 The points raised in the representations have largely been dealt with in the section above. One issue which has raised significant concern is the amount of existing crime and the fear of additional crime and anti-social behaviour a larger site could potentially cause. According to the publically available crime statistics, there were 50 recorded offences at Cottingley Springs between August 2012 and July 2013. The crimes range between violent crime, public disorder and weapons, criminal damage and arson, burglary and anti-social behaviour.
- 11.2 A statement submitted by the West Yorkshire Police (Chief Superintendent, City & Holbeck Divison) states that the police are “wholly confident in its capacity to effectively police the site” and raise no objections to the proposal. The Police Architectural Liaison Officer (ALO) states that the development has caused a concern to the community, and that these fears should be addressed. Comments have been made by the ALO regarding standards of locks to doors and windows, and has queried whether CCTV coverage will be in place. It is considered that the boundary treatment should be a minimum of 1.8m, and not incorporate climbing aids into the design, and parking areas should be well lit.
- 11.3 The Local Neighbourhood Policing Team is also aware of the application, and to date, no comments have been received.
- 11.4 Whilst crime and the fear of additional crime can be material considerations to planning decisions the court of appeal has judged that to give significant weight to the public fear of crime based partly on assumptions about future occupiers and not the use is not appropriate – in other words it is not a material consideration to the determination of a planning application.

## **12.0 Background Papers:**

Application file

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