



Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 26th September 2019

Subject: 19/00238/FU – Change of use of vacant land to one Gypsy/Traveller pitch comprising one touring caravan, one mobile home, one day room and associated works including new hardstanding and vehicular access on land off Sandgate Terrace, Kippax

APPLICANT

Mr T
Nicholson

DATE VALID

11/2/19

TARGET DATE

8/4/19

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reasons:

1. The Local Planning Authority consider that the loss of allotments, designated as Local Green Space, would be harmful to the wellbeing of the local community and the provision of allotments and greenspace generally in the locality. This is not outweighed by the current need for Gypsy and Traveller sites and in the absence of any very special circumstances, it is considered that the development is contrary to Core Stratgy (2014) Policy G6, Site Allocations Plan (2019) Policy GS1, Unitary Development Plan (UDP) Review (2006) Policy GP5, Kippax Neighbourhood Plan (2019) Policy GE1, together with advice contained within the National Planning Policy Framework and Planning Policy for Traveller Sites.
2. The Local Planning Authority consider that the applicant has failed to demonstrate that the site can be safely accessed and in the absence of such information it is concerned that the proposed development would, by virtue of the narrow width of Sandgate Terrace, give rise to conflict between manoeuvring vehicles accessing the site and other road users, as well as potentially being inaccessible to emergency service vehicles. The

proposals are therefore considered to be contrary to Core Strategy (2014) Policy T2 and Unitary Development Plan (UDP) Review (2006) Policy GP5.

1.0 INTRODUCTION:

- 1.1 The application proposal seeks planning permission for the change of use of vacant land to one Gypsy/Traveller pitch comprising one touring caravan, one mobile home, one day room and associated works including new hardstanding and vehicular access.
- 1.2 The application raises sensitive and complex planning issues and there has been a high level of public interest in the application in the locality, noting material planning considerations which give rise to concerns affecting more than neighbouring properties. Having discussed the planning application with the Chair, and having regard to the Office Scheme of Delegation, it is considered that the application should be referred to this Plans Panel for determination because of the significance, impact and sensitivity of the proposal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The development site comprises a rectangular area of land in the centre of an area of private allotments on the north side of Sandgate Terrace, Kippax, known as Carter's field. A further field containing allotments, known as Sykes Field, exists to the north of the access track running east to west between the two. Carter's field has a total area of 1.348ha, whereas Sykes field has a total area of 2.78ha. Some initial works commenced in respect of the laying out of crushed hardcore across the site and fencing off in 2018, resulting in an enforcement investigation prompting submission of this application.
- 2.2 The remaining allotments to either side of the application site appear to be relatively well used and contain sheds, storage areas and other paraphernalia expected with such allotment use. Overall, the allotments cover an area spanning Gibson Lane to the west, Sandgate Lane to the east, Sandgate Terrace to the south and the rear boundaries of properties on Sandgate Drive to the north. Following liaison with the Castleford and District Allotments Federation Ltd, it is understood that they have 16 tenants – 4 on one side of the application site and 5 to the other side, with the remaining 7 on Sykes Field. There are 13 private allotments on Carter's field, mainly sold off in the 1960s and 70s and some of these are divided into sub-plots. It is understood that the application site constitutes 6 plots. It is further understood that Sykes field contains 55 allotments and is fully occupied.
- 2.3 The allotments and the application site are set on a gradual fall northwards, with Sandgate Terrace being located on a high point at the brow of the hill. The allotments are located on the eastern side of Kippax and whilst otherwise in a suburban setting, the land to the east of Sandgate Lane comprises open agricultural fields.
- 2.4 The closest residential properties to the site are located on the south side of Sandgate Terrace, arranged in 4 two-storey terraces of 6 dwellings each, faced with red brick and tiled roofs and are of early C20th appearance. To the south east, Lime Tree Crescent comprises a number of two-storey semi detached dwellings. The dwellings along Gibson Lane and Sandgate Drive, to the west and north, are of later C20th construction and are of detached and demi-detached forms. Kippax Ash Tree

Primary School and Kippax Community Centre are located to the west of Gibson Lane and have accesses in close proximity to the junction of Gibson Lane and Sandgate Terrace.

3.0 PROPOSAL

3.1 The application proposal seeks planning permission for the change of use of vacant land to one Gypsy/Traveller pitch comprising one touring caravan, one mobile home, one day room and associated works including new hardstanding and vehicular access.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history on site.

5.0 HISTORY OF NEGOTIATIONS

5.1 During the course of the planning application officers have set out the policy position and requested additional information relating to highway matters.

6.0 PUBLIC/LOCAL RESPONSES

6.1 The application has been advertised by site notices which were posted around the site on 18th February 2019 and by way of neighbour notification with letters sent on 12th February 2019. As a result of this publicity, approximately 1,000 letters of objection and a petition have been received. The objections relate to the following issues:

- The site has long been established as allotment land and should be retained as such;
- The proposal is contrary to the Kippax Neighbourhood Plan, which designates the allotments, including the application site, as Local Greenspace;
- The allotment facilities provide a nursery base for many residents taking part in 'Kippax in Bloom';
- Concern that if approved, the development would set a precedent for further development on the remainder of the allotments.
- Concern about poor highway access to the site and the implications for highway safety given the narrow nature of Sandgate Terrace and the close proximity of Kippax Ash Tree Primary School.
- The applicant does not own the strip of land between the site and the highway of Sandgate Terrace.
- The ancient hedgerow to the Sandgate Terrace side of the site has been removed to create an unauthorized access, whereas access should properly be taken from Gibson Lane and the track to the north of the site.

6.2 One letter of representation has been received from Kippax Parish Council, stating objection on account of the loss of designated greenspace and change to the use of allotment land, contrary to the Neighbourhood Plan. The application should also be retrospective as work has already started through the laying out of hardcore. The

allotment has been well used for many years and should not be classed as vacant land. The development would also bring additional traffic to a small road which is near to the entrance of a school.

- 6.3 One letter of representation has been received from Alec Shelbrooke MP, noting that the application has been objected to by a large number of constituents. Concern is expressed that the allotments have been used for many years in connection with Kippax in Bloom and valuable space would be lost, as well as impacting on an area of Local Green Space, as recently designated in the Kippax Neighbourhood Plan. At the time of writing, and upon receipt it was noted that the Site Allocations Plan (SAP) was at an advanced stage and that this site is not proposed to be allocated for housing or a Gypsy/Traveller site.
- 6.4 One letter of representation has been received from Kippax and Methley Ward Councillors (Cllr M Harland, Cllr J Lewis and Cllr K Wakefield at the time of writing). The letter objects to the application on the grounds of inappropriate use of greenspace – the space was apparently cultivated as recently as last year. The whole allotment site is allocated as greenspace in the UDP and recently as Local Green Space in the Kippax Neighbourhood Plan. Concern is also expressed at changing the character of the area and that the proposed development will be out of character with the existing residential development and greenspaces. It is noted that Sandgate Terrace is narrow, with a pavement on one side, and is unsuitable for providing access to the site. Additionally, it is noted that a strip of land between the highway and the site is not in the applicant's ownership. Concern is also expressed about the reference to business activity as no information is provided regarding this and so no assessment can be made in terms of impact on residential amenity.

7.0 CONSULTATION RESPONSES

- 7.1 Highways: It is noted that the applicant does not have right of access over a strip of land between the site and Sandgate Terrace. In accordance with the West Yorkshire Fire and Rescue public advice there should be 3.7m available on a road narrowing to 3.1m at entrances. With the inclusion of parked cars on Sandgate Terrace the requested width will not be provided. The width provided does not even meet the pinch point width suggested at entrances therefore Highways cannot accept the site is accessible for fire engines. It has not been demonstrated a vehicle towing a caravan can access the caravan site whilst parked vehicles are also on Sandgate Terrace and until an acceptable swept path drawing has been provided, Highways will be unable to support this application.
- 7.2 Public Rights of Way: A claimed footpath runs to the north of the site (forming the track between Carter's Field and Sykes Field). The access track/claimed footpath leading to the vacant land needs to be cleared of vegetation as this would help alleviate any conflict with pedestrians and motor vehicles.
- 7.3 Flood Risk Management: No objection, but the applicant should consider the use of rainwater harvesting. A condition is recommended to secure details of a foul drainage scheme.
- 7.4 Contaminated Land Team: The proposal is a sensitive end use and the site could have been potentially contaminated in the past. Whilst a Phase 1 desk study is requested, it is considered appropriate to otherwise impose conditions to secure a Phase 1 desk study and provide for an amended remediation strategy, verification report, importation of soil and methodology for dealing with asbestos.

8.0 RELEVANT PLANNING POLICIES

The Development Plan

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. Leeds Core Strategy (Adopted November 2014)
2. Leeds Core Strategy Selective Review (Adopted September 2019)
3. Site Allocations Plan (adopted July 2019)
4. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
5. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
6. The Kippax Neighbourhood Plan (made February 2019)

These development plan policies are supplemented by supplementary planning guidance and documents.

8.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 - Location of development
Policy H7 - Accommodation for Gypsies, Travellers and Travelling show people
Policy P10 - Design
Policy P12 - Landscape
Policy G3 - Standards for open space, sport and recreation
Policy T2 - Accessibility requirements and new development
Policy EN5 - Managing flood risk

8.3 The limited review of the Core Strategy through the Core Strategy Selective Review (CSSR) was adopted on 11th September 2019. The following policies are relevant:

Policy H7 - Accommodation for Gypsies, Travellers and Travelling show people
Policy G6 - Protection and redevelopment of existing greenspace
Policy EN8 – Electric Vehicle Charging Infrastructure

8.4 The Council's Site Allocation Plan (SAP) was adopted on 10th July 2019 and therefore full weight should therefore be accorded to it. The following policies are relevant:

Policy GS1 – Greenspace designations
Policy HGR2 – Monitoring of Gypsy and Traveller sites

8.5 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

Policy GP5 - General planning considerations
Policies N23/N25 - Landscape design and boundary treatment
Policy LD1 - Landscape schemes

8.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework.

The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and flooding are relevant as follows:

Policy AIR 1: The Management of Air Quality Through Development

Policy WATER 1: Water Efficiency

Policy WATER 2: Protection of Water Quality

Policy WATER 7: Surface Water Run-Off

Policy LAND 1: Contaminated Land

Neighbourhood Plan

8.7 The Kippax Neighbourhood Plan was made in February 2019 and therefore forms part of the development plan.

8.8 The Plan lists a number of objectives which include:

1. Improving the built and natural environment, by encouraging investment, promoting conservation of historical sites and buildings, conserving the special sites that surround the village; and tackling run down areas.
2. To promote opportunities for the expansion of local retail and business development.
3. To ensure that new developments reflect the housing type and mix that best meet the needs of present and future residents.
4. To protect open spaces, including sports, recreational and communal.
5. To promote better transport links and traffic systems.

8.9 The following policies are relevant to the determination of the current application:

Policy GE1 – Local Green Spaces

Supplementary Planning Guidance / Documents:

8.10 SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Parking

National Planning Policy Framework (NPPF)

8.11 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.12 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

- 8.13 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay
- 8.14 Paragraph 101 states that policies for managing development within a Local Green Space (as designated by a Neighbourhood Plan) should be consistent with those for Green Belts.
- 8.15 Paragraphs 143-147 deal with proposals affecting the Green Belt and confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Further, when considering any planning application, local planning authorities should ensure that substantial weight is given 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 resulting from the proposal, is clearly outweighed by other considerations. Gypsy and Traveller sites are not included in the list of exceptions in paragraphs 145 or 146 and are inappropriate development.
- 8.16 Paragraph 108 seeks to ensure that safe and suitable access to the site can be achieved for all users in relation to development proposals. Further, paragraph 109 notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.17 In February 2019, the Government published its revisions to the National Planning Policy Framework. The revisions focus on the housing land supply assessments and methodology; clarification of Habitat Regulations Assessment and definitions in glossary relating to "deliverable" and "local housing need".

Planning Policy for Traveller Sites (PPTS)

- 8.18 The PPTS sets out the Government's planning policy for Traveller sites. It should be read in conjunction with the NPPF. The policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community. To help achieve this, Government's aims in respect of traveller sites are:
- a. that local planning authorities should make their own assessment of need for the purposes of planning
 - b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
 - c. to encourage local planning authorities to plan for sites over a reasonable timescale
 - d. that plan-making and decision-taking should protect Green Belt from inappropriate development
 - e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
 - f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
 - g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies

- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k. for local planning authorities to have due regard to the protection of local amenity and local environment

8.19 Paragraphs 16 and 17 of the PPTS focus on Traveller sites in the Green Belt. Paragraph 17 confirms that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development and subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Paragraph 17 advises that Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the planmaking process and not in response to a planning application.

8.20 Paragraphs 22-28 of the PPTS are also relevant in determining applications for Traveller sites. In particular, paragraph 24 states that:

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

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) 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
- e) that they should determine applications for sites from any travellers and not just those with local connections

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

9.0 MAIN ISSUES

1. Loss of allotment land
2. Need for Gypsy and Traveller sites
3. Highways impact
4. Impact on character
5. Residential Amenity
6. CIL
7. Consideration of Objections
8. Planning Balance

10.0 APPRAISAL

Loss of allotment land

- 10.1 The proposal is located on land in Kippax, which is defined as a Smaller Settlement by Policy SP1 of the Core Strategy. The application site, as well as the adjoining land to both the east and west, is carried forward as a Green Space allocation under Policy GS1 of the Site Allocations Plan (SAP). In addition, the site is designated as a 'Local Green Space' by Policy GE1 of the Kippax Neighbourhood Plan. The same is true of the Sykes Field site, to the north. The Neighbourhood Plan has now passed referendum and so, in accordance with Section 3 of the Neighbourhood Planning Act 2017, the Plan is now considered part of the statutory development plan and should be given full weight in the determination of planning applications in the neighbourhood area.
- 10.2 Policy G6 of the CSSR identifies that green space will be protected from development unless one of 3 criteria is met. The proposal does not propose to replace the green space lost, and does not deliver wider planning benefits and improvements in green space quality in the locality, and so it is criteria (i) which is of most relevance to this application. This only allows the loss of green space where there is an adequate supply of accessible green space and the development site offers no potential for use as an alternative deficient open space type. The Green Space Background Paper (which provides the most up-to-date position on green space surpluses/deficiencies) identifies that in the Kippax and Methley Ward there is a surplus of 0.46ha of allotments against the standards of Policy G3, but a deficit of -0.32ha of parks and gardens. No evidence has been submitted to demonstrate that, if not in allotment use, it would not be possible for this land to be used for an alternative form of green space, and so the proposal has not met the requirements of this policy. Notwithstanding the above, it is apparent from the letters of representation that the allotments are an important resource for local people and used for the purposes of many positive civic and educational activities.
- 10.3 The protection for this land as green space is strengthened by policy GE1 of the Kippax Neighbourhood Plan, which designates the Carter's Field allotments as a Local Green Space. The policy specifies that development will be ruled out other than in very special circumstances in accordance with national policy on Green Belt. This is consistent with paragraph 101 of the NPPF which specifies that policies for managing developments within a Local Green Space should be consistent with those for Green Belt. Paragraphs 143 to 147 of the NPPF state that the construction of new buildings in the Green Belt is generally inappropriate (and so harmful), and the proposed use is not one of the exceptions to this general rule set out in paragraphs 145 or 146. No evidence has been submitted to demonstrate that there are 'very special circumstances' (VSC) for this case. The national Planning Policy for Traveller Sites (PPTS) also confirms (at paragraphs 16 and 17) that Traveller Sites are inappropriate development in the Green Belt, and that personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Space and any other harm so as to establish very special circumstances. As a result, the proposal is not in accordance with this policy.
- 10.4 It is considered that the allotments are greenfield land and generally take the appearance that one would expect. When the site was assessed as green space for the Leeds Open Space and Recreation Assessment (2008) it got an overall quality score of 4.5 out of 10, with generally low maintenance scores and it being noted that a number of plots were overgrown and unused, with grass paths through the site in a satisfactory condition (though no comments were made about it looking like

anything other than allotments, or being particularly untidy or appearing as derelict). Regardless of this, it is considered that even if it was agreed that the site was considered as untidy or derelict land (which it is not) and gave weight to this as the PPTS instructs, it is not considered this would overcome the Local Green Space designation and the strength of protection that it offers in the overall planning balance.

The need for Gypsy and Traveller sites

- 10.5 Policy H7 of the Core Strategy sets out the approach towards accommodation for Gypsies, Travellers and Travelling Show People. It identifies that in determining planning applications for pitches / plots, consideration will be made of 5 criteria. In relation to each of these;
- i. *Accessibility*: the site is located within Kippax, which is defined by the settlement hierarchy of Policy SP1 as a Smaller Settlement due to its size and reasonable range of services and facilities. Detailed comments have been provided by Highway officers which do not raise concerns in relation to the accessibility standards of the Core Strategy.
 - ii. *General suitability of land for housing*: there are no immediately apparent factors that would make this site unsuitable for general housing, though the consultee comments from Contaminated Land officers are noted.
 - iii. *Flood risk*: The site is located within Flood Zone 1, and so there are no concerns from a flood risk perspective.
 - iv. *Prioritising brownfield / greenfield / green belt*: the site is greenfield, but is located outside of the Green Belt.
 - v. *Availability of alternative deliverable sites*: in total, the SAP makes provision for 25 Council managed pitches (which meets the requirement identified in Policy H7) and 14 private pitches (against the requirement of 28 pitches identified in H7). The proposal would, therefore, arguably contribute towards meeting the shortfall in private pitches over the period to 2028.
- 10.6 The national PPTS is also an important material consideration in the determination of this application. Paragraphs 22 to 28 are particularly relevant to the determination of planning applications, and highlight that issues such as the existing level of provision, the need for a site, the availability (or lack) of alternative accommodation for the applicant and the personal circumstances of the applicant should be considered when applications are determined.
- 10.7 In light of the advice in the PPTS, it is unlikely that the unmet need could be construed as VSC. Whilst the SAP does not meet the full Core Strategy need to 2028, it does provide sufficient pitches for years 1-12 of the Plan (i.e. up to 2024). Therefore, whilst the PPTS does not completely rule out need justifying VSC (it just says it is 'unlikely') in the current context, where need is met in the short term at least, it is not considered that VSC is established on a need basis for this application.
- 10.8 It is also considered that, even if there was an argument to meet need in the longer term and there was a need for sites to come forward on some otherwise designated land in the future, it does not necessarily follow that this means that there will be a need to develop on Green Belt (or land such as this which has the equivalent protection to Green Belt). The new NPPF is clear that in terms of planning for housing, non-Green Belt opportunities need to be 'exhausted' before development on Green Belt is considered, and whilst this is a Plan Making policy, it is considered that it signifies the strength of protection that government expects Local Planning

Authorities to give to Green Belt land and amplifies the designation that has been set out in the SAP.

Highways and Transportation

- 10.9 It is noted by Highway officers and many commentators on the application that the applicant does not have right of access over a strip of land between the site and Sandgate Terrace. This is a point which has been acknowledged by the applicant and accordingly they have taken it upon themselves to complete Certificate D of the planning application form (to be completed in circumstances where part of an application site involves an unknown landowner) and advertise the application in the appropriate way in the local press, with an advertisement published on 8th August 2019 which expired on 29th August 2019.
- 10.10 Highway officers have advised that in accordance with the West Yorkshire Fire and Rescue public advice, there should be 3.7m available on a road narrowing to 3.1m at entrances. Given the inclusion of parked cars on Sandgate Terrace, the requested width cannot be provided and the width provided does not even meet the pinch point width suggested at entrances and therefore Highways officers cannot accept the site is accessible for fire engines. Additionally, it has not been demonstrated that a vehicle towing a caravan can access the caravan site whilst parked vehicles are also on Sandgate Terrace and until an acceptable swept path drawing has been provided, Highway officers maintain an objection to the proposals. It may be possible that an acceptable swept path drawing can be achieved by widening the site access and, at the time of writing, this has been suggested to the applicant. This could therefore address the suggested highway reason for refusal. It is noted that the NPPF requires Local Planning Authorities to work positively with applicants to address matters in planning applications and the same approach is required with any subsequent appeal.
- 10.11 In light of the above circumstance, it is considered that whilst the correct procedure has been followed in terms of dealing with the unknown landowner, at this point in time, in the absence of further information including an acceptable swept path analysis, the applicant has failed to demonstrate that the site can be safely accessed and would not give rise to other safety concerns.

Impact on character

- 10.12 The application site is situated within the central part of the allotments fronting onto Sandgate Terrace and older photographs indicate a hedge along the southern boundary to Sandgate Terrace and that the interior of the site was largely grassed, with the remnants of some outbuildings and some overgrown areas. Prior to the application being submitted, the site was cleared and an area covered with crushed hardcore, as discussed above. Additionally, the hedge has been removed and the site has been fenced off with 2m high wire fencing.
- 10.13 Notwithstanding the above, the application site still currently takes the appearance of being a part of the wider allotments. Whilst the development will involve the erection of an amenity building with day room (for which details have been provided with the application), the remaining features proposed would entail a mobile home, a touring caravan and attendant car parking provision. The amenity building is modest in its size and scale, being only single storey, and the other elements are by their very nature, mobile. Accordingly, given the presence of other allotment related buildings on the adjacent land, it is considered that the proposal would not appear

so obtrusive as to have any significant detrimental impact on the character of the area.

Residential Amenity

- 10.14 The concerns noted in the very many letters of representation in respect of the potential impact on residential amenity are acknowledged. However, there are other Gypsy and Traveller sites within the locality which are occupied and do not give rise to complaints in that regard. There is nothing to suggest that this site would be markedly different from other sites and in respect of pure residential habitation, it is considered that there would be little conflict. Reference has been made to potential business activity at the site, though if the application were to be recommended for approval, planning conditions could have otherwise been used to ameliorate any potential impacts. Overall, it is not considered that there any specific residential amenity concerns associated with the proposed use.

CIL Liability

- 10.15 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. Given the nature of the application, the development is not CIL liable.

Consideration of Objections

- 10.16 The material planning considerations raised in the letters of representation are dealt with in the report above.

Planning Balance

- 10.17 In weighing up the positives and negatives of the proposed development, it is considered that the provision of this site to meet the needs of Gypsies and Travellers would help to make a contribution as a point of principle, though as discussed above, that contribution is not considered necessary in the early years of the Plan (until beyond 2024) and therefore limited weight is attached to this benefit. The harm, through loss of the allotment land, designated as Local Green Space in the Neighbourhood Plan and the absence of any VSC is afforded significant weight. Additionally, the harm associated with the presently unresolved matters in relation to access and highway safety is also afforded very significant weight.
- 10.18 Section 149 of the Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity. Of specific relevance to this application is the need to promote equality of opportunity and good relations between persons of different racial groups. Officers have had regard to the requirements of the Equality Act, but nonetheless conclude that the overall planning balance taking all material considerations into account, is one that is not in favour of the proposed development.

11.0 CONCLUSION

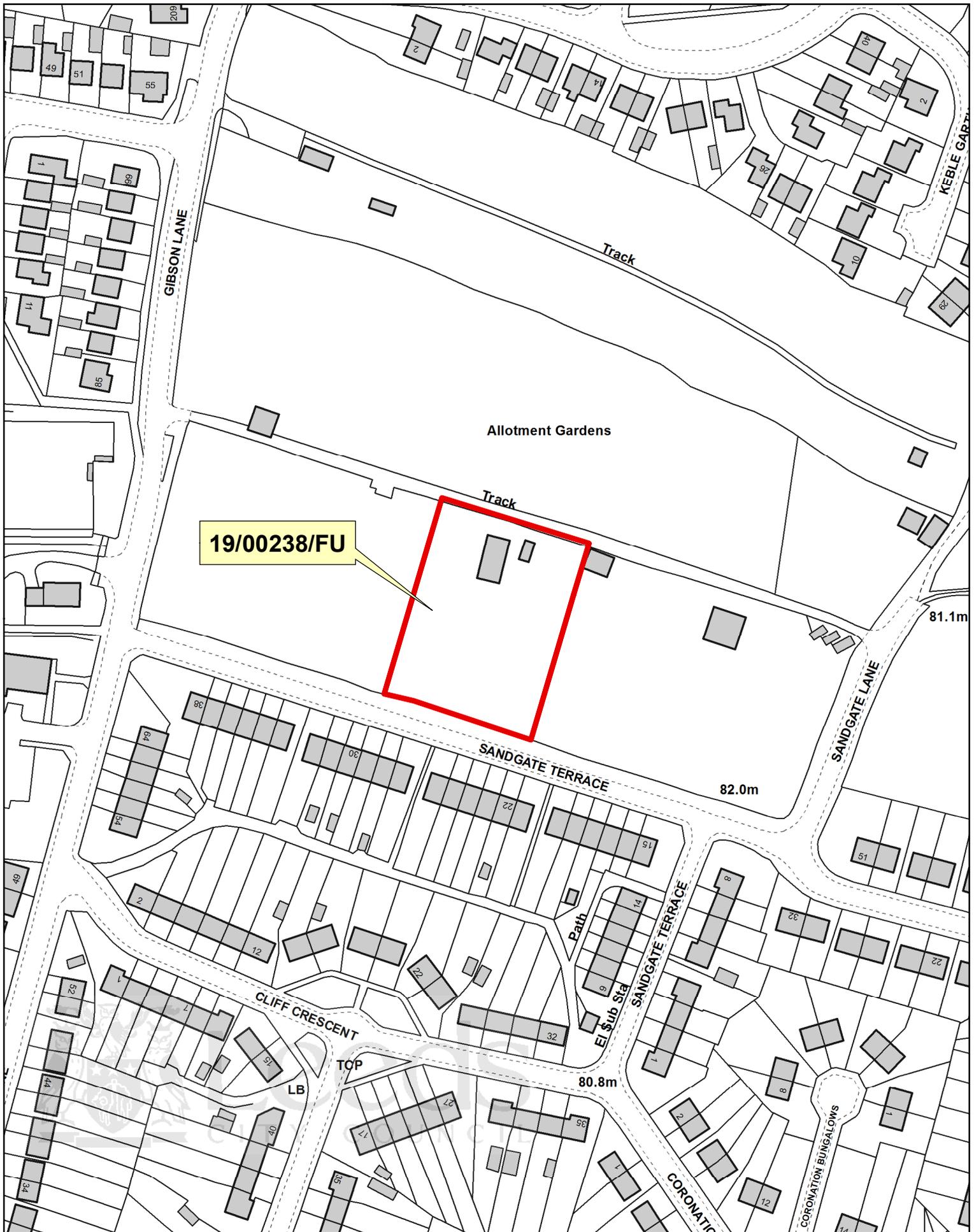
- 11.1 In conclusion, the proposal is broadly consistent with Policy H7 which sets out the key considerations for proposals for Gypsy and Traveller accommodation. However, the designation of the site as green space in the SAP, and as 'Local Green Space' in the Kippax NDP causes significant policy conflict. No evidence has been submitted with the application which addresses the requirements of these policies. Concerns are also raised about highway safety and conflict with policy GP5.

11.2 In light of the above, officers recommend that the application be refused for the reasons specified at the head of this report.

Background Papers:

Planning Application file 18/00238/FU

Certificate of Ownership: Certificate D signed by the agent.



NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2019 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

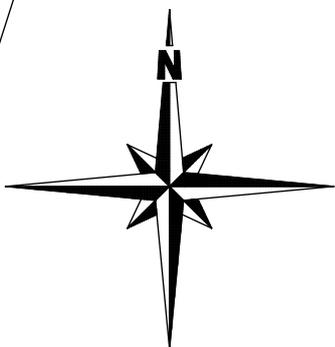
SCALE : 1/1500



Track

Day Room

Pitch



SANDGATE TERRACE

30

22

15

14

BLOCK PLAN 1:500

Crown Copyright. All rights reserved. Licence Number AR 100022432