
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9th February 2017

Subject: 16/06911/FU –Change of use of land to traveller pitch with detached utility block and associated works, Retrospective permission for laying out of hardstanding at land off Hollinhurst, Allerton Bywater, WF10 2HY

APPLICANT

Mr T Doran

DATE VALID

18th November 2016

TARGET DATE

13th January 2017

Electoral Wards Affected:
Garforth and Swillington and,
Kippax and Methley

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

- 1 Construction of the utility building within 3 months of the date of the permission.
- 2 Connections to mains electricity and sewerage to be made within 3 months of the date of decision. In the event that either of these are not reasonably possible suitable alternatives to be submitted, approved and implemented within 5 months of the date of the permission.
- 3 Boundary treatment details to be agreed/retained.
- 4 Implementation of drainage strategy for surface water run-off within 3 months of the date of decision.
- 5 Limit on the number of caravans to be on site at any one time to a mobile home and two caravans and details to be agreed.
- 6 No business activities to be operated from the site.
- 7 Submission of details of refuse collection (in the event Council service not used).

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel as the Chair considers that due to the sensitivity of the proposal i.e. the issues of a travellers pitch including the Equality and Diversity Issues referred to in the body of the report, it should be considered by Panel. Ward Councillor Mark Dobson has also requested a Panel decision and is concerned about encroachment into the Green Belt and structures appearing pre-planning that in no way fit with the submitted plans.
- 1.2 The application comprises a change of use of the land to a travellers pitch for a static mobile home, pitches for two touring caravans and a brick built utility building towards the front of the site. The application site relates only to the area of land that lies outside of the Green Belt and not to the whole curtilage owned by the applicant. The application is in part retrospective in that the site has had a hard standing laid in the form of rolled stone and at the time the application was validated the site was un-occupied. However, due to circumstances surrounding the applicant and his family, the site was occupied in December 2016. Its current state of occupation is not in accordance with the details of the application. Details of the recent history of the site are expanded upon later in the report.
- 1.3 A reading of the numerous letters of objection shows that there is an element of misunderstanding as to the extent of the proposal. The proposal is for a single pitch to accommodate a single family, it is an application for a travellers site in the generic sense that some of the letters of objection seem to assume is being applied for.
- 1.4 The spaces shown as touring caravan A and B are not to accommodate other travellers, but to make provision for the applicant's family and the associated necessary sleeping arrangements. Clarity is still awaited from the applicant's agent on this aspect, but it is thought at this stage that the family consists of both boys and girls and so separate sleeping arrangements are to be made with parents living and sleeping in the main mobile home.
- 1.5 The day room is to provide facilities for cooking and toileting separate from the living spaces of the family which is standard practice in the travelling community and it is proposed to be connected to mains services for power and drainage purposes.
- 1.6 It is understood that the applicant does not intend to carry on any business activities from the pitch and is seeking solely a residential pitch in which to settle his family following a move from southern England.
- 1.7 Some of the objections received have assumed that the applicant and his family are the same people who presently occupy the Nineveh Lane site and who it is understood have informed the relevant officers of the Council that they intend to vacate that site and leave the Leeds district. This is not the case. There is a relational connection between the current applicant and the family at Nineveh Lane, but the applicant is a family from the South of England who through personal circumstances have found it necessary to re-locate.
- 1.8 Whilst the application has been made with background information relating to the personal circumstances of the applicant it is imperative that the planning merits of the case are assessed on their own merits as if they are found to be acceptable there is no reason to consider if the personal circumstance, status of the

applicant's family as travellers or indeed any other aspect of their situation might outweigh any harm identified that might lead to a recommendation for refusal of planning permission. Likewise, given that the application site does not include the Green Belt land owned by the applicant there is no consideration required as to the potential enclosure of the Green Belt as a result of the proposal.

- 1.9 Whilst there is a relationship between the present unauthorised occupation of the site by the applicant and the planning application, Members are reminded that the application, which will run with the land if permitted, needs to be treated on its own merits and not be influenced by the present situation. The unauthorised occupation is principally a matter to be dealt with under the planning enforcement regime and whilst officers are maintaining a watching brief on the present occupation of the site, the course of action to be taken in the future will be dependent upon the outcome of this application.
- 1.10 Members also need to be aware that the proposal must be assessed having regard to the Council's Public Sector Equality Duty as the applicant and his family are members of an identified ethnic minority which requires that it eliminate discrimination and advance equality of opportunity between different ethnic groups. Therefore aspects of the proposal, such as the need for community cohesion need to be given the appropriate weight by Members in the decision making process.
- 1.11 Planning permission is recommend to be granted subject to conditions as the proposal is acceptable and there are no material planning considerations that would lead to a conclusion that permission should be withheld. Consideration is given in the body of the report to the main issues and each is found to comply with Council policy relating to the proposed use of the land. Given this, there is no need for further special consideration of the case under the Equalities and Social Cohesion considerations or under the extended policies published by Central Government in Planning Policy and Travellers.

2.0 PROPOSAL

- 2.1 The proposal seeks (part retrospectively) planning permission for the establishment of a pitch to accommodate a single traveller family. The proposal seeks to create a pitch to provide living space for a single family in the form of a mobile home towards the northern end of the site, space for two touring caravans central to the site and the construction of a brick built day room near to the entrance to the site Fencing and gates (which are already in situ) are proposed to the front of the site. Parking is proposed on the forecourt of the application site
- 2.2 The applicant's agent has indicated that it is the intention of the applicant to utilise the mains services that are available for sewerage and power. Details of the feasibility of this are still awaited and a verbal update will be provided to Members at Plans Panel meeting.
- 2.3 Certain surfacing works in preparation for the occupation of the site have already been undertaken and the application seeks to regularise this by seeking retrospective permission for these works also. The hard core that has been laid in the Green Belt land does not form part of the proposal and will be the subject of separate action should that land not be restored voluntarily following its vacation.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site occupies approximately 230 square metres of land and the applicant has identified that he is also the owner of a similar area of land immediately adjoining the application site and outlined in blue on the submitted application. The area of this blue land is approximately 225 square metres. The blue land lies within the designated Green Belt.
- 3.2 The site lies in the north western 'corner' of the Hollinhurst estate that is characterised by the predominance of terraced houses. This group of housing sits to the east and south east of the application site and access to the application site is taken from Leeds Road along the access road between 190 and 192 Leeds Road.
- 3.3 Housing for the elderly and a sheltered block off Hollins Grove lies to the north east of the site and Hollins Wood is to the north and west. This wooded area is designated Green Belt.
- 3.4 The site in its entirety constitutes a cleared site that is enclosed by a variable height brick wall and lockable gates. It appears that the brick wall has been in existence since before September 2008 as it is clearly visible on a street view image from that date. In recent months hard core has been laid and the applicant's family have taken occupation of the site consisting of four caravans and associated paraphernalia such as portable lavatories and a cooking tent.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/04405/FU – Detached 2.5 Storey 5 Bedroom House with attached Garage – Refused – Reasons for refusal effect on Green Belt, Design and amenity, residential amenity.
- 4.2 This application encompassed the entire site as defined by the red and blue lines of the current application.
- 4.3 14/04858/FU – Detached Dwelling – Refused – Out of character, visually intrusive, harm to amenity, relation to Green Belt.
- 4.4 The decision to refuse this application was upheld at appeal with the appeal inspector agreeing that the scale and bulk and massing of the proposed dwelling was inappropriate and that it would undermine the semi-rural character of the area and impact on amenity.
- 4.5 The compliance team were initially notified that there had been some hard core spread on the site on the 3rd of August 2016 with some gates erected that were in breach of planning control. A land registry search was undertaken which showed that an application was pending on the land and as such ownership details were not available. A further land registry search was undertaken on 20th October which confirmed that the land had been sold on 5th October 2016 to the present owner. A letter was sent to the new owner on the 20th October requesting the hard core and gates be removed to remedy the breach of planning control within 21 days. On the 4th November a letter was received from the owners planning agent stating that the hard core had been laid before his client had purchased the site and asking that action be put on hold as a planning application had been submitted that day for use of the site for a travellers pitch. Planning application

16/06911/FU was submitted on 4th November 2016 and was validated on 18th November 2016.

- 4.6 Correspondence was received from the applicant's agent dated 7th December confirming that his client had no intention of undertaking works associated with the permission applied for or indeed anything else. Complainants were informed of the pending planning application submission on 9th December 2016.
- 4.7 On 21st December 2016, reports were received relating to caravans being moved onto site. Compliance officers undertook a site visit on that same day and a letter was also received from the applicant's agent explaining the reasons for the premature occupation of the site owing to the family's personal circumstances.
- 4.8 A Temporary Stop Notice (TSN) was served to limit the number of caravans and vehicles being put on the site which ran for a period of 28 days and expired on 19th January 2017. The agents contacted compliance officers and requested that the TSN be extended to run till after the determination of the planning application however the Council confirmed that legislation did not allow for such an extension the agent then requested that an enforcement notice was only served if planning permission for this application was refused. The wording of the TSN is as follows:

The stationing on the land of more than four caravans as residential / Travellers caravans other than those resident in the said caravans. The carrying out without planning permission of any engineering or other operations associated with the use of the land as a residential / Traveller caravan site such as the depositing of hardcore or similar material and the erection of any buildings or structures / walls / gates and fences and the undertaking of any industrial or storage activity, including the parking of motor vehicles, cars, vans, trailers, motor cycles and lorries used in connection with such purposes, that are not incidental to the residential occupation of the caravans on the land on the 23 December 2016

- 4.9 The next steps open to the Local Authority are that an enforcement notice be served or an injunction be applied for, however this course of action needs to be carried out having regard to the out-come of the planning application. Officers have maintained a watching brief in the intervening time.

5.0 HISTORY OF NEGOTIATIONS :

- 5.1 There has been no pre-submission negotiation with the applicant or his agents and the discussions that have been held since the submission of the application have been to obtain points of clarification.
- 5.2 These relate to the proposed nature of power supply, drainage and sewerage issues and the family structure and need for accommodation.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices and a limited number of individual letters sent to the occupiers of the nearest dwellings. Further site notices were erected following concern that due to the 'remoteness' of the site, insufficient publicity had been given to the scheme and so five additional notices were erected on Hollinhurst itself, Leeds Road and Hollins Grove. These gave a

date for response by 5th January 2017 thus adding 6 days to the publicity period which is not considered unreasonable given the Christmas and New Year period.

6.2 As a result of this publicity at the time of writing there have been 230 letters of objection and 1 letter of support from an anonymous contributor. For ease of reference the various objection responses have been broken down into two categories, those concerns that objectors have that are material planning considerations and those concerns that objectors have that, whilst genuine concerns, are not material planning considerations. It is hoped that this will help in the decision making process in that those issues that can be relied upon for a valid planning decision to be made will be separated out from those that should not be taken into account.

6.3 Matters raised that are material planning considerations:

Principle of development – Including previous refusal for a single dwelling.

Vehicular Access

Design

Eyesore

Detract from area

Car parking

Highway safety – Junction of the estate with busy main road

Noise

Impact on nature reserve

Existing site approximately 3 miles away

Existing residents feel uneasy whilst the site is in existence

Fear of crime rate increasing

Emergency vehicle access

Impact on Schools – numbers added to already full schools

Impact on Medical services such as Doctors

Approval will open the floodgates for further expansion and other sites

6.4 Matters raised that are not material Planning Considerations

Likely to make a mess

Devalue property nearby

Relationship to social housing residents

Enough population in Allerton Bywater already

Homes will become un-saleable

The site will be left in a disgraceful state attracting vermin

Travellers are considered to be aggressive and anti – social

Tax payer making provision for the travellers site

Problem with stealing when camps are set up

Want Allerton Bywater to remain as it is presently

Don't want this in the village

Impact on house and car insurance prices

Dog Ownership

6.5 There are also a number of more positive suggestions for the use of the land peppered throughout the letters of representation that have been made, however as Members will be aware, it is the role of the Local Planning Authority (LPA) to determine the acceptability of a proposal presented to it rather than to consider possible alternatives that are not part of the application.

- 6.6 The anonymous letter of support is based on the visitation of the site by the letter writer and the finding of that person that the applicants are simply seeking to establish a home for their family. The letter comments on how clean and tidy the site is but author wishes to remain anonymous as since they have spoken positively about the scheme they have personally received abuse from other residents in the local area.
- 6.7 Garforth & Swillington and Kippax & Methley Ward Members have been briefed about the proposal by officers. Councillor Dobson has formally commented as detailed in para. 1.1 of this report.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways – Proposal represents a small increase in traffic generation and therefore no objection on highway grounds.

The comments refer to three units made by the highways officers shown on the submitted drawings but this was prior to the clarification received from the applicant's agent that the two touring caravans are to accommodate the applicant's children and their families. Therefore the requirement for additional parking provision is difficult to justify due to it being a single traveller pitch for occupation by a single family.

- 7.2 Gypsy and Traveller Liaison Officer – Confirms that their responsibilities lie with the provision of the Council provided pitches and beyond this has no working knowledge of the applicant or their circumstances in relation to this proposal.

- 7.3 Policy – Confirms that the need identified under Policy H7 of the Core Strategy is split into three components:

Council provision for 25 Pitches
Private provision for 28 Pitches
Negotiated stopping for 9 Pitches

This proposal falls under the second of those provisions and confirms that whilst the Site Allocations Plan is still under consideration, its adoption may still fall short on making provision for the identified need for 28 privately provided pitches.

- 7.4 Further, Policy H7 provides a criteria based policy approach to assess the suitability of a site for Gypsy and Traveller use and that assessment of the suitability of the site needs to be carried out in conjunction with the Government Guidance in Planning Policy for Traveller sites (2015). The conclusion made is that the site is small in scale and broadly complies with the criteria of Policy H7 and that the proposal aligns with guidance in the Planning Policy for Gypsy and Traveller sites (2015) and therefore raises no objection to the development.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the

Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 7	Distribution of housing land and allocations
Policy H2	New housing on non-allocated sites
Policy P10	Design
Policy T2	Accessibility Requirements and New Development
Policy H7	Accommodation for gypsies, travellers and Travelling Show People

8.3 It is considered that the specifics of Policy H7 should be highlighted as this is the most directly relevant policy of the Core Strategy to this case. That said the other policies are of equal importance to their subject field, however it is expected that members are much more familiar with those policies as they are more generic policies that arise on most development proposals for residential accommodation.

8.4 The relevant part of H7 says:

“In identifying land or determining planning applications for pitches/plots, consideration will be based on the following criteria:

(i) pitches and plots should have reasonable access to public transport, health care, schools, shops and local services,

(ii) pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons,

(iii) pitches and plots should avoid ones of high flood risk (zone 3 flood risk areas),

(iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt.....

(v) the availability of alternative deliverable sites for gypsies and travellers and travelling showpeople.”

8.5 The criteria relevant in this policy will be addressed in the main body of the report.

8.6 The most relevant saved policies of the Leeds Unitary Development Plan (Review) are outlined below:

GP1 Land use and the proposals map
GP5 General planning considerations

Supplementary Planning Guidance:

8.7 SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).

SPG25 Greening the Build Edge (adopted)
Street Design Guide SPD (adopted).
SPD Leeds Parking SPD (adopted).

National Planning Policy Framework

- 8.8 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. The NPPF also comments on promoting healthy communities that seeks to go beyond simply physical health in the scope of its advice in relation to planning decisions. This section of the NPPF makes reference to issues such as the creation of "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life of community cohesion;" and to "ensure an integrated approach to considering the location of housing, economic uses and community facilities and services." This section also makes reference to the LPA helping to meet the need of existing and new communities in respect of school place choices, that it should support the enhancement and protection of Public Rights of Way and access and that developments should be consistent with Green Belt policies.
- 8.9 In addition, the Government published revised guidance regarding Planning for Travellers sites in August 2015 "Planning policy for traveller sites" and whilst the generality of the whole document is relevant to this case, Policy H is particularly relevant and for ease of reference is reproduced in full Appendix 1 to this report. A summary is offered below:
- 8.10 Policy H: Determining planning applications for travellers sites
- Proposals to be determined in accordance with the development plan unless material circumstances indicate otherwise, and there should be a presumption in favour of sustainable development.
- The advice also specifically adds the need to consider the following issues in addition to the other relevant planning matters when considering sites for travellers:
- 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.
- 8.11 A significant policy shift in this document from the earlier version is that subject to the best interests of the child, the personal circumstances of the applicant and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. This is not directly applicable to the merits of this particular case as the application site lies outside the Green Belt but is mentioned because a) it is relevant to the Enforcement case currently running and referenced earlier in this report and b) by extension it indicates that weight should be given in the determination of applications relating to the consideration of Personal Circumstances and unmet need outside of the Green Belt.

- 8.12 The advice goes on further to add that weight should be given to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyle, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.13 Further significant advice in the document is that where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, that this should be a significant material consideration in any planning decision when considering applications for the grant of temporary planning permission. It also clarifies that there is no subsequent presumption in favour of a temporary planning permission being granted permanently.

9.0 MAIN ISSUES

- Principle of development
- Highway considerations
- Neighbours amenity
- Design and visual amenity
- Status of applicant
- The existing level of local provision and need for sites
- The availability (or lack) of alternative accommodation for the applicants
- Other personal circumstances of the applicant
- Issues raised by objectors that are listed as material considerations but not dealt with in main body of report

10.0 APPRAISAL

Principle of development

- 10.1 Much has been made of the planning history of the site by objectors, in relation to the two refusals for permanent dwellings on this site which were rejected, the most recent at appeal. However, the first proposal for a dwelling on the site encompassed additional land beyond the current application boundary site, including the Green Belt land now owned by the applicant but not forming part of the current application. The inclusion of Green Belt land resulted in an objection as a matter of principle. The second application for a house only encompassed that part of the site outside of the Green Belt, the same as the present application, but was still rejected due to its scale and its impact on the character of the area. The appeal inspector agreed with the Council's reason for refusal and concluded that *"the proposed house would stand out as an unsympathetic and incongruous addition to the street scene which would be at odds with the established pattern of development nearby. It would be in a prominent position and would appear as an intrusion into a currently undeveloped area, in unduly close proximity to the Green*

Belt beyond, As such it would also unacceptably undermine the current semi-rural character of the area.”

- 10.2 Notwithstanding the above, it should be noted that at no point in her determination did the appeal inspector confirm that it was her opinion the land was inappropriate for residential development as “a matter of principle”. To this end, the location of the application site is part of a wider residential area albeit on the outer edge of that residential area. Despite the more recent planning history of the site it is likely to have been used/occupied in connection with one of the occupiers of the nearby dwellings much the same as those areas of land to the east of the application site and to the south which exhibits small plots of land on the opposite side of the access roads serving the Hollinhurst estate. Given this pattern of land use it is considered that a residential development in a residential area is in principle acceptable.
- 10.3 Given that the application site lies outside of the Green Belt, the impact of the development on the Green Belt is limited to its visual impact on the semi-rural nature of the locality. The proposal consists of ‘low-rise’ temporary caravans (with the exception of the proposed utility building which is permanent but still low-rise). The proposal is therefore not unlike the variety of structures that lie to the immediate east of the application site. As a result it is considered the impact of these low rise structures on the semi-rural character of the area is minimal and is therefore acceptable in planning terms.
- 10.4 In terms of its location, the site forms part of the village envelope and all main services such as local schools, public transport and health facilities are available within a reasonable travel distance/time. The land is not known to be contaminated, it is not adjacent to another unsuitable site such as a refuse site, a land fill site of heavy industry neither are there electricity pylons nearby. Likewise the site does not lie in a zone 3 flood risk area.
- 10.5 The status of the application site, rather than the entire land owned by the applicant and which is presently occupied by the applicant needs some consideration. The application site relates to land that would appear to have been used in the past in connection with nearby residential properties. The end use proposed in its simplest form is residential and consists of a single residential unit albeit configured in a ‘non-standard’ manner. It is considered to be previously developed land and as such its continued use would be acceptable in principle’. The requirements of policies; Spatial Policy 1 and 7 H2 and H7 are satisfied.

Highway considerations

- 10.6 As a single residential unit, the use of the three caravan structures on site as proposed, there is no objection to the proposal from a highways point of view. The increase in vehicular movements that a “single unit” of residential accommodation albeit for an extended family will generate is not considered to be materially significant. This has been the consistent advice from Highways officers to the residential re-development of this site following historic concerns about the suitability of the access road have been addressed separately when improvements to the road surface and junction markings were undertaken.
- 10.7 Concern however is raised regarding the potential of any business uses operating from the site. Confirmation has been received from the applicant’s agent that the applicant does not intend to operate any business interests from the site and this

is an aspect that could be controlled by the imposition of a condition. Concern over the 'conversion' of the utility building becoming a separate unit of accommodation would require planning permission and the total number of caravans on the site is to be controlled by condition. The requirements of Policy T2 are therefore considered to have been satisfied.

Neighbours amenity

- 10.8 Neighbours amenity is likely to be affected by the use of generators creating noise especially throughout the night time period where occupiers of nearby residential properties can reasonably expect to enjoy low levels of noise when the ambient background noise is normally lower. The applicant has confirmed that it is his intention to connect the site to the mains power supply, which would overcome this particular aspect. However, given the relative remoteness of the site from the public highway and notwithstanding that there are clearly nearby dwellings that have a mains power supply already clarification has been sought regarding the likelihood of a mains connection being made. It is unknown where the nearest mains connection is but if it is discovered that it is in the public highway then this may have cost implications for such a connection. These costs may more easily be offset by a traditional house development than the present travellers pitch proposal.
- 10.9 Should it be discovered that either a mains connection is not possible or that it is prohibitively expensive, then it is recommended that any planning permission imposes a condition requiring that the details of any generators to be used and their acoustic performance, their positioning on site, including the storage of any fuel required for their operation be submitted for approval prior to their use.
- 10.10 Another aspect of neighbours amenity relates to the possible creation of odour and the depositing of litter and other wastes on or in the near vicinity of the site. The construction of a sewer connected utility building would control the generation of odour from human waste generation and a condition is recommended that this be constructed within 3 months of the date of the decision. However a similar request of the agent has been made regarding connection to the mains sewer as it is unclear where the nearest allowable connection point is. Failing the ability of the site to be able to connect to the sewerage system there are several alternative options which could be secured and approved by condition. For example, chemical lavatories or the installation of an enclosed cesspit. A condition is therefore proposed to manage the provision of waste
- 10.11 Travellers can pay Council Tax and benefit from the services of the Council such as refuse collection. It is not a statutory obligation however provision can be made. At the time of writing confirmation regarding this was awaited from the applicant's agent. If confirmation is received that it is the applicant's intention to pay Council Tax then they will benefit from the Council's normal refuse collection service for the area and concerns over waste disposal will be addressed. Otherwise a condition can be imposed requiring details of a suitable refuse collection regime to be agreed.
- 10.12 Whilst neighbours amenity is a key consideration in any planning application relating to residential development in close relation to existing residential development, the key points in regards to this scheme have been pursued to ensure that the scheme is possible as proposed and so that reliance on the fulfilment of conditions after the decision is not a major element where the quality of the solutions to the potential problems could be eroded. It is expected that

verbal updates will be made at the Panel meeting as the agent is working on submitting the additional information. The requirements of policy GP5 is therefore satisfied subject to the imposition of appropriate planning conditions.

Design and visual amenity

- 10.13 The design of the caravans and mobile home is unknown at this stage, but by their nature they tend to be fairly standard. The elevations of the brick built utility room are shown as utilitarian in appearance having at best a neutral quality of design. Its location will form part of the south boundary to the site. The nature of the caravans and building in the proposal is such that they appear as ancillary elements and so do not add positively to issues of design and subsequently visual amenity. That said, the existing high brick wall around much of the site will screen much of the external appearance of the mobile home. Both the boundary treatments and mobile home/caravan details are to be controlled by condition.
- 10.14 The nature of the buildings and structures in the near vicinity that are used in connection with the dwellings on the Hollinhurst estate, is such that the caravans and mobile home structures are in keeping with their temporary nature and so it can be argued that there is a neutral impact. However the main difference is that occupation of the application site will mean greater activity for those occupiers of nearby properties to witness. Given the predominantly residential nature of the surrounding land uses this is considered acceptable as the activities on site will be restricted to the use of the site by a single family. In planning terms this is similar to the impact that a conventional residential dwelling would have and not be materially detrimental to the amenities of occupiers of the nearby residential properties. A number of similar plots on the same street are also noted to be used for residential purposes. For all of these reasons, it is concluded that there is no conflict with Policy P10 or saved policy GP5.

Status of applicant and Community Cohesion

- 10.15 The status of the applicant and his family is that they are travellers and as such they are considered to be part of a minority group and so consideration needs to be given to this status in the decision making process.
- 10.16 The family consists of three generations - the applicant his wife and their children, two of which are adults and a third of school age as well as grandchildren. The children are of primary school age with the applicant's daughter expecting a child in the near future. Therefore the consideration of the welfare of the children (minors) in the family also needs to be given due weight including access to educational and health facilities.
- 10.17 What is known at present about the circumstances of the applicant and his family is that they have moved from a situation where they were fearful for their own welfare and safety and that of their property That there are minors involved in the family unit adds weight to this.
- 10.18 In coming to a final decision on the various merits of the proposal, the need to give consideration to the needs of minors is necessary. Those needs do not need to outweigh the other considerations but consideration needs to be given to them in the final decision making process. To this end, the family will need access to educational and medical/health facilities and that according to the applicant the children of school age have already begun to attend the local school is a consideration.

- 10.19 Much concern in the letters of objection and other representations have been made regarding the concerns and fears that the existing community have due to the status of the applicant and his family. In its strictest sense this is not a planning issue and the government advice to Planning Authorities is that consideration should not be given to matters that are controlled by other legislation. However, there is the matter of Community Cohesion and the impact that the establishment of a travellers pitch would have on this. Advice from central government and which is reflected in the council's policy on Travellers pitches and plots is that rather than establish large sites with multiple families occupying them, (although there is a place for this type of accommodation also), that smaller more discrete plots can have a lesser impact on issues of community cohesion and will help the travelling community, whilst not giving up their particular lifestyle, to integrate with the non-travelling community. Accordingly the development proposal is considered to be in accordance with the locational considerations as detailed in both central and local planning policy.

The existing level of local provision and need for sites

- 10.20 At present Leeds has an insufficient supply of site for travellers. This must weigh in favour of the application subject to all other material planning considerations. The Site Allocations Plan (SAP) is not yet adopted and therefore full weight cannot be given to it. However and notwithstanding this, even following adoption it is likely there will be a shortfall in the number of private travellers sites identified to cover the necessary 5 year period.

The availability (or lack) of alternative accommodation for the applicants

- 10.21 The family have moved from another part of the country outside the district of Leeds and whilst they have family connections in the immediate locality at Nineveh Lane, the constraints placed on the grant of planning permission to that site, means that it is not an option for applicant to occupy or share occupation of that site. In addition there are no pitches on Council owned plots for them to locate onto. As the applicant owns the application land, and if permission is granted, there will be no additional demand on the SAP process for additional plots. Approval of this application will contribute to the provision of private pitches.

Other personal circumstances of the applicant

- 10.22 The family consists of a three generation family unit having moved from another part of the country for reasons beyond their control. They have 3 children of school age with a baby due in the near future. They are relatives to the family that currently occupy the Nineveh Lane site but otherwise are a separate family unit.
- 10.23 In assessing the application the LPA has had regard to its Public Sector Equality Duty pursuant to s.149 Equality Act 2010 to, amongst other things, eliminate discrimination and advance equality of opportunity between different ethnic groups. These matters have been taken into account when making the recommendation to grant the application.

Issues raised by objectors that are listed as material considerations but not dealt with in main body of report

- 10.24 Impact on nature reserve – Officer Comment: The site is separated from the nature reserve by a solid boundary treatment and there should be no direct impact

on the character of the Nature Reserve as such. The conditions to manage and control waste and rubbish should mean that the fears expressed in some of the letters of objection have no need to materialise.

- 10.25 Existing site approximately 3 miles away – Officer Comment: Whilst the existence of a different site in the near vicinity is a material consideration, the actual site referred to in the objection is not identified specifically. Notwithstanding this, that fact the Council has an under-provision of sites suitable for travellers presently and that the LPA have to determine the case before them presently means little weight can be given to this objection.
- 10.26 Existing residents will feel uneasy whilst the site is in existence and fear of crime rate increasing – Officer Comment: These two objections are similar in that, for the purposes of Planning, relate to the genuine fear whether real or not, held by the objectors. The issue with this, is that unless there is substantive evidence in support of that fear held by the objector, then little weight can be attributed to this objection in the decision making process. No such evidence has been provided.
- 10.27 Emergency vehicle access – Officer Comment: The entire scheme has been assessed by the Councils Highway officer and the impact on emergency vehicle access has been assessed to not be material given that the application is for a single plot.
- 10.28 Impact on Schools – numbers added to already full schools – Officer Comment: The establishment of a single plot will have no impact on the level of school numbers for the purposes of consideration under Planning. It may well be that the schools are already full, however there is a duty on the Council to provide education for the children of travelling families and this would not likely be a consideration for a proposal for a family dwelling in a similar situation it is therefore given little weight in the decision making process as such provision needs to be adjusted as a strategic measure through the education department/providers.
- 10.29 Impact on medical services such as doctors – Officer Comment: This is a similar argument to the impact on school places discussed above. The development of a large residential development might give rise the need for additional provision however the establishment of a single residential plot will have low material impact for the purposes of planning.
- 10.30 Approval will open the floodgates for further expansion and other sites – Officer Comment: Each planning case is treated on its own individual planning merits.. Should other sites come forward for consideration, they too will be assessed and recommended on the merits of the materials considerations pertinent to that site. Therefore little weight can be given to this objection as whilst there is a degree of 'fall-back' position and additional policy considerations given the Equalities and Social Cohesion policies discussed in the main body of the report, the establishment of this site would have minimal impact on the consideration of other sites coming forward in the future.

11.0 CONCLUSION

- 11.1 As stated in the introduction to this report, the application that is before members has to be determined on its merits. What has occurred on site since the submission of the application is unauthorised but has no relevance to the

assessment of this application. It is considered that notwithstanding the personal circumstances of the family, which are material in the determination of this application that the proposal is acceptable on its planning merits. In summary, the scheme represents a residential development in a predominately residential area which, subject to the recommended conditions issues of noise, disturbance, smells and other amenity issues can be controlled to acceptable levels.

- 11.2 The main body of the report shows that the proposal does comply with the policies of the Core Strategy notably H7 but also P10 and T2 and is also in accordance with Policies of the UDPR notably GP5 neither is there any conflict with Government advice on Travellers Sites and policies in the NPPF on the principles of good design, and sustainability.
- 11.3 It is therefore concluded, taking all matters into account including representations received that planning permission should be granted subject to the conditions at the head of this report.

Background Papers:

Application files: 16/06911/FU

Certificate of ownership: Signed on behalf of the applicant as sole owner of the site.

Appendix: 1

Policy H: Determining planning applications for traveller sites

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise
23. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.
24. 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.
25. Local planning authorities should very 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.
26. When considering applications, local planning authorities should attach weight to the following matters:
 - a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) 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
27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives

and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

28. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
- a) 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
 - b) 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)
 - c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

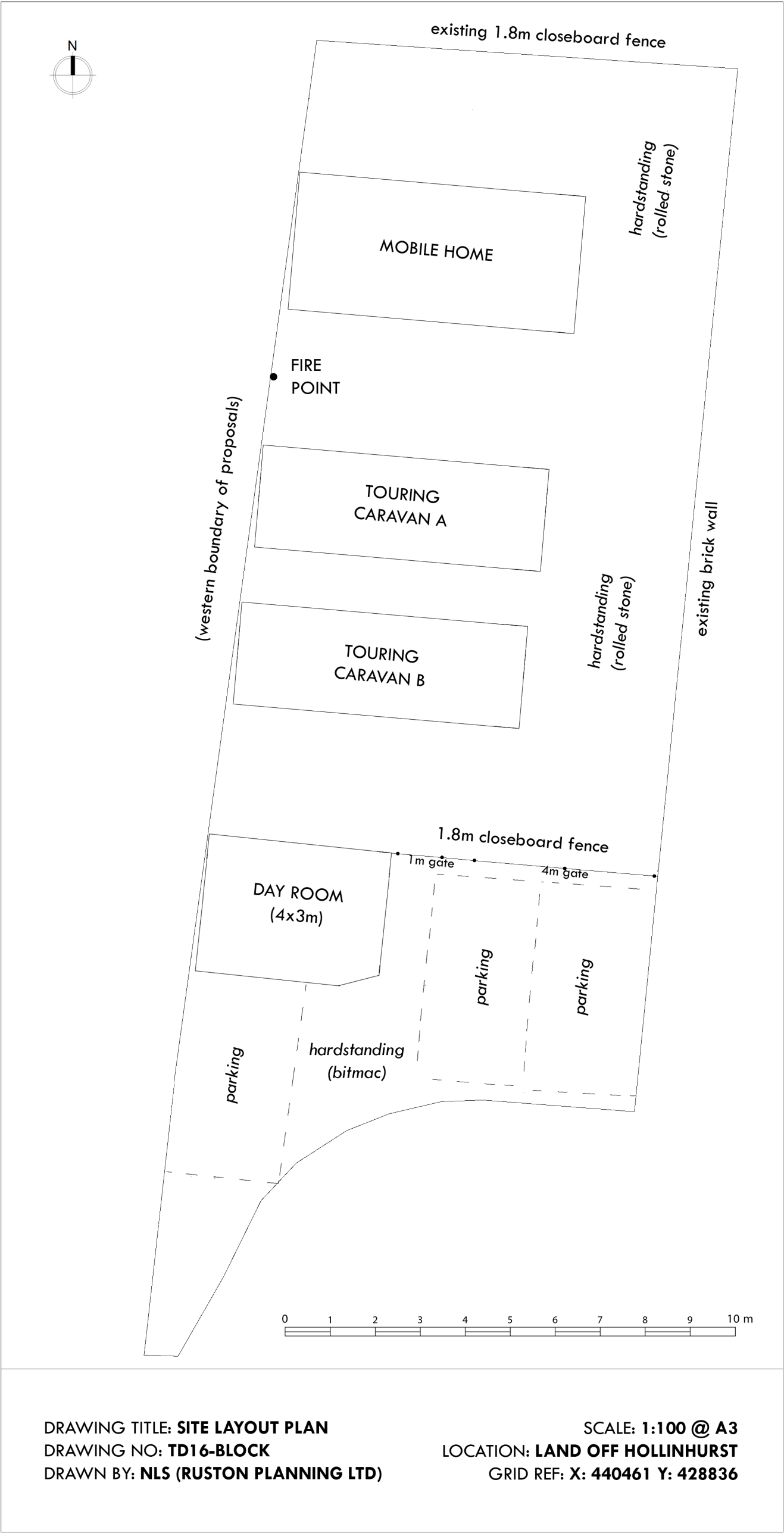
Footnotes:

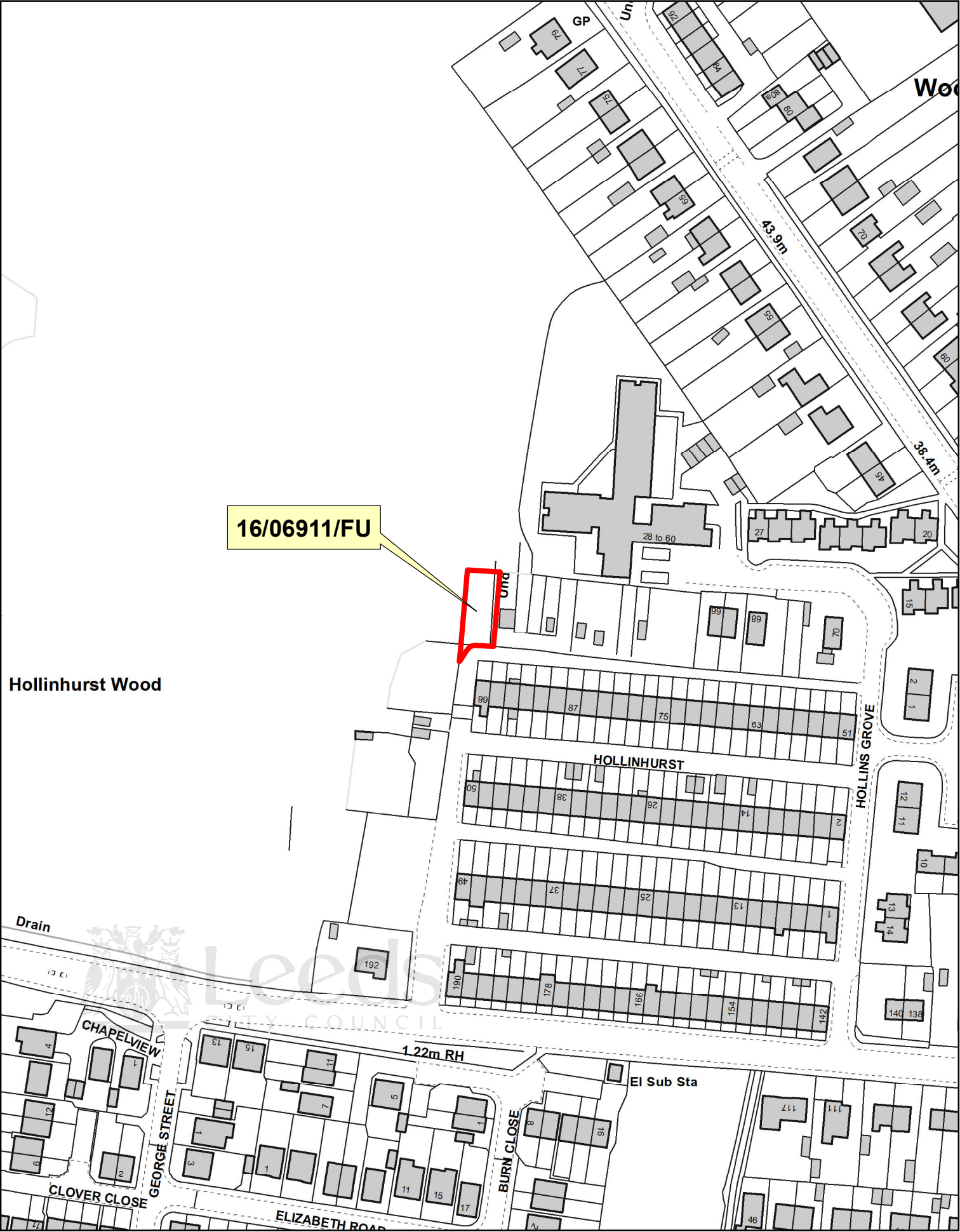
Section 38(1) of the Planning and Compulsory Purchase Act 2004: this includes adopted or approved development plan documents i.e. the Local Plan and neighbourhood plans which have been made in relation to the area (and the London Plan).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

There is no presumption that a temporary grant of planning permission should be granted permanently. For further guidance please

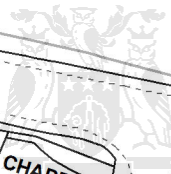
see: <http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/whatapproach-should-be-taken-to-imposing-conditions/> (paragraph14)





Hollinhurst Wood

Drain



Leeds City Council

1.22m RH

El Sub Sta

NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

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

SCALE : 1/1500

