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**Report of the Chief Planning Officer**

**PLANS PANEL NORTH AND EAST**

**Date: 21<sup>st</sup> December 2017**

**Subject: Application 17/03940/FU – Siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping at the Old Telephone Exchange site, Coal Road, Leeds.**

**APPLICANT**

Mr Hooton

**DATE VALID**

16<sup>th</sup> June 2017

**TARGET DATE**

11<sup>th</sup> August 2017

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**Electoral Wards Affected: Harewood**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Temporary and personal permission for 3 years.
2. Development to be carried out in accordance with approved plans.
3. Submission of details of external materials to amenity building.
4. Site remediation and landscaping following expiry of permission.
5. Drainage details.
6. Limit on the number of caravans to be on site at any one time to a mobile home and one caravan and details to be agreed.
7. Landscaping and implementation.
8. No business activities to be operated from the site.
9. Submission of details of refuse collection (in the event Council service not used).
10. Contamination conditions.

**1.0 INTRODUCTION:**

- 1.1 This application relates to a proposal for the siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with

associated ground works and landscaping. In essence, this is an application for a travellers site involving one pitch only. This application is brought to Plans Panel due to the sensitivity of the proposal i.e. the issues of a travelers pitch including the Equality and Diversity issues referred to in the body of the report and the Green Belt designation of the site.

- 1.2 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 is a member of an identified ethnic minority which requires that the Council 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.
- 1.3 Planning permission is recommended to be granted for a temporary period 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 for Travellers Sites.

## **2.0 PROPOSAL:**

- 2.1 Permission is sought for the siting of one static residential caravan, one mobile caravan and the renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping.
- 2.2 The caravans and amenity building would be set out within a courtyard area with the static caravan located to the south side of the site. This would measure 3.9m x 12.2m and rise to an approximate height of 3.3m with a shallow pitched roof. There would be a deck on 2 sides of the caravan for occupants to sit out upon with access gained via a set of stairs. On the northern side of the site a mobile caravan measure 2.3m x 7.0m would be positioned, although this aspect would not require planning permission. Adjacent to this would be the rebuilt former red brick telephone exchange building which would be an amenity building comprising a bathroom and a kitchen. A wood burning stove would be installed within the building, resulting in the need for a flue to be inserted into the roof, terminating 1m above the rooflights, which are to be installed in each roofslope.
- 2.3 Access to the site would be taken using the existing access point from Coal Road which punctuates curved dry stone walls on either side. Two car parking spaces would be located to one side of the entrance, while to the other it is proposed to install a refuse store. The land between the amenity building and caravans would be hardsurfaced using tarmac, with the land beyond to the west and up to the Wetherby Road boundary being reinstated to grass for use as a garden area. Additional hedge planting is proposed along the northern and southern boundaries. A septic tank is also shown on the site layout plan connected from the amenity building, while a soakaway is also shown, subject to suitable ground conditions.
- 2.4 The proposal is for a travelling family, which comprises a father and four children, aged from 11 to 21 who would reside there on an irregular basis. The applicant has owned the site for a number of years, but has no permanent residence and currently lives in a trailer at various locations by the roadside.

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

- 3.1 The site is a brownfield site on a small strip of land at the junction of Coal Road and Wetherby Road. It is located adjacent to the A58 and lies in a relatively remote location away from any towns and villages, with the nearest settlement being Shadwell approximately 350m to the north west. The site comprises a red brick single storey former telephone exchange building and other hardsurfaced areas. The building is in a poor state of disrepair with the roof having collapsed together with substantial parts of the outer walls. The site is extremely unkempt and comprises a hardstanding area and other forms of debris.
- 3.2 Access is gained from Coal Road with a sloping access leading into the site with dry stone walling on either side. Mature hedging forms the boundary with Wetherby Road (A58). Apart from the two roads which form two of the boundaries to the site, it is set within the open countryside and within the Green Belt. Bus services operate along the A58 towards Wetherby and Leeds city centre. The nearest retail facilities are the ones located within the newly refurbished petrol filling station further to the south on Wetherby Road. The nearest village centre is Shadwell, located some 1.5km to the north west which has a limited range of shops and services. The nearest primary schools are Shadwell Primary School to the north west, and Fieldhead Carr Primary School on Naburn Approach, approximately 1.4km to the south.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 From 2009 to 2012, there were a number of Enforcement cases opened against alleged breaches of planning control. They ranged from the unauthorised use of the building as a dwelling, stationing of a caravan on the site, to use of the site as a builders yard. All cases were closed.
- 4.2 In 1994, planning permission was refused for the erection of an industrial unit – Ref. 32/4/94/FU.
- 4.3 In 1994, planning permission was refused for the change of use, including the formation of an access of telephone exchange building to a builders and joiners store (Ref. 33/117/94). This was the subject of an appeal which was dismissed.
- 4.4 In 2004, planning permission was refused for a retrospective application for existing and new stables and fodder store and extension to form a tack room and office – Ref. 33/486/FU.
- 4.5 In 2005, planning permission was refused for a retrospective application for stables and extension and change of use of existing building to tack room – Ref.33/90/05/FU.
- 4.6 In 2011 and 2015, pre-application enquiries have been submitted to seek to convert the building to a dwelling, and to demolish it and replace it with a new dwelling. Both of these enquiries were not received favourably.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 No significant negotiations have been sought, other than to seek further information from the applicant.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by the posting of site notices within Coal Road and Wetherby Road (A58) on 14 July 2017 and advertised in the Yorkshire Evening Post on 19 July 2017. To date, 1 letter of objection has been received from a resident in Scarcroft. The objection relate to the following issues:

- Breach of development in the Green Belt;
- The building of a permanent house on the land never designed or permissible in the first place.

- 6.2 Shadwell Parish Council: Object to the proposed development on the following grounds:

- This is Green Belt which should be protected;
- Inappropriate to site a static caravan and mobile caravan, kitchen and toilet block on the land;
- It is likely that additional caravans will come and go, and will result in a small caravan site;
- One pitch, in practice, means up to three caravans; and
- Clarification is sought as to whether this is to be a temporary site.

- 6.3 Thorner Parish Council: No objection.

## **7.0 CONSULTATIONS RESPONSES:**

### Highways

- 7.1 The proposed access would have limited visibility onto Coal Road due to the overgrown nature of the existing verge and hedgerow. Given that the speed limit is 60mph in this location visibility splays of 2.4m x 215m could be required. The submitted site plan also indicates that potentially more than one unit could be on the site as both a static and mobile caravan are shown, this causes concern that the two parking spaces proposed would not be adequate.
- 7.2 The City Council is also of the view that the somewhat remote location of the site in conjunction with the deficiencies of Coal Road, which include an absence of footways and no street lighting, make the development site an unsustainable form of residential development.

### Flood Risk Management

- 7.3 Soakaway tests would be required to determine the viability of infiltration drainage as there are no watercourses or surface water and combined sewers close to the site. Conditions are therefore recommended.

### Contaminated Land

- 7.4 The historical appraisal document has recommended that a Phase 1 Desk Study is undertaken. It would be preferable to receive the Phase 1 Desk Study report prior to recommending conditions, however should the planning officer be minded to grant permission or have insufficient time to obtain the requested information it is recommended that planning conditions be imposed to address contamination.

#### Nature Conservation

- 7.5 There should be no significant nature conservation concerns.

### **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.

#### Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Development Plan Document (DPD), the Aire Valley Leeds Area Action Plan and any made Neighbourhood Plans.

- 8.3 The site is designated as Green Belt in the Development Plan.

- 8.4 The following Core Strategy policies are relevant to the proposals:

GENERAL POLICY – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land

SP7 – Distribution of housing land and allocations

P10 – High quality design

P12 – Good landscaping

T2 – Accessibility requirements and new development

H7 – Accommodation for gypsies, travelers and Travelling Show People

- 8.5 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.

- 8.6 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.”

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

8.8 The following saved UDP policies are relevant:

GP5 – General planning considerations  
N25 – Boundary treatments  
N33 – Development within the Green Belt  
BD5 – General amenity issues.  
LD1 – Landscaping

#### Supplementary Planning Guidance/Documents

8.9 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)  
SPG22 Sustainable Urban Drainage (adopted)  
SPG25 Greening the Built Edge (adopted)  
Street Design Guide SPD (adopted)

#### Site Allocations Plan

8.10 The site was submitted to the Site Allocations process prior to the Revised Publication Draft consultation (Sept 2016). Prior to this public consultation the site was considered by Members at Development Plan Panel (19th July 2016) where the Panel resolved that the site was better dealt with via a temporary planning application rather than an allocation.

8.11 The site forms a discounted site for Gypsy and Traveller use within the submitted Site Allocations Plan. The site was discounted for the following reason *‘The site was submitted by the landowner to accommodate one private pitch for personal use. Brownfield site. Concerns regarding the sites impact on the Green Belt and impact on the character and appearance of the area, given its prominent location. The site also has limited accessibility to local services given its isolated location.’* The Site Allocations Plan can now be given significant weight given that it is at Examination with the first Stage Hearing sessions (which dealt with Gypsy and Traveller allocations) have been completed. The site was discussed during the Stage One Hearing sessions and the Inspectors will be considering whether the site should form an allocation as part of their deliberations once the Hearing sessions have concluded.

#### National Planning Policy Framework

8.12 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.

- 8.13 Guidance on development in the Green Belt is also particularly relevant, and what is considered to be appropriate development. Paragraph 89 is most relevant and sets out a list of exceptions where development in the Green Belt is not inappropriate.

#### Planning Policy for Traveller Sites (2015)

- 8.14 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 summarised as follows:

- 8.15 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.

- 8.16 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. It also 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.

- 8.17 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.

- 8.18 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.
- 8.19 The Equality Act 2010 is particularly relevant, and is discussed in the appraisal section below.

## **9.0 MAIN ISSUES**

1. Principle of Development
2. Highways Considerations
3. Design & Impact on Character of the Green Belt
4. Impact on Living Conditions
5. The Equality Act 2010
6. Other Issues

## **10.0 APPRAISAL**

### Principle of Development

- 10.1 The site is within the Green Belt and therefore the application needs to be considered against a number of policies and planning guidance at local and national levels. As the proposal includes the siting of a static caravan on a base surrounded by decking, the proposal has been assessed against the guidance set out within paragraph 89 of the NPPF. This states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt and then lists a number of exceptions to this in six bullet points. Bullet point 6 is the relevant exception to be considered as part of the proposals. This exception stipulates:
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 10.2 It is also relevant to note the five purposes that the Green Belt serves, which are:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring town merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.3 The Planning Policy for Travelers (PPTS) document is also material, and states that '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'. However, paragraph 26 of the document also states:

- 10.4 '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; and
  - 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'.
- 10.5 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. Policy H7 of the Core Strategy relates specifically to accommodation for Gypsies and Travelling Show People. The policy provides a number of criteria upon which to identify land or determine planning applications for pitches / plots. The criteria have been assessed as follows.
- Pitches and plots should have reasonable access to public transport, health care, schools, shops and local services.
- 10.6 Whilst the site may be regarded as being within a relatively remote location, it is located adjacent to the A58 corridor where bus services to Wetherby and Leeds City Centre are available. Local services and shops are also available within the village of Shadwell to the north west. Whilst these are not within easy walking distance, it would only take several minutes to drive by car. This situation is no different to many other villages and isolated areas within the HMCA where limited services are available. In terms of school provision, the applicant does not require access to local education facilities as his children of school age would not need to attend any of the closest schools to the site. This is because they permanently reside with their respective mothers and therefore attend the local school at that particular location. It is also relevant to note that accessibility for Gypsy and Travellers sites are assessed different from conventional housing proposals as they less likely to compete against the land values in established housing areas. So therefore, whilst it may appear in a less accessible location, it is deemed to be appropriate for use as a Gypsy and Travellers site.
- pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.
- 10.7 The site is not located on land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.
- pitches and plots should avoid zones of high risk of flooding.
- 10.8 The application site is not located within a zone which has a high risk of flooding.
- the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional

circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Show People's site only.

- 10.9 The application site is located on a previously developed site (brownfield) and therefore is first in the order of preference. However, this brownfield site is also located within the Green Belt, although there is no indication that the Green Belt would be altered, and indeed would remain as a site being 'washed over'. The proposal therefore satisfies this criteria.
- the availability of alternative deliverable sites for Gypsies and Travellers and Travelling Showpeople.
- 10.10 No other known sites have been identified which are considered to be suitable and available. It is considered that sites within or immediately adjacent to existing settlements and villages would not be appropriate for the proposal.
- 10.11 In summary therefore, it is considered that the proposed development of the site for one Gypsy and Travellers pitch only, would generally be in conformity with Policy H7 of the Core Strategy, which is considered to be an up-to-date development plan policy.
- 10.12 Turning to national guidance and specifically Green Belt policy contained within the NPPF, consideration needs to be given to the assessment against paragraph 89, and specifically bullet point six in this instance. This allows limited infilling or the partial or complete redevelopment of previously developed sites, which would have no greater impact on the openness of the Green Belt and the purposes of including land within it. The renovation and re-use of the former telephone exchange building and its re-use as the amenity building will have not have a materially greater impact. The siting of the mobile caravan does not constitute operational development requiring planning permission. Other development within the site including the hardstanding areas and parking areas already comprise hardsurfaced areas and therefore will have no greater impact.
- 10.13 The main difference which could affect openness is the siting of the static caravan. Whilst temporary in nature, this does involve some engineering operations to affix it to the ground and includes an element of external decking. The static unit would be approximately 3.3m in height and would just sit above the height of the adjacent mature hedging. In the context of the wider countryside and given the improvements to landscaping that the applicant proposes, on balance, it is considered that the proposals would not cause significant harm to the openness of the Green Belt, nor would they be contrary to any of the five purpose of including land within the Green Belt.
- 10.14 The PPTS also needs to be considered alongside the NPPF which encourages the effective use of previously developed land whilst also placing great importance on Green Belts. Paragraph 26 advises local planning authorities to attach weight to a number of matters when considering applications.
- 10.15 In terms of these matters, the site seeks to re-use an existing previously developed site, and certainly one which is untidy and could be regarded as derelict. The site also benefits from dense mature hedging and landscaping, particularly along its boundary with Wetherby Road, while the application also proposed to plant additional hedging within the site, thereby seeking to enhance the environment. Furthermore, the proposal includes the provision of a grassed garden area, while

the site lies adjacent to the open countryside, thereby promoting opportunities for outdoor play and recreation. Finally, no high walls or fences are proposed, with the utilisation of the existing dry stone walls and hedging being the only forms of boundary treatment, which will not give the impression that the site and its occupants are deliberately isolated from the rest of the community.

- 10.16 At the present time it would appear that the applicant lacks any reasonable alternative pitch provision in Leeds. This is a matter that should be afforded weight but planning guidance is clear that "...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" (para. 16, PPTS). However, when this proposal is also considered in the context of the broader policy advice set out in the PPTS and Policy H7 it is in general compliance with those policies. So when regard is had to the limited extent of harm to the openness, the specific character of this site and small scale nature of the proposal, the needs and personal circumstances of the applicant and the broader compliance with planning policy it can be argued that any harm to the Green Belt is outweighed by other factors. In light of this and the progression of the Site Allocations Process a temporary permission would also appear to be a pragmatic solution whilst we wait the Inspector's findings, which are likely to be released until late 2018. A temporary permission is likely to strike an appropriate balance between the immediate accommodation needs of the applicant and planning harm. A 3 year period is likely to be reasonable given the physical alterations required to develop the site. In reaching this conclusion, it is necessary to review the consideration by the Development Plans Panel at the meeting on 19<sup>th</sup> July 2016. The site reference, HG6-14, was considered by Members who did not agree that the site should be taken out of the Green Belt and were concerned about access to services. The Panel agreed that a temporary personal planning application would be preferable to an allocation given the brownfield nature of the site.

#### Highways Considerations

- 10.17 The site is located between the A58 Wetherby Road and Coal Road, with both roads being restricted to a 60mph speed limit. There is an existing access into the site from Coal Road which is relatively wide with curved/splayed dry stone walls on either side. This part of Coal Road is relatively straight with reasonable forward visibility in both directions. The site is also approximately 85m from the junction of Coal Road and Wetherby Road.
- 10.18 Proposals involve the utilisation of the existing access from Coal Road to serve the development. A total of two car parking spaces are provided, together with a turning area meaning that it would be possible to exit the site in forward gear. Therefore, adequate car parking has been provided. Concerns have been raised by the Highways Officer with regard to the level of forward visibility that is required. It has been highlighted that the proposed access would have limited visibility onto Coal Road due to the overgrown nature of the existing verge and hedgerow. Given that the speed limit is 60mph in this location visibility splays of 2.4m x 215m could be required. In response, vegetation could be cut back in both directions within the highway verge which would provide the required visibility, and this could be done without compromising the rural character of the area. Visibility of 215m towards the junction with Wetherby Road would not be justified as the distance from the access to the junction is only 85m, with vehicles therefore travelling at lower speeds. Taking these factors into consideration, it is considered that the visibility is appropriate, subject to a condition requiring the visibility splays to be provided.

- 10.19 The Highways Officer also raised concerns that submitted site plan indicates that potentially more than one unit could be on the site as both a static and mobile caravan are shown, and therefore this causes concern that the two parking spaces proposed would not be adequate. In response, the proposal is for one pitch only, which is to be controlled by a planning condition, and therefore the level of parking is considered to be acceptable.
- 10.20 It is also worth noting that the proposed East Leeds Orbital Road (ELOR) will be located on an east west axis to be located to the south along Coal Road. This effectively will sever Coal Road in a southerly direction resulting in virtually no traffic utilising this route once ELOR is constructed. This will therefore result in significantly less traffic and making the requirement for forward visibility less critical.

#### Design & Impact on Character of the Green Belt

- 10.21 Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.22 Policy P10 of the Leeds Core Strategy deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
- 10.23 As previously noted, the site is located within a rural area and bounded by hedging on the Wetherby Road and Coal road boundaries. The existing red brick telephone exchange building is visible from the road, and this visibility would slightly increase given the need to make the necessary physical alterations to bring it up to a habitable standard. This would also involve the rebuilding of its roof. Given that this building has been on site for a considerable time, although has deteriorated over recent years, its rebuilding is considered to be visually acceptable.
- 10.24 In terms of the other buildings, these comprises a static caravan which would measure 3.9m x 12.2 with a small deck on 2 sides, and a mobile caravan which would measure 2.3m x 7.0m, although the mobile caravan does not require permission. Whilst no details of these 2 caravans have been provided, a typical static caravan would rise to a height of approximately 3.3m with a shallow pitched roof. A mobile caravan would be much lower. The upper parts of both caravans would be visible from Wetherby Road and Coal Road. However, there is a dense hedge along the Wetherby Road boundary and a large tree close to the junction with Coal Road which serve to screen the majority of the site, especially when travelling in a southern direction. The Coal Road boundary comprises a stone wall with less

vegetation, with the site set down slightly below road level, making it slightly more prominent. However, the existing red brick former telephone exchange would screen views of the mobile caravan while the static caravan is orientated in such a way that it is end on, thereby limiting the extent of its overall length.

- 10.25 In terms of the impact on the character and openness of the Green Belt, it is clear that the use of the site as a domestic travellers site and the siting of the caravans will have some impact. However, given the brownfield status of the site, and proposals to provide improved landscaping and to reinstate some of the grass whilst taking into the account the temporary nature and use of the site and the need to provide accommodation for the applicant, the proposal is, on balance, considered to be acceptable.

#### Impact on Living Conditions

- 10.26 The site is set within a relatively isolated location with no immediate residential neighbours. There will therefore be no impact upon the living conditions of existing neighbours, the nearest of which are a considerable distance from the site.
- 10.27 In terms of the impact upon the living conditions of the occupiers, the proposal provides one pitch which comprises one static caravan, a mobile caravan and an amenity block in the converted telephone exchange. Whilst the National Minimum Space Standards provide guidance on the quantum of floorspace required for residential dwellings, it is not considered that this particular applies to travellers sites. However, the provision of the three buildings is considered to be sufficient to cater for the family which comprises up to five at any point in time. The outdoor amenity space is also considered more than adequate to cater for the needs of the intended occupants. An area of land to the south of the site will be reinstated as grass and would provide a suitable garden area for the occupants to enjoy.
- 10.28 With regard to suitable access to services including shops, amenities and education facilities, it is relevant to highlight the personal circumstances of the applicant. In this instance, the father's four children reside predominantly at their mother's address and the ones of school age attend schools within close proximity to their mother's homes. Therefore, the applicant's children will not require attendance at a local school near the site due to these circumstances. Furthermore, whilst access to amenities and shops is less than ideal in this location, this is no different to many other sites in this HMCA area where some villages have very few if any facilities. Given the limited use of the site as one Travellers pitch only, and given that some public transport facilities are available on the A58, then on balance, the proposal is considered to be acceptable.

#### The Equality Act 2010

- 10.29 The Equality Act 2010, defines Romany Gypsies and Irish Travelers as ethnic groups, meaning that they are protected against race discrimination. The Equality Act defines discrimination under the law as unfair treatment because of what it calls 'protected characteristics'.
- 10.30 As a decision maker, the local authorities have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.31 A public body must also have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

10.32 It is considered that the local planning authority have exercised it's duties responsibly in having regard to the Equality Act 2010 and the Public Sector Equality Duty in the assessment of this particular application, and have had due regard to the nature of the applicant who shares a protected characteristic.

#### Other Issues

10.33 Given the nature of the use and the temporary permission being recommended, it is considered that the proposed development is not CIL liable and therefore no contribution would be required.

10.34 The conditions that have been recommended at the head of this report are all considered to meet the tests set out within paragraph 206 of the Planning Practice Guidance (PPG). The submission of details of the materials to be used in the rebuilding of the amenity building are required in order that the brickwork matches the existing brickwork and that appropriate roofing materials are used in this rural location. The conditions requiring the details of site remediation and landscaping following the expiry of the permission is to ensure that the land is restored to an appropriate condition given its location within the Green Belt. Drainage details have been required under condition 5 to ensure that the site is adequately drained and to ensure flooding does not occur. Condition 6 is imposed in order to provide clarity on what the definition of one travellers pitch consist of, which is one mobile caravan and one static caravan. A landscaping condition is imposed to ensure that appropriate landscaping is implemented in this rural location and to ensure that this helps soften the impact of the development. Condition 8 is recommendation to provide certainty that the permission is for residential use only and provides clarification to the occupants that other business use would not be appropriate given the location in the Green Belt. Details of refuse collection from the site is considered to be appropriate to provide certainty to the local planning authority that refuse is being adequately dealt with to ensure that no visual harm arises to the Green Belt and in the interests of the health and well-being of the occupants. Finally, the contamination conditions are recommendation following advice from the Council's Contamination Officer to ensure that the site is free from contaminants given the sensitive use of the site.

## **11.0 CONCLUSION**

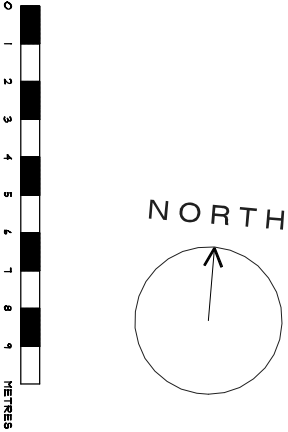
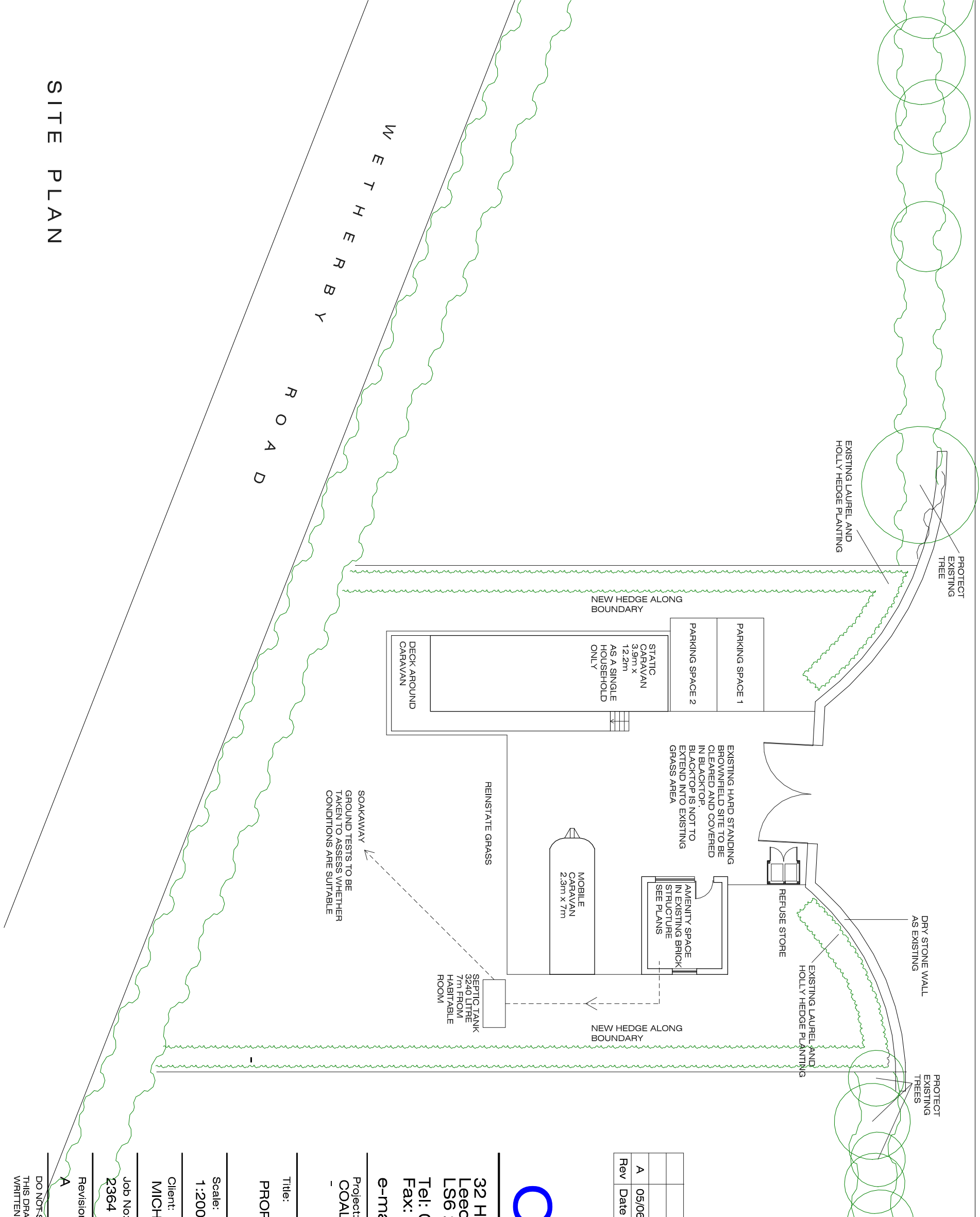
- 11.1 Taking into account the limited harm to the Green Belt, the personal circumstances/needs of the applicant, the brownfield status of the land, the broader compliance with planning policy (save for it constituting inappropriate development in the Green Belt) and until the findings of the Inspector are known in relation to the SAP, it is considered reasonable to support the proposal on the basis of a temporary three year personal permission. Taking all factors into account, it is considered that the limited harm to the Green Belt is outweighed by other factors and that the proposal is in general compliance with the policies set out within the development plan when read as a whole, and guidance within the National Planning Policy Framework and other policy documents, and thus, the application is recommended for approval.

### **Background Papers:**

Application file: 17/03940/FU

Certificate of Ownership: Certificate A signed as applicant.

C O A L   R O A D



A	05/06/17	GATE ALTERED, PARKING SPACES MOVED
Rev	Date	Comment

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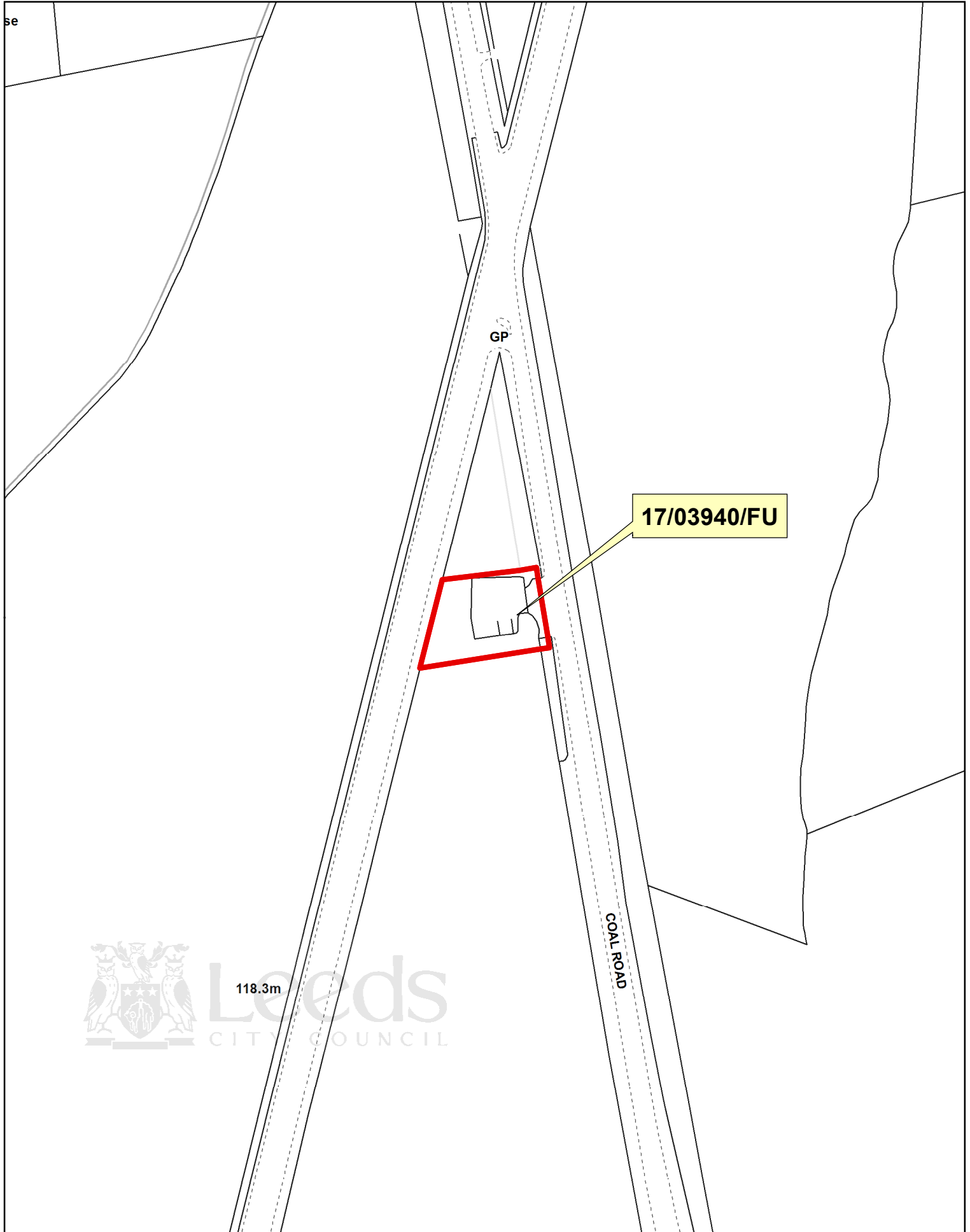
Title:  
PROPOSED SITE PLAN

Scale:	Drawn by:
1:200 @ A3	DMC / PP
Client:	Checked by:
MICHAEL HOOTON   DMC	
Job No:	Drawing No:
2364	050
Revision:	Date:
A	MAY 2017

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S I T E   P L A N





# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

