



## Report of the Chief Planning Officer

### ***SOUTH AND WEST PLANS PANEL***

Date: 17<sup>th</sup> March 2016

**Subject: APPLICATION 15/04285/FU - ERECTION OF DWELLING WITH ANGLING FACILITY, CAR PARKING AND RETAINING WALL, BILLING DAM FISHERY, BILLING DAM, BILLING VIEW, RAWDON, LEEDS LS19 6PR.**

#### **APPLICANT**

Billing Dam Fishery

#### **DATE VALID**

27<sup>th</sup> July 2015

#### **TARGET DATE**

21<sup>st</sup> September 2015

#### **Electoral Wards Affected:**

Guiseley and Rawdon

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

## **RECOMMENDATION:**

### **REFUSE for the following reasons:**

- 1. The Local Planning Authority considers that the proposal represents inappropriate development in the Green Belt, for which very special circumstances have not been demonstrated which would outweigh the harm caused to the Green Belt. The proposal would therefore cause harm to the openness, character and appearance of the Green Belt, as well as the purposes of including land within it. The proposal is therefore contrary to policies SP1, SP10, P10 and P12 of the adopted Core Strategy, as well as to saved policies GP5, N32, N33, GB19, GB20, BD2 and BD5 of the Leeds UDP, as well as to guidance contained within paragraphs 56, 58, 64, 70, 87, 88 and 89 of the National Planning Policy Framework.**
- 2. The Local Planning Authority considers that the proposed buildings and retaining structure would be visually intrusive and harmful to their rural setting. Additionally the proposed dwelling lacks any private amenity space, and as such would not provide a suitable level of amenity for occupiers. The proposal is therefore contrary to policy P10 of the adopted Core Strategy, to saved policies GP5, BD2 and BD5 of the Leeds UDP, to guidance contained within**

**SPG13 Neighbourhoods for Living, and to guidance contained within paragraphs 56, 58 and 64 of the National Planning Policy Framework.**

**1. INTRODUCTION:**

- 1.1 This application was considered at the Plans Panel meeting of 22<sup>nd</sup> October 2015. At that meeting Panel Members resolved that the application be deferred to allow the applicant to submit further information to substantiate the very special circumstances.
- 1.2 In this regard a confidential pink paper is appended to this report.

**2. PROPOSAL:**

- 2.1 The application is to erect two buildings comprising a dwelling with an angling academy, and a retaining wall to create a levelled car parking area. The site has previously been used as a fishery.

**3. SITE AND SURROUNDINGS:**

- 3.1 The site is a fishing pond known as Billing Dam and its immediate embankment, as well as a level area of land immediately to the west. The site includes a number of trees around the perimeter of the lake. A security fence appears to have been recently erected around the perimeter of the site. An unauthorised retaining wall has also recently been constructed at the edge of the damn to create a levelled plateau for car parking, to the South West corner of the site. There also appears to have been some excavation works to the North West corner of the site where the proposed building is to be sited.
- 3.2 The site is accessed via a narrow unadopted track which runs off Billing View. To the south of the site there is a sheltered housing complex, to the west there is a cricket pitch, while to other directions land is in agricultural use.
- 3.3 Topography to the north of the site rises quite steeply up Rawdon Billing, which is a hill with a wooded summit which forms a local landmark. Rawdon Billing is identified as a Local Nature Area. The boundary of the LNA lies approximately 160m north of the site.
- 3.4 The site itself has not been included as a Local Nature Area due to historical dredging of the pond to facilitate the fishery, which was considered to have reduced the nature conservation value of the site.
- 3.5 The site lies within the adopted Green Belt.

**4. RELEVANT PLANNING HISTORY:**

- 4.1 29/146/97/FU – detached angling club house – approved

29/179/91 – outline application to erect two bedroom detached house to trout farm – withdrawn

29/2/89 – laying out of car park with 9 spaces to vacant site - approved

## **5. HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant has undertaken a pre-application process including the submission of a pre-application enquiry in 2014. Officer advice at that time indicated that the proposal would be likely to raise concerns particularly in respect of the impact upon the openness, character and appearance of the Green Belt.
- 5.2 The application states that the applicant has also discussed the proposals with local residents and Ward Members.
- 5.3 Ward Members have been consulted on the proposals. Councillor Graham Latty has a degree of support for the business aspirations of the applicant but notes the difficulties surrounding new dwellings in the Green Belt.

## **6. PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised by means of site notices, neighbour notification letters and a notice published in the Wharfe Valley Times. To date six letters of objection have been received, and ten letters of support. The main points of objection can be summarised as follows:
- Billing View is already heavily used for vehicle parking by residents, as well as by visitors to the Emmott Arms PH and users of the cricket pitch adjacent to the site; the proposal lacks adequate highway access and parking, would exacerbate the current situation and would be detrimental to highway safety;
  - The proposal includes residential development, which would be contrary to green belt policy, and which has not been adequately justified;
  - The need for the academy building has not been demonstrated;
  - The site could be adequately secured by conventional means;
- 6.2 Rawdon Parish Council objects to the proposal on the grounds that it is unable to support residential development in the Green Belt. Councillors Townsley and Cleasby (Horsforth Ward) have objected to the proposal on the grounds of impact on the visual amenity of natural area, and on the openness of the Green Belt.
- 6.3 Ten letters of support have been received. The grounds for support include the following:
- The proposal would provide a valuable resource for local young people, schools and adults;
  - The proposed warden's accommodation would be essential to provide an appropriate level of security;
  - The site has been used as a fishery for 30+ years but has recently become run down and become a venue for anti-social behaviour.

## **7. CONSULTATIONS RESPONSES:**

### **Non-statutory:**

Flood Risk Management – no objections subject to a condition regarding CCTV survey of culvert

Highways – no objections subject to conditions regarding cycle/motorcycle parking and bin store details.

Nature Conservation officer – no objection subject to a condition to ensure the provision of bat roosting and bird nesting opportunities

Contaminated Land officer – no objection subject to conditions regarding gas monitoring, remediation, and importation of soil.

Public Rights of Way - Public Footpath No.91 Aireborough subsists along Billing View which is also the access track to the proposed angling academy. If the development is to go ahead, warning signs will be required on the track for the duration of the works taking place for the safety of path users. Claimed footpaths subsist around the perimeter of the site. These paths are subject to a Definitive Map Modification application and are being investigated at the moment.

## **8. PLANNING POLICIES:**

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. 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) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.2 Core Strategy policies:

SP1 – Location of development in main urban areas within settlements

SP10 – Green Belt

P10 – High quality design

P12 – landscaping

T1 – transport management

T2 – Accessibility requirements

8.3 Saved UDPR policies:

GP5 - General planning considerations;

N32 – extent of Green Belt

N33 – development in the Green Belt

GB19 – outdoor sport and recreation

GB20 – buildings for sport and recreation

BD2 - design of new buildings

BD5 - amenity and new buildings;

LD1 - criteria for landscape design;

T7A – cycle parking

T7B – motorcycle parking

#### 8.4 Supplementary Planning Documents:

SPG13 Neighbourhoods for Living

SPG25 Greening the Built Edge

Parking SPD

#### 8.5 National Planning Policy:

The National Planning Policy Framework provides national policy guidance which is focused on helping achieve sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 70 states that the planning system should ensure that established social, recreational and cultural facilities are able to develop and modernise *“in a way that is sustainable and retained for the benefit of the community”*.

Paragraph 87 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*; paragraph 88 goes on to clarify that *“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

Paragraph 89 states that *“a local planning authority should regard the construction of new buildings as inappropriate”* but that exceptions to this include *“appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green belt and does not conflict with the purposes of including land within it”*.

## 9 MAIN ISSUES:

### 9.1 The following main issues have been identified:

- Impact on the openness, character and appearance of the Green Belt; and the purposes of Green Belt control;
- Whether very special circumstances sufficient to outweigh the harm to the Green Belt have been demonstrated;
- Visual impact;

- Residential amenity;
- Highway safety.

## 10 APPRAISAL:

- 10.1 This application concerns works to effectively redevelop a site which has been used for many years as a fishing pond. The site is therefore established in its use as a recreational facility, and the application proposes a continuation of this type of use.
- 10.2 The southern boundary of the site forms the Green Belt boundary such that the whole of the site is located within the adopted Green Belt. The site forms the southern extent of a large area of uninterrupted open land which separates the continuous built up area of Rawdon, Yeadon and Guiseley from the villages and towns to the north. In this respect therefore the site serves clear Green Belt purposes in checking the growth of the built up area and assisting in safeguarding the countryside from encroachment.
- 10.3 Paragraph 89 of the NPPF sets out the types of development which can be considered to be exceptions to the general presumption against inappropriate development within the Green Belt. As referred to in paragraph 8.5, included within this list is provision of “*appropriate*” facilities for outdoor sport and outdoor recreation.
- 10.4 The application proposes the erection of two buildings which would form a wardens dwelling and a visitor centre. They would be constructed of timber with metal roofs. They would effectively have the appearance of log cabins. They would be single storey. The forward facing roof plane of the visitor centre would include three roof lights. The nature of the proposed buildings would mean that deep foundations would not be needed, and as such the buildings could be removed from the site.
- 10.5 The application does not include a great deal of detail of the nature of the use of the proposed visitor centre, but it does indicate that the building would be used to provide accommodation for classroom teaching of various aspects of angling. Also included within this part of the building would be WC facilities and a kitchen with a servery area. The application indicates that coaching would generally be aimed at children under sixteen, with projected hours in the summer months of 08:00 – 20:00, but closing three hours earlier during the winter.
- 10.6 Following consideration of the proposals at the Plans Panel meeting of 22<sup>nd</sup> October 2015, the applicant has been asked to provide further details of the functional and financial justification for the proposal, in order to substantiate the very special circumstances which need to be shown to exist and to outweigh the harm caused to the Green Belt. In this regard the applicant has submitted a letter which outlines that the functional justification put forward is that a full time presence on the site is required due to health and safety issues, crime deterrence, teaching, stewardship and general upkeep of the business. The key supporting factors which appear to have been identified are therefore principally theft/security and recreational benefits. However the details are somewhat light on the details of fish species, ages, fish management practices, vulnerability of the fish, fish numbers etc.
- 10.7 In addition financial information has also been provided, which provides projections for initial expenditure and estimated running costs, against projected income. The financial information provided includes “main headings” but no detailed breakdown, information on sources of capital etc. Overall the projections envisage a modest profit, however this seems to leave very little headroom for costs such as mortgage

payments, or for repairs, improvements or any other investment. The proposal appears heavily dependent on schools income. It is envisaged that there would be an average of 80 hours schools tuition per week, but does not provide any evidence of this level of demand or ability to pay the stated level of charge by schools.

- 10.8 The extent to which demand has been researched and the figures “stress tested” is not made clear. For example a 10% reduction in the number of hours of tuition, together with a 10% reduction in the hourly rate and 10% reduction in the number of weeks taken up, would reduce the schools income by approximately a third, and halve the overall profit. This could bring the financial viability of the proposal into question.
- 10.9 While fresh water angling is undoubtedly a popular pastime, it is an outdoor activity and the application does not provide more specific evidence as to why the proposed built accommodation is appropriate or necessary, other than the above. Additionally the application does not demonstrate that the proposal is a viable business venture. Also there is limited information about the total numbers of people anticipated to attend the site at any one time; although the application does refer to coaching being limited to eight pupils. Overall therefore it is considered that there is a lack of clarity regarding the functional and financial need for the proposed accommodation.
- 10.10 In view of this the proposed teaching accommodation is not considered to be appropriate in the Green Belt and is considered to cause a loss of openness and conflict with the purposes of including land within the Green Belt.
- 10.11 Planning permission was granted in 1997 for a detached clubhouse, which would have been a brick and rendered finished flat roofed building measuring 11m x 7.5m. This permission was never implemented. The building was intended to accommodate three breeding tanks for the fish to stock the dam and a clubroom area including a small office and tool store. This proposal was granted consent as it was considered at the time that it represented limited development which was reasonable and sufficient for the site to function as a fishery.
- 10.12 The application justifies the residential accommodation on the grounds that it is necessary to ensure the ongoing stewardship of the pond and academy building, and to prevent theft of the fish stock. The application states that poaching of fish from the site has taken place over recent years, and that the cost of fully stocking the lake is approximately £50k. The application states that the site’s Green Belt designation should not prevent the ability of the facility to grow when there is a demand for such facilities.
- 10.13 However, angling facilities can of course be provided at the site without the need to construct inappropriate development and cause a loss of openness. In this respect the pond benefits from being located on the edge of the built up area and it has not been demonstrated why residential accommodation, or indeed teaching accommodation, cannot be found in the locality within the existing built up area. While concerns over poaching are noted, it is considered that other security measures such as an alarm system and cctv monitoring could address such matters. It has not been demonstrated that it is essential to have a dwelling on the site
- 10.14 The applicant has offered to enter a legal agreement, by way of a unilateral undertaking, which would require that the occupation of the dwelling must be associated with the angling academy. While this may be an appropriate mechanism to ensure the dwelling is occupied in this manner, as discussed above, it is

considered that the application as a whole does not provide the functional and financial justification for the dwelling in the first place.

- 10.15 The proposal seeks to introduce buildings of timber construction. The buildings would be pushed into the north west corner of the site, adjacent to boundaries, and would be isolated from the main built up area of the village.
- 10.16 The location of the building to the corner of the site provides little opportunity for any significant landscape planting, which would be needed to help to soften the built edge of the development. When viewed from outside the site there would therefore be an abrupt change between the built edge and the open Green Belt land to the north and west.
- 10.17 The siting of the building also means that the proposed dwelling would lack any private amenity space provision. As the dwelling would include two bedrooms then it could provide family accommodation, and therefore such provision would normally be anticipated. The proposal therefore lacks amenity for prospective occupiers.
- 10.18 The pond has 15 fishing stations. While the site is an existing use, the proposal would be likely to cause an increase in visitors to the site as it would attract both experienced anglers, as well as students to the academy. The proposal would therefore to some degree represent an intensification of use of the site. However, angling is of course a relatively low key activity, and overall it is not considered that the proposals would cause a loss of amenity for nearby residential occupiers, such as the nearby sheltered housing accommodation.
- 10.19 The site previously had car parking provision, and the current proposals would formalise this with the construction of the retaining structure referred to above. The plans depict the surface treatment of the parking area as rolled hard core, and the site would be accessed via the existing double gates. While the site is accessed via an unadopted track, the relatively low level of use of this means that the proposal would not be considered to lead to any issues of highway safety.
- 10.20 A culverted watercourse which supplies the pond enters the site from the west, and runs to the south of the proposed building. The applicant has amended the plans to ensure a suitable easement is provided, and no objections are raised in this respect.

## **CONCLUSION:**

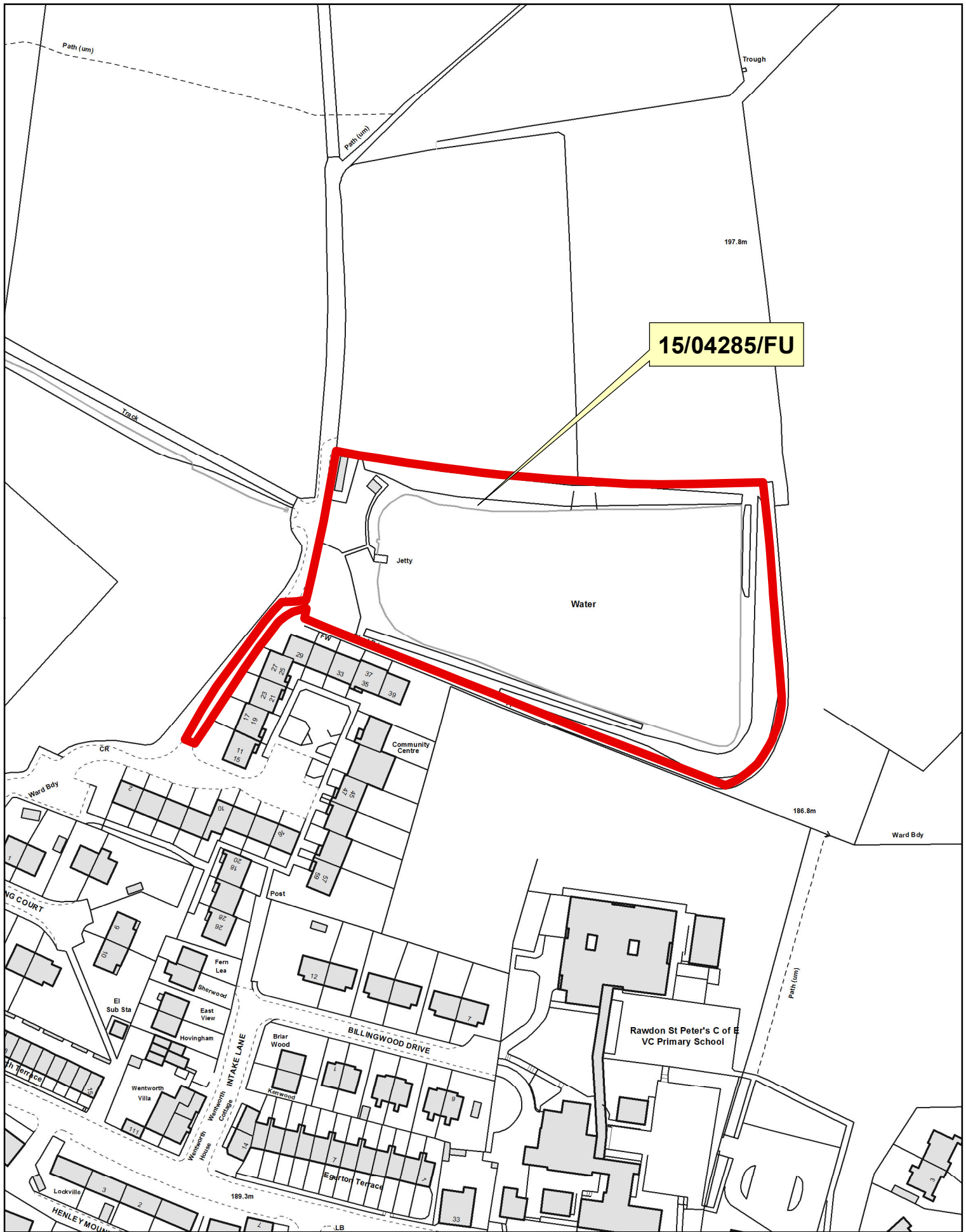
- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is unacceptable as the proposed buildings associated with the use of the site are considered to be inappropriate in the Green Belt; and no special circumstances have been demonstrated which would outweigh the harm caused to the openness, character and appearance of the Green Belt, as well as to the purposes of including land within it, by reason of this inappropriateness.

## **Background Papers:**

Application file.

Certificate of Ownership





15/04285/FU

# SOUTH AND WEST PLANS PANEL

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