

SEDBERGH PARISH COUNCIL – Planning Report - 10 September 2015

The Planning Committee met on 27 August 2015 attended by Cllrs. Longlands, Sedgwick, Allan, Macpherson & Atkins

Apologies: None

Declarations of interest: Cllr Allan (in respect of application S/03/594)

PLANNING APPLICATIONS:

The Planning Committee, in the exercise of its delegated powers, has submitted the following comments to the YDNPA on behalf of the Council:

S/03/45F – Full permission for installation of 20 ground mounted solar PV panels (5kw) at paddock adjacent to Rosebank, Brigflatts, Sedbergh.

No objections

S/03/593 – Full permission for erection of rear dormer extension, raising the existing roof height and creation of roof terrace and balcony at 3 Lockbank Lodge Howgill Lane, Sedbergh.

No objections. (Comment: the access arrangements to the south facing roof terrace are unclear as the glazed opening shown on elevation does not appear to be detailed on the roof plan?)

S/03/592 – Full permission for insertion of dormer window to rear elevation at 3 Guldrey Lane, Sedbergh.

No objections

S/03/594 – Full permission for erection of two storey extension to side of existing dwelling at 6 Castlehaw, Sedbergh.

No objections

PLANNING DECISIONS:

The YDNPA has advised the Council of its decisions on planning applications as follows:

S/03/27D – Full permission for retention of residential annexe at High Birks Barn, Birks Lane, Sedbergh
Approved with condition and Section 106 Agreement linking the annexe to the main house

S/03/415B – Full permission for change of use of residential property to offices at 6 Main Street, Sedbergh.
Approved with conditions

S/03/555C/LB – Listed building consent for conversion of loft area into habitable room at Nether Bainbridge, Howgill Lane, Sedbergh.
Approved with conditions

S/03/252D/LB – Listed building consent for internal alterations to add a shower to an existing toilet at Marshall House, 51 Main Street, Sedbergh.
Approved with conditions

S/03/448F – Full permission for change of use of part of car park to use as a recycling facility at SPAR premises, Station Road, Sedbergh
Approved with conditions (see STP report for details)

S/03/186G – Full permission for construction of ATM room and lobby with new access door at 54 Main Street, Sedbergh
Approved with conditions

Consultation on the Yorkshire Dales Local Plan 2015-30:

Following consultations on the draft Plan last year, the YDNPA has now issued the 'publication version' of the Local Plan. There is a final opportunity to comment (deadline 14 August).

The Plan now incorporates housing policies (following the selective review of the Housing Development Plan undertaken earlier this year) which results in a more user-friendly comprehensive document. The Inset Maps (now including housing land allocations) have also been re-designed and are much easier to understand. These changes address the criticism made by the Council relating to the number and complexity of the various consultation documents.

The following part of this report reproduces the comments on the draft Plan which were submitted by the Council in August last year. The *notes in italics* are inserted to explain the extent to which the publication version contains any changes made in response to those comments.

Policy BE1 (Business development sites) – in relation to the **Baliol School** allocation, the Council is comfortable with the range of uses suggested but has a very strong preference that the site, or at least the greater part of the site, should be available for development as an 'extra care' home for elderly/vulnerable persons. The Council considers this particularly important in view of the local needs identified and the absence of a specific allocation within Sedbergh for such a use – notwithstanding the fact that the town is stated as being a preferred location for this type of accommodation. The Council would therefore wish to see some amendment to the supporting text to give expression to this view.

The publication version of the Plan has introduced an Appendix 3 which contains notes on the allocated business sites. In respect of Baliol School it is stated 'particular potential for extra care residential use identified'

In relation to the allocation at **Toll Bar**, the Council's only comment is that the eastern part of the site appears to have little opportunity for further development having regard to the need to preserve visibility sight lines at the junction of the A683 and A684, internal access difficulties (particularly for larger vehicles) and the desirability of maintaining a degree of soft landscaping of the site.

No change.

The Council has serious concerns regarding the range of uses suggested for the **Farfield Mill** site. Members consider that the rural location of the site, the absence of public transport, parking difficulties and the constrained nature of the single vehicle width access road, render the site unsuitable for A2, A3, C1 and C2 uses (uses which should be encouraged to locate within larger settlements in order to strengthen town centres). For similar reasons the site is considered an unsustainable location for D1 uses involving multiple trips by the public. Moreover, the existing uses of part of the site, a motor vehicle repair shop and a joiner's workshop (arguably B2 uses?), which are valuable assets to the local community are not included in the range of uses considered suitable. The Council would be concerned if the Local Plan allocation enhanced the potential development opportunity of the site in a way which might result in the displacement of these uses (uses which, by their nature, are not easily accommodated within the National Park). Whilst the Council would welcome the renovation of the dilapidated buildings within the Farfield Mill Conservation Area, it is considered that the preferred uses to be accommodated in any re-development should be those types of businesses falling within Class B1. Such businesses might well include craft industries to complement the adjacent Mill heritage centre.

An Appendix to the Plan (No. 3) states that, with the exception of A2 uses, all the uses proposed in the Draft Plan remain appropriate. The Council's suggestion that B2 uses should be included has not been accepted but a note states 'consider implications arising from displacement of existing uses of the buildings and the need for new uses to be complimentary to existing uses on site as a whole'

The Council has previously suggested that there is some opportunity for further business development at the former station site at Sedbergh and wonders if this possibility has been rejected (or is not shown simply because the site is located beyond the practical boundaries of the Proposals Map)?

No change (although the Plan states that ‘the expansion or redevelopment of existing business uses will be permitted’).

Policy BE4 (live-work units) – Whilst the council supports live-work units in principle, it acknowledges that there are difficulties associated with viability (particularly if there is no flexibility on the 50% floorspace criterion) but also difficulties with control in the longer term (to prevent units becoming wholly residential). The Council would oppose the conversion of some existing industrial premises, such as those at Toll Bar, to live-work units.

The policy has been amended to provide more robust criteria (including 3 year’s vacancy) which would need to be satisfied before an existing business site is permitted to be re-developed as live-work units. In addition, the proportion of floorspace that must be available for employment use has been increased from 50% to 60%

Policy BE5 (high street frontages) – The Council supports this Policy and is pleased that the aim of strengthening high street viability is now more likely to be achieved in that retail development outside town centres is to be severely constrained. However, the Council is concerned that proposals which would result in the loss of a town centre retail shop are to be assessed primarily in employment terms (by Policy BE7) and in financial terms. The Council considers that some retail premises might be so crucial to the viability and vitality of the town centre that other considerations should be accorded greater weight (even if this might affect property value).

Policy BE7 has been amended to incorporate an additional test of ‘community vitality’

In relation to the ‘high street service frontage’ identified on the Sedbergh Proposals Map, the Council notes that the boundary of this area (compared to that shown on the extant Local Plan) extends eastwards to Westwood Books, thereby encompassing several non-commercial, mainly residential, properties. The Council therefore considers it would be appropriate to extend the area in a westerly direction as far as No. 2 Main Street, thereby incorporating a vacant shop and a Solicitor’s office.

The Council’s suggestion has been accepted

Policy BE7 (safeguarding employment uses) – Subject to the comment above, the Council supports this Policy. As you know, the Council has expressed concerns regarding the gradual loss of small workshops and yards to residential use.

Policy C1 (extra care accommodation) – The Council strongly supports this Policy and considers that Sedbergh (and the Baliol School site in particular) is an appropriate location for specialist accommodation for elderly and vulnerable persons – not least by reason of established community support systems and health care facilities in the town. In addition, the Council notes that the Policy would permit the large residential site at the western end of the town (allocated in the Housing Development Plan) to be developed, in part, by such accommodation. This Policy, as with the policies in the Housing Development Plan, assumes the availability of up-to-date information on housing needs and the Council would hope that your Authority would support the undertaking of a further housing needs survey for the Parish in the near future.

The amended Local Plan now incorporates housing policies with the result that there are now 14 ‘community’ policies rather than the 7 policies in the Draft Plan. The Policy numbers have changed as a consequence so that former Policy C1 is now Policy C8. The policy has been re-structured with some variation in the wording but is substantially similar to the policy in the draft plan. One significant change is that the need for specialist residential or extra care accommodation must be verified by the County Council in its adult social care role. The need for up to date housing needs data is clearly stated.

Policy C2 (existing community facilities) – The Council naturally supports this Policy but, again, has concerns regarding the likelihood that ‘financial viability’ test could easily be met. Those facilities that are crucial to the

community would be best protected by some form of community ownership and, in this respect, the Council notes the provisions of the 2011 Localism Act.

There are a number of minor changes to the Policy and supporting text, including emphasis on the requirement (before a change of use is permitted) for 'community engagement to assess current and historical use, and to identify barriers to, and opportunities, for continued community use'.

Policy C6 (protected green space) – The Council is pleased to note that most of its suggestions have been accepted and supports the additional areas put forward. However, the Council remains of the view that the undeveloped adjoining garden areas of Carus House and Brackensghyll on Back Lane should be identified as protected green space, not least to ensure softening of the impact of the new School building in the long term (and to reinforce landscaping conditions imposed on the permission for that development).

The Council's suggestion has been accepted

It is noted that the protected green space proposed to the west of Queen's Gardens includes three dwellings at Randall Hill which appears inconsistent with the purposes of designation and at odds with all other green spaces proposed. The Council considers it more appropriate to restrict the proposed designation to the parcel of land to the north of the properties which is outwith any domestic curtilage (as originally suggested by the Council).

The Council's suggestion has been accepted

The Council suggests that the southern boundary of the area proposed covering Settlebeck School field should extend to the river bank and the abutment to New Bridge, thereby including important trees and the site which is to be laid out as a small informal picnic site.

The Council's suggestion has been accepted

Whilst the Council is comfortable with the immediate grounds of Settlebeck School being designated, this should not restrict the future development of the School in ways that might be necessary to ensure its continued well-being and viability.

No specific comment has been included in relation to Settlebeck School, but the need for flexibility in applying this Policy is acknowledged.

[It is noted that (i) the wording of the Policy has changed from 'protected green space' to important open space'; and (ii) that Joss Lane car park is no longer shown as important open space – a suggestion made by the Council previously]

Policies L4 and L5 (conversion of traditional buildings) – The Council supports the more positive approach introduced by these policies and hopes that the application of the policies – with reasonable flexibility where necessary - will achieve the conservation objectives stated in the Plan . It is noted that 'traditional buildings' are not defined in specific terms but the Council understands that the term extends beyond vernacular buildings to include 'polite' buildings of the 19th century and the Victorian era. For the avoidance of doubt the term 'traditional building' should be fully defined.

No definition has been included as such but 'heritage assets' are explained as including significant buildings 'with aesthetic appeal, whether vernacular or polite in style'

Whilst noting that details of the proposed 'conservation levy' have yet to be worked out, the Council objects in principle to this proposal. In an area where the disparity between local incomes and house prices is so marked, it seems entirely wrong that more affluent persons can, in effect, 'buy' planning permission to enable the conversion of a building to a second, holiday or retirement home. In seeking to address one problem identified in the Local Plan (the disrepair of buildings) this policy would compound problems identified in the Housing Development Plan (distortions in the housing market, effects of second/holiday homes on local communities, ageing population etc.). In the view of the Council, if a building is considered suitable for conversion to a dwelling it should contribute to local

housing needs not external demands – this is central to the fundamental strategy of the recently adopted Housing Development Plan.

The Plan retains this policy which appears to be a radical departure from long established planning principles. [Comment: It is unusual for a developer to be offered the choice of either accepting a planning condition or avoiding such a condition by the payment of a sum of money to the local planning authority. Moreover, for many years the Authority's policy has been to permit the conversion of traditional buildings only if no unacceptable harm results. The policy now being advanced is predicated on the assertion that all such conversions result in harm, to a greater or lesser extent, and that 'compensation' is therefore justified in the form of an occupancy condition or the payment of a levy. This change of approach is difficult to understand.]

As noted above, the requirement to have regard to a number of documents when considering conversion proposals may cause difficulties.

As noted, the Plan is now more comprehensive and user-friendly, although developers will still need to have regard to other planning guidance published by the Authority, such as the 'Traditional Farm Buildings Toolkit' and the Design Guide.

Policy T1 (new and extended camp sites) – The Council welcomes this Policy.

Policy T2 (temporary visitor accommodation) – The Council supports this Policy provided it operates in a manner whereby adequate safeguards are put in place to prevent small scale facilities being incrementally extended or 'improved' and over a period of time to become 'luxury holiday villages'. The successful exercise of this Policy will require a shared understanding of 'viability' issues between developers and planning authority at the outset.

This policy has been replaced by two related policies – a new Policy T2 for 'Touring caravan sites' and a new Policy T3 for 'Sustainable self catering visitor accommodation'. The Plan states that in applying these policies the Authority will seek to resist the further loss of touring pitches where.... it would have a significant negative impact on the supply or choice available locally'

Policy T4 (visitor facilities) – The Council supports this Policy (which reflects the current initiative locally to promote Sedbergh as an accredited 'Walkers & Cyclists are Welcome' town).

Policy T5 (indoor visitor attractions) – The Council supports this Policy which would enable developments that reinforce the visitor attractions of the larger settlements, particularly for families with children. Such developments should preferably also benefit the resident community. Some forms of 'attraction' (such as large retail developments) which might threaten the viability of existing businesses would be inappropriate and it is suggested that this caveat is made explicit in the wording of the Policy (notwithstanding the application of other policies in the Plan).

No significant changes made

Policy W2 (ecological networks) – Whilst the Council fully supports the intention of the Policy (and acknowledges the requirements of the NPPF), the presentation of the ecological networks on the Proposals Maps is considered to be confusing and, potentially, unhelpful in some instances. In relation to the Sedbergh Proposals Maps, the somewhat notional representation of culverts (many of which have been diverted over the years) and the diagrammatic representation of 'buffer areas' produces many anomalies. A number of the 'buffer areas' and 'stepping stones' shown appear to the Council to be of lesser value as wildlife corridors than other areas which are not identified.

The Council would be interested to learn of the techniques employed to identify and map these networks (and might be able to assist your Authority in considering amendments that better reflect conditions 'on the ground').

Given the substantial degree of constraint to development contained within the Policy, the Council considers it important that the mapping of the ecological networks extending into the settlement should be undertaken with care so as to avoid future difficulties (and also to ensure adequate protection of areas of wildlife value).

This section of the Plan (and the Inset Maps) have been substantially amended and simplified, notably by abandoning the proposed 'buffer zones' (on the basis that the National Park in its entirety should be regarded as part of a wildlife corridor). This addresses one of the main concerns of the council. (Policies W1 and W2 of the draft Plan have been combined as a new Policy W1 entitled 'Wildlife sites, species and networks' which, whilst somewhat long and complex, better accommodates the various designations of species and habitat protection.)

Policy CC1 (renewable & low carbon energy) – The Council supports this Policy and (notwithstanding the difficulties in balancing visual impacts against the need to accommodate innovative development) hopes that it will be applied positively. There appears to be no reference to your Authority's 2011 Energy Production Guide and the Council wonders if this is to be updated as supplementary planning guidance to provide the level of detail not available in the Local Plan's supporting text to Policy CC1?

The Plan still makes no reference to this publication.

Other Points:

Whilst the introduction to the Plan acknowledges the need to promote food security, there is no policy to support the development of allotments (it is understood that national policy expects the local planning system to have a role in contributing to the further provision of allotments).

Whilst allotments are mentioned in the context of existing community facilities, there is no specific policy to promote allotments (either as self-contained developments or as a component of other types of development).

In Appendix 1 (page 100), the Council considers that Uldale Force should be included as a 'spectacular waterfall'.

This suggestion has not been accepted.

A note on the Local Plan Housing Policies:

As noted above, the publication version of the Local Plan now incorporates housing policies following the selective review of the Housing Development Plan.

Policy C1 provides that the approval of new housing development, either on allocated sites or suitable infill sites, within the Local Service Centres and Service Village (such as Sedbergh and Millthorp respectively) will be subject to occupancy restrictions as follows:

- On sites of 11 or more dwellings, 50% must be affordable housing or alternatively 33% affordable housing and 33% local occupancy restricted housing.
- On sites of between 6 and 10 dwellings, the Authority will require the payment of a commuted sum in lieu of the delivery of the relevant proportion of affordable housing above.
- On sites of up to 5 dwellings, new housing will be restricted to local occupancy.

Comment: Whilst acknowledging that the Authority is obliged to work within Government's (frequent) policy changes, many observers will be disappointed that, in an area where second home, retirement home and holiday home ownership is already high, a new local plan policy is being introduced which will permit the development of more housing available for such external demands rather than being restricted to meeting local needs.

Potentially, this policy could result in the allocated site at Millthorp (10 houses) being developed wholly for holiday homes, second homes or retirement homes and the large allocated site opposite Queens Gardens in Sedbergh (30 houses) being developed in a manner in which half the development could be occupied for such purposes.

The Council has previously expressed doubts as to the adequacy of commuted sums to fund new-build affordable housing schemes and the likelihood of land being available for such developments in the locations where it is needed.

It is also disappointing to note that, notwithstanding the Parish Council's comments submitted in April, the definition of 'local occupancy' has been widened to include the whole of the relevant District Council area outside the National Park boundary (in the event that there is no demand from inside the National Park).

JA 6.09.15