

# SEDBERGH PARISH COUNCIL – Planning Report – 14 September 2017

The Planning Committee met on 5 September 2017

**Present:** Cllrs. Allan, Capstick, Longlands, Sedgwick, and Atkins

**Apologies:** None

**Declarations of interest:** Cllr. Capstick (Application S/03/518C)

## **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/03/608** – Full permission for demolition of existing summerhouse and erection of domestic garage/workshop at Spellow Cottage, Thorns Lane, Sedbergh.

*No objections*

**S/03/213A/LB** - Listed building consent for provision of new guttering to north elevation and new soil stack to south elevation; internal works to bathroom, kitchen and dining room; replacement of 2 No. windows, patio doors and stable door; and renovation of remainder of windows.

*No objections*

**S/03/611** – Full permission for demolition of existing buildings and erection of 1 No. dwelling at former St. John's Ambulance HQ, Bainbridge Road, Sedbergh.

*This application was discussed at some length and a range of views were expressed. Some members doubted that the site is suitable for the development of a dwellinghouse in principle, having regard to the close juxtaposition of existing residential properties, the difficulties associated with access and the absence of any parking which would exacerbate acknowledged difficulties on Bainbridge Road.*

*Other members noted that developments of the nature proposed are not untypical of the existing townscape (where residential properties in the historic centre of the town are more tightly arranged and might have no curtilage or dedicated parking space) and, therefore, there was some opportunity to re-develop the site for residential use.*

*Members did, however, share concerns regarding the submitted design and in particular the proposed flat green roof and fenestration arrangements.*

*Should your Authority be disposed, in principle, to approve the residential development of the site, members considered that any design should be informed by the need to safeguard the privacy and amenity of existing properties as far as is reasonably practicable whilst, at the same time, seeking to reflect local building traditions. The general view of members is that the submitted scheme does not achieve these imperatives.*

*(On a matter of detail, it was noted that - in relation to separation distances between the proposed building and the existing property, 36, Bainbridge Road - there appear to be discrepancies between stated measurements on the drawings and measurements when scaled?)*

**The following application is to be determined at the meeting:**

**S/03/518C** – Full permission for erection of agricultural building for winter stock housing at Birks Farm, Birks Lane, Sedbergh

This application was discussed at the Planning Committee meeting when the view was taken that the proposal should be supported on the understanding that the building would not directly result in an unacceptable increase in heavy vehicles movements on Birks Lane. (Cllr Capstick left the meeting before the application was discussed.)

**PLANNING DECISIONS:**

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

**S/03/369A** – Full permission for demolition of existing side porch/washroom and erection of single storey extension at 1 Bridge End Field, Millthrop.  
*Approved with conditions*

**S/03/496B** - Full permission for demolition of existing outbuilding and erection of three bedroom dwellinghouse on site at Settlebeck (rear of Settlebeck Cottages), Sedbergh.  
*Approved with conditions and subject to a Section 106 Agreement restricting occupancy of the proposed dwelling to local persons.*

**S/03/272B** - Full planning permission for use of two dwellings, currently used as holiday cottages, to be either holiday cottages or local occupancy dwellings at Dales View and Whernside View, Ash Hining Farm, Marthwaite, Sedbergh.  
*Approved with conditions and subject to a Section 106 Agreement relating to occupancy and tying units to the farm holding*

**S/03/365** – Full permission for erection of rear two storey extension and single storey side extension at 3 Woodside Avenue, Sedbergh.  
*Approved with conditions*

**Baliol School**

At the last meeting it was resolved that the Council should make further representations in respect of the refusal of permission for the erection of two dwellings on the site of the former Baliol School (application S/03/55E).

The following comments were forwarded to the YDNPA and the applicants' agent by the Clerk to the Council:

***S/03/55E – Full permission for erection of two dwellinghouses on land at former Baliol School, Cautley Road, Sedbergh.***

*The Authority's decision on the above application was reported to the meeting of Sedbergh Parish Council on 10 August and was discussed at some length by members.*

*Whilst the reasons for refusal are understood, it appears from the Officer's report that the balancing of planning issues leading to the decision was dependent on the extent to which supporting information was (or was not) made available to demonstrate that the proposed dwellings are necessary to secure a financially viable development which would include the proposed commercial units (for which permission has been granted separately).*

*The Council very much hopes that the Authority and the applicant's agent are, together, able to address this issue if it would enable the overall development to be reconciled with the policies of the Local Plan and any further application(s) to be considered favourably. The Council takes this view because the retention of the two local businesses for which the commercial units are intended (Able Memorials and Farm Gate Veterinary Practice) are vital to the well-being of the town and the wider area.*

*In particular, the Council would emphasise the very considerable value of the veterinary practice being secured within the town and to operate from improved premises that would enable this important local service to develop to meet not only the needs of residents' domestic animals but also the needs of the farming community.*

*The Council is, of course, not in a position to make a judgement on any financial case that has (or will) be presented but it appears to members that proposals of this nature – whereby business developments are supported by an element of residential use to achieve viability – are not uncommon in prevailing market conditions.*

*The Council notes that the proposed houses would be modest in size, located in close proximity to existing dwellings and, if approved, would be subject to a local occupancy condition. As stated in Appendix 3 to the Local Plan, the Baliol estate is located in a residential area. (The opinion was expressed at the Council meeting that occupancy of one of the proposed dwellings by a person employed at the veterinary practice would confer very obvious advantages having regard to the nature of the business and 'out of hours' emergencies.)*

*The Council feels that, taken as a whole, the individual and very specific circumstances involving the re-location of two established businesses would (if adequately supported by a financial viability assessment) enable the Authority to determine that the development could proceed without compromising any future development of the remaining (greater) part of the original Baliol estate in a manner contemplated in Appendix 3 of the Local Plan.*

*In summary, the Council hopes that the parties will be able to continue negotiations and to find a way forward which will ensure the retention of these important local businesses.*

The Clerk to the Council received a detailed response from the Planning Officer, Michelle Clowes, the principal comments being:

*A key element of the local plan strategy is to plan for economic growth by encouraging new businesses to move into the area and by allowing for the expansion of existing businesses. This aim is given effect by allocating land for solely for business development. It is necessary for planning authorities to restrict the development of these sites to business development and exclude housing development as land with permission for housing commands a much higher land value than that for business development. If land is not restricted to business*

*development, businesses would find it difficult to compete with housing developers for developable land. The local plan also allocates sufficient land solely for housing development, including two sites in Sedbergh that could provide at least 30+ dwellings.*

*Given the newness of the Local Plan it is only right that the Authority takes a cautious approach to the development of this site for anything other than the uses set out in the allocation. If the applicant wishes to take us up on the offer of further business development or the provision of live/work units which we have already suggested, we would be more than willing to do this. On the other hand, if the applicant does consider there to be a genuine viability issue in developing the site for commercial uses, we would be more than willing to work with them, subject to them providing the necessary financial appraisal of the development (which so far they have declined to provide).*

*I would however point out, that although lose reference was made in the original submission that the new houses were required in order to ensure that the commercial units could be built (i.e. to support the viability of the approved development), this statement was later retracted by the agent and it was clarified that there wasn't a viability issue with regard to the approved commercial development (see late items report that accompanied the committee agenda report). Instead it was stated that, "the applicant does not contend that this is a matter of viability, just that the sale of land for 2 houses would help to support the construction of the two (commercial) buildings." This instead amounts to a personal financial issue which is not a material planning consideration unlike viability. In this regard, it is considered that the development of the site for small offices for example, would both be compliant with policy and enable the landowner to generate a receipt from the land to support the building of the larger units.*

The agent acting for the applicants has also responded, welcoming the intervention by the Parish Council, stressing the importance of the site and requesting a meeting with representatives of the Parish Council. (Members might feel that any meeting should also include the Planning Officer to ensure a full understanding of all the issues?)

### **PROTECTED TREES:**

**The YDNPA has advised that consent has been granted for the following works:**

(No notifications received at the time of compiling this report.)