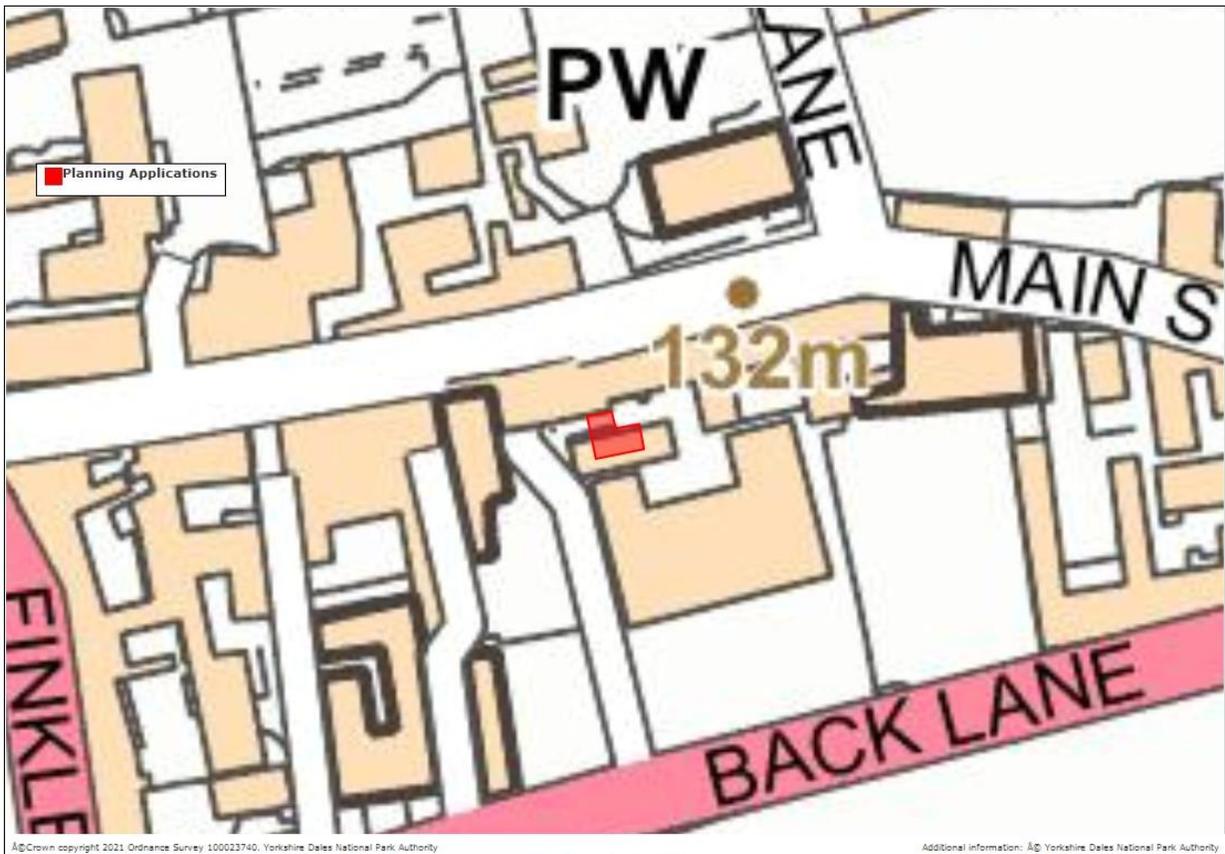


YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	Parish:	Sedbergh
Date:	19 October 2021	Officer:	Andrew Morrison
Applicant:	Nigel Close Ltd	Application No:	S/03/207B
Site Address:	59 Main Street, Sedbergh, LA10 5AB		
Proposal:	Full planning permission for alterations to existing outbuilding to form laundry to serve applicant's holiday let business (retrospective) (Resubmission of application no. S/03/207A) at outbuilding to rear		



REASON FOR COMMITTEE CONSIDERATION

1. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.
2. Members will recall their decision to defer considering enforcement action in respect of unauthorised development at this site at the previous Planning Committee meeting on 7 September 2021 to allow for consideration of this planning application (S/03/207B).

APPLICATION SITE

3. The site is a pair of small, single storey outbuildings located to the rear of properties on Main Street. The outbuildings form part of a row of similar buildings that serve properties backing onto Davis Yard. The outbuildings consist of 2 interconnected sections: a wider, squarer stone building and a narrower, longer building that has been altered through the addition of a new concrete floor and a blockwork front wall with a door and two windows finished in timber boarding in place of the original makeshift wood panelled / open fronted aspect. A flue has been installed to the stone building and a pre-existing flue sited on its gable has been altered, raised and boxed in.

PROPOSAL

4. The application seeks (retrospective) permission for alterations to existing outbuildings to form a laundry use to serve the applicant's holiday let business. The application is identical to that previously submitted and refused (S/03/207A – see below), except for the inclusion of a supporting Planning Statement. The hours of operation are stated as 8am – 5pm 365 days a year, with one full time employee.

RELEVANT PLANNING HISTORY

5. S/03/207 – full planning permission for the change of use of shop and residential flat to professional services and office use. Approved 02/05/2000.

S/03/207A full planning permission for alterations to existing outbuilding to form laundry to serve applicant's holiday let business. Refused 18/12/2020 for the following reason:

The change of use of the outbuildings to a commercial laundry business would lead to noise, odours and disturbance that would be inappropriate in this location leading to disturbance of the occupiers of the neighbouring residential properties and an adverse effect on residential amenity contrary to policies SP1 and SP4 of the Yorkshire Dales Local Plan (2015-2030).

CONSULTATIONS

6. The comments of statutory and non-statutory consultees are summarized below:
 - **YDNPA Area Ranger (Western Dales):** No comments received
 - **CEHO South Lakeland DC:** No comments received.
 - **Highways Cumbria CC:** Refer to comments in respect of S/03/207A (no objection)
 - **Sedbergh PC:** No comments received.

PUBLIC RESPONSES

7. The application was advertised by neighbour notification letter together with site notice display on 9 September 2021. 3 letters have been received, raising the following issues:
- Noise disturbance (in relation to operation of dryers, the rattling of laundry cages when transported, radio played by employee)
 - Odour disturbance
 - External storage / equipment
 - Lack of parking

ASSESSMENT

Key Issues:

- Residential amenity
- Impact on heritage asset
- Highway safety
- Parish Council comments

RESIDENTIAL AMENITY

8. At the time of writing, details of existing and/or proposed soundproofing of the building have not been submitted to the Local Planning Authority. The agent has indicated that this will be forthcoming, however has not yet confirmed a timetable for the submission of a scheme/report. The proposal is therefore assessed as without any such measures which may mitigate the impact of the development of neighbouring residential amenity.
9. The previous application (ref.S/03/207A) was assessed as follows in relation to the issue of residential amenity:

The outbuildings forming the application site, make up part of a row of outbuildings serving the buildings at Main Street. The 2 connected outbuildings at the application site are understood to have previously been used in association with 59 Main Street and used for storage purposes. The adjoining outbuildings serve the neighbouring buildings. This part of Oliver Yard has a distinctly residential character in contrast with the much more 'commercial' character of Main Street itself. The area is also noticeably quieter than Main Street, in part due to the lack of vehicles. The narrow walkway serving the buildings that are accessed from Oliver Yard is bounded by small yard areas, serving the flats and dwellings that front onto it. Some of these have chairs and tables for sitting out. The garden at the end of the walkway serving Corner Cottage, is larger and is well maintained.

The application proposes the conversion of the buildings to serve a commercial laundry business. Whilst the application was initially submitted as a laundry business serving the public, the application was amended during the validation process to limit the buildings to be used solely in connection with laundry arising from the applicant's holiday let business. The application form advises that the laundry would operate 8am to 5pm 7 days a week. It also notes that the business would support 1 new full-time employee.

The application states that the proposed use would be A1 (Retail). 59 Main Street as an estate agents is currently in A2 Use (Financial and Professional Services). Given that the use of the building would involve the operation of appliances washing and drying laundry from multiple locations on a daily basis, it is considered that the proposed laundry use is considered to be more akin to a B2 Use. It would not fall within A1 as it is not a shop and there would be no public access. For clarity, a launderette is a sui generis use that does not fall within any use class although that is not what is proposed here.

A laundry use is likely to result in smells and noise arising from the building. The increase in activities in and around the buildings with staff arriving, dropping off laundry and generally being resident around the building between 8am and 5pm is likely to increase the potential for disturbance in the area. If this use was carried out consistently, as is proposed, this is likely to negatively effect the amenity of the occupiers of the neighbouring residential properties, the closest of which is located around 5m away from the building and all of which are located within 10m. The effect on amenity could be from odour emissions from the washing/drying process drifting through open windows as well as noise arising from the processes carried out within the building which would be exacerbated by any doors or windows left open in the outbuilding. Whilst this is a town centre location and noise levels and general disturbance is likely to be higher than in a solely residential street, it is still not reasonable to expect minor industrial processes such as this to be carried out in such proximity to residential properties. Furthermore, the bulk of the activity around Main Street is concentrated to the frontage of these properties and not within the outbuildings to the rear which are minor ancillary structures, with none appearing to be in any separate use from the main building that it serves.

It has not been stated how many holiday lets the applicant manages but it is reasonable to assume that this is a number that could vary over time as the applicant acquires more or less holiday lets. If the applicant's holiday let business were to become highly successful this would clearly increase the intensity of the use of this outbuilding. Moreover, any planning condition limiting the use of the laundry facilities to solely laundry arising from the applicant's business would be very difficult to enforce. It would also amount to a personal permission for which there does not seem to be any exceptional circumstances to justify.

The location of the laundry facility here, whilst central within Sedbergh, appears to be driven more by the applicant's ownership of the building than any operational requirements of the holiday let business. The laundry use would have no connection to the A2 use of 59 Main Street and a laundry use could not be reasonably expected to the rear of such a premises. There would appear to be no operational requirement to prevent the activities from being carried out in a small industrial unit on the nearby Toll Bar Industrial Estate for example. It may even be more appropriate to carry out the laundry processes in an outbuilding at a more isolated holiday let away from other residential properties.

Other means of controlling the use have been considered such as controlling the number of appliances within the building or severely limiting the opening hours, however this would be both difficult to enforce and unsatisfactory to the applicant as well as still resulting in a certain level of noise and smells. Ultimately, this is not considered to be an appropriate use for this location and it is therefore recommended that the applicant explores alternatives.

10. The Enforcement Report to Planning Committee on September 7 2021 is appended to this report as Appendix A. This provides a background to the commencement of the laundry use following the refusal of S/03/207A. It also confirms the receipt of a pollution complaint by South Lakeland District Council Environmental Health Officers. It is understood that a second, separate complaint has been received by South Lakeland more recently, and that this complainant is currently completing record sheets as part of the investigation process.
11. The supporting Planning Statement identifies that the applicant currently operates three holiday let properties, the management of which is undertaken from 59 Main Street. The laundry serves these three properties.
12. The Statement identifies that planning use classes were reorganised in September 2020, such that the former A2 use of 59 Main Street now falls within Class E: Commercial Business and Service. The applicant argues that the use of the outbuildings as a laundry also falls within Class E on the basis that it is a use which can be carried out in a residential area without detriment to its amenity, and therefore its use as such does not require planning permission (despite submitting a planning application for the use). Officers do not accept this argument and remain of the view that a material change of use has taken place and that the laundry is more akin to a B2 General Industrial use.
13. The laundry has now been operational for a number of months and the owners / occupiers of the three neighbouring properties to the east / north east have raised objections to this latest planning application, citing the harmful impact on their amenity. An investigation by South Lakeland EHO is also ongoing.
14. A site visit was carried out by the Case Officer on 13 September 2021. At this time the laundry was in operation by a single employee, with washing machines, a commercial sized dryer (which outlets to the boxed-in flue positioned at the junction of the two buildings) and presses being used across the two rooms. A laundry cage was positioned outside the narrower building. Continuous noise from the dryer was evident when standing upon the access a short distance in front of the neighbouring dwellings, even with the doors and windows to this part of the building closed. It is considered that the level of noise generated did not respect the residential amenity of neighbours.
15. It is considered that the same conclusion should be reached as to the inappropriateness of the laundry use in this location as was made in relation to S/03/207A. Now that the use has commenced, based on the information available, there is no reason to conclude otherwise.

EFFECT ON HERITAGE ASSETS

16. The application site is located within the Sedbergh Conservation Area. Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 places a duty on planning authorities insofar as 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' when it considers proposals for development in the conservation area.
17. The outbuildings are not prominent in public views as they are screened by the adjoining outbuildings, but can be glimpsed from the public part of Davis Yard. The western outbuilding

is a traditional building and it is understood there have been buildings in this location since at least the 19th Century. The narrower eastern building which is not visible from the yard / vehicle access to the west has a fibre cement sheeted roof. The installation of vertical timber cladding, two windows and a timber door on a new blockwork wall to its north facing elevation is not considered to be harmful to the character and appearance of the Conservation Area such to justify a further reason for refusal on these grounds.

HIGHWAY SAFETY

18. Anyone using the building needs to either park their vehicle in Davis Yard (positioned at its widest northern end so as not to obstruct the passage of vehicles) or otherwise park more distantly near Main Street to the north or the A684 to the south. The Highway Authority has not raised any objections. It is considered that the development would be unlikely to result in any adverse effect on highway safety through indiscriminate parking, given these options.

PARISH COUNCIL COMMENTS

19. No comments received. No objection was raised to the previous application but concern was raised with regard to the design treatment of the building.

CONCLUSION

20. The application seeks planning permission for a minor industrial type use within a pair of outbuildings in close proximity to residential properties. The laundry use is presently resulting in noise and odour emissions from the building and site to the detriment of residential amenity. This is considered to be above the level of activity and disturbance that could be reasonably expected as acceptable within an area such as this. No details of soundproofing of the building have been submitted to date. The development could not be adequately controlled by planning conditions and has a harmful effect on the amenity of the occupiers of neighbouring residential properties. The development is therefore contrary to policies SP1 and SP4 of the Yorkshire Dales Local Plan (2015-2030).

RECOMMENDATION

21. It is recommended that permission be **REFUSED** for a reason based on the following:

In the opinion of the Local Planning Authority the change of use of the outbuildings to a commercial laundry business has resulted in noise, odours and disturbance inappropriate in this location leading to disturbance of the occupiers of the neighbouring residential properties and an adverse effect on residential amenity contrary to policies SP1 and SP4 of the Yorkshire Dales Local Plan (2015-2030).

22. Furthermore it is recommended that the Authority's Solicitor be authorised to serve an Enforcement Notice in accordance with the recommendation set out in paragraphs 17 and 18 of the report at Appendix A (report to Planning Committee 7 September 2021) and that in the event of non-compliance with the requirements of the Enforcement Notice, the Authority's Solicitor be authorised to commence prosecution.

APPENDIX A – PLANNING COMMITTEE REPORT 7 SEPTEMBER 2021

Report: UNAUTHORISED DEVELOPMENT OF LAUNDRY REFUSED CONSENT UNDER S/03/207A (REF. ENFORCEMENT CASE ES/03/303)

Purpose of the report

1. To advise Members of the current situation and to seek authorisation for formal enforcement action to secure the cessation of laundry use and the removal of laundry and associated equipment from outbuildings to the rear of 59 Main Street, Sedbergh.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the National Planning Policy Framework, the Authority's statutory purposes and its approved strategic planning framework:

Yorkshire Dales National Park Local Plan 2015 - 2030

- Policy SP1 – Sustainable Development
- Policy SP4 – Development Quality

3. At paragraph 207 the NPPF also states that: "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control".

Relevant Planning History

4. S/03/207 – full planning permission for the change of use of shop and residential flat to professional services and office use. Approved 02/05/2000.

5. S/03/207A – full planning permission for alterations to existing outbuilding to form laundry to serve applicant's holiday let business at buildings to the rear. Refused 18/12/2020.

Background

6. The site is a pair of small, single storey outbuildings located to the rear of properties on Main Street. The outbuildings form part of a row of similar buildings that serve properties backing onto Davis Yard. The outbuildings consist of 2 interconnected sections: a wider, squarer stone building and a narrower, longer building that has been altered through the addition of a new concrete floor and a blockwork front wall finished in timber boarding in place of the original makeshift wood panelled / open fronted aspect.

7. Towards the end of 2020, a complaint was received that works were underway to convert what had been business storage space in the stone building, and open fronted storage space (used by various properties) in the longer building, into a public laundry.

8. This matter could not be investigated further as a result of Covid restrictions but the owner was advised that the development would require planning consent. On 6/11/2020, the Enforcement team were advised that application S/03/207A had been submitted to seek consent

for alterations to existing outbuilding to form a laundry to serve the applicant's holiday let business. This application was refused on 18/12/2020 on grounds that:

- The change of use of the outbuildings to a commercial laundry business would lead to noise, odours and disturbance that would be inappropriate in this location leading to disturbance of the occupiers of the neighbouring residential properties and an adverse effect on residential amenity contrary to policies SP1 and SP4 of the Yorkshire Dales Local Plan (2015-2030).

The owner did not appeal the outcome of S/03/207A.

9. The owner did not respond to emails asking how he intended to proceed given refusal of S/03/207A. A site visit on 19/5/21 showed building work still underway and some laundry equipment present but not connected. The owner felt he did not need consent to reinstate laundry use that he said had operated in the stone building somewhere between 1997 and 2007. Advice was given that development of laundry use would represent unauthorised development and that any further work would be entirely at his own risk.

10. Subsequent correspondence with the owner refuted the idea that a new laundry use could be viewed as a continuation of laundry use that ended in 2007, and that any previous and new laundry use (the complainant doubted previous laundry use), would represent unauthorised development / use inconsistent with the approved use of the buildings.

11. After receipt of further information that laundry development had continued, another email was sent to the owner on 21/6/21 to ascertain their intentions, reiterate that laundry use could be subject to planning enforcement action, and to advise that any such development was entirely at the owner's own risk. The owner did not respond.

12. In July 2021, further information from the complainant advised that laundry use had commenced. A site visit on 21/7/21 found that 2 of 3 washing machines were in use and two dryers had been installed. Other equipment consistent with laundry use (sink, washing baskets, ironing board, linen press) were present in addition to associated equipment (wall mounted boiler, water cylinder). A dehumidifier was being installed during the site visit. The laundry operation was largely complete and in use.

13. The YDNPA complainant (a relative of an elderly resident) referred noise concerns to South Lakeland DC's EHO team in July 2021. A discussion with EHOs on 22/7/21 confirmed that it would be some time before the outcome of the investigation would be known. As at 18/8/21, the Enforcement complainant has provided details of noise concerns but the EHO investigation is not complete.

Conclusion

14. Despite refusal of S/03/207A and advice from the Enforcement Team that the development represented a breach of planning control, development continued and the two interconnected buildings are now in use as a laundry. During consultation, EHOs indicated provisions should be specified to control noise emanating from the site to protect the amenity of local residents. However, the application was refused on grounds that laundry use would generate noise, odours and disturbance that would be difficult to control and would have an adverse effect on residential amenity contrary to SP1 and SP4 of the Yorkshire Dales Local Plan (2015-2030).

15. The laundry represents unauthorised development, an unauthorised change of use and a breach of planning control. S/03/207A was refused because of concerns over an adverse impact on the amenity of local residents and, as a result, controls required by EHOs could not be applied. Planning consent was refused because of potential harm from noise and other issues and it is relevant that a noise complaint is currently being investigated.

16. For the reasons detailed above it is considered necessary to take action against the unauthorised development and use of this building as a laundry.

RECOMMENDATION

17. That the Authority's Solicitor be authorised to serve an Enforcement Notice to secure:

- a) The discontinuance of laundry use of the interconnected buildings
- b) Removal of laundry equipment and all associated equipment from the buildings.
- c) A compliance period of 1 month

18. That in the event of non-compliance with the requirements of the enforcement notice, the Authority's solicitor be authorised to commence prosecution.

Ian Faircloth

Enforcement Officer

17 August 2021