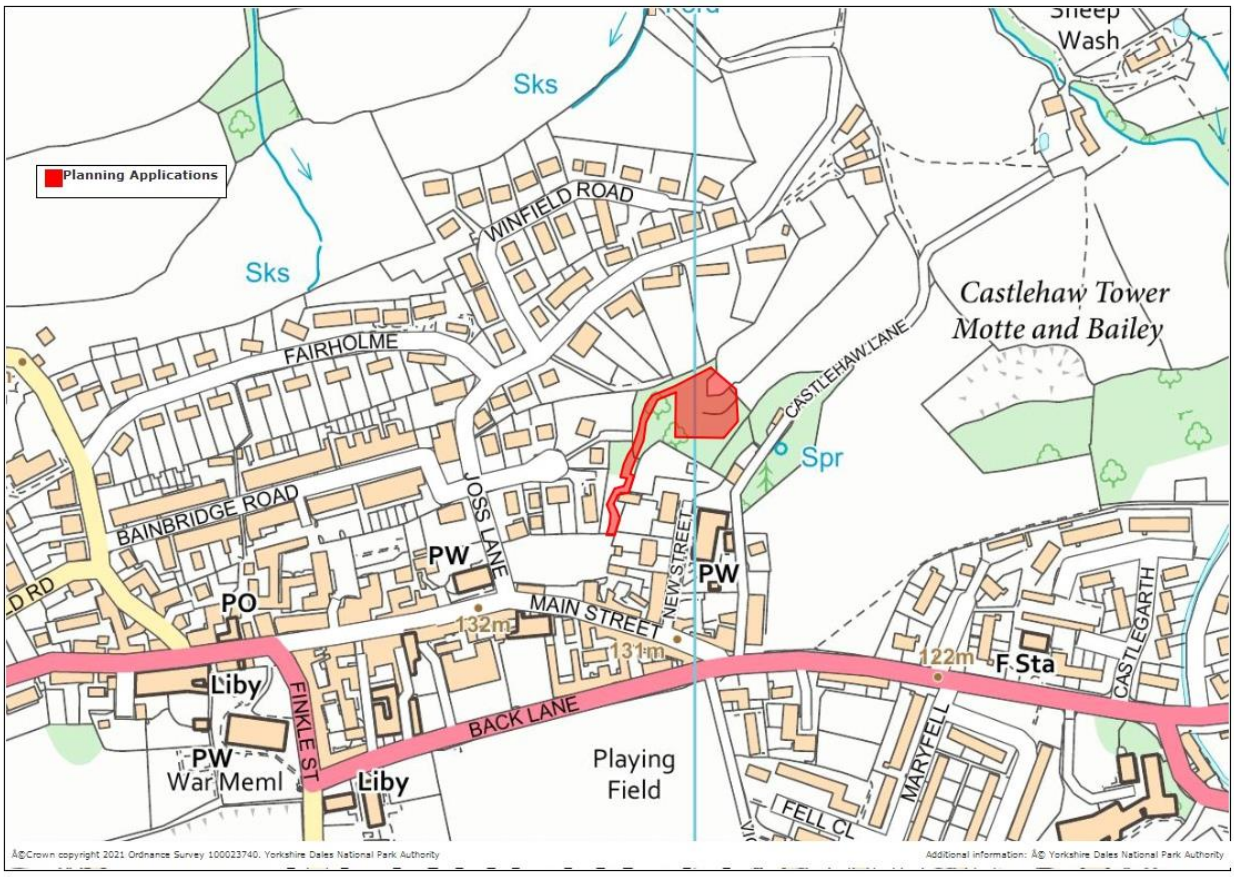
YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Sedbergh
Date:	30 November 2021	**Officer:**	Andrew Bishop
Applicant:	Mr & Mrs D Newis	**Application No:**	S/03/696B
Site Address:	Land west and north of 17 New Street/west of Castlehaw Lane, Sedbergh, Cumbria, LA10 5AF		
Proposal:	Full planning permission for siting of 2 No. pods for short-term holiday accommodation and retention of pedestrian boardwalk (part retrospective)		



REASON FOR COMMITTEE CONSIDERATION

1. This application is reported to Committee for the following reason: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE

2. The application site of 0.1ha is located on the northern side of Sedbergh town centre, all within the extensive private grounds of No.17 New Street. The proposed pods would be positioned on the edge of a woodland on the hillside above a paddock and the applicant's dwelling house. The proposed access to the pods would be a pedestrian route via a timber boarded walkway from the Joss Lane Car Park through the applicant's garden and woodland.

PROPOSAL

3. The proposal is for the siting of 2 No. pods for use as short-term holiday accommodation. The dark stained timber clad pods would be on a trailer base. Each would have basic facilities, including sink and shower, an integral composting toilet and one double bed space at a mezzanine level. The pods would not have any self-contained cooking facilities. The pods would have solar panels on the south facing elevation instead of a mains electricity supply. Retrospective permission is also sort for the retention of the pedestrian boardwalk which would be extended with short spurs to each pod. The water supply would run under the bards. No on-site car parking would be provided. The amended drawings have removed the lighting from the boardwalk.

RELEVANT PLANNING HISTORY

4.

EIA/0197 EIA Screening opinion in respect of full planning permission for siting of 3 No. self-catering holiday cabins EIA Not Required 11/12/2019

S/03/677 full planning permission for conversion of potting shed to holiday letting accommodation Approved - Section 106 11/11/2019

S/03/696 full planning permission for siting of 3 No. self-catering holiday cabins and installation of septic tank Withdrawn/Final Disposal 28/01/2020

S/03/696A full planning permission for siting of two mobile camping huts and one tent for short term self-catering holiday accommodatioN Withdrawn/Final Disposal 10/12/2020

CONSULTATIONS

5. The comments of statutory and non-statutory consultees are summarized below:

Trees & Woodlands Officer

Should the proposal not include services then there are no objections subjet to a condition requiring adherence to the arboricultural report and landscaping scheme.

CEHO South Lakeland DC

Environmental Health has no objection in principle to the above proposal, subject to control over details of drainage and construction hours.

Highways - Cumbria CC

No objections

Sedbergh PC
Sedbergh Parish Council objects. The Parish Council has made comments under the following headings: parking and access; environmental impact; management/loss of amenity to neighbours and; lack of merit. (See full Parish Council response on Intranet).

Wildlife Conservation Officer
There are no ecological issues relating to the application and therefore no objection to the application. The compensatory planting and habitat enhancement works detailed in section 7.1 of the ecological report should be implemented.

PUBLIC RESPONSES

6. Five representations offering support have been received and objections from 21 sources on the following grounds:

-Visual impact on landscape, Sedbergh Conservation Area and Castle Haw Ancient Monument;
-Design of pods;
-Light, noise and smoke pollution;
-Loss of residential amenity and privacy,
-Loss of biodiversity, disturbance to wildlife, bluebells destroyed by boardwalk
-Lack of car parking on site lead to access across fields from Castlehaw Lane
-Joss Lane Carpark owned by others and already at capacity and for day visitors and market use;
-Competition to existing B&B businesses;
-Flooding
-No access for refuse and recycle vehicles;
-Composting toilets would increase the likelihood of vermin and odours in the area;
-Lack of cooking facilities would lead to external barbecues;
-Marquee erected without permission.

ASSESSMENT

Key Issues:

- Principle of the development
- Visual impact
- Impact on heritage assets
- Trees
- Residential amenity and privacy
- Highway safety
- Impact on protected wildlife species
- Parish Council comments

PRINCIPLE OF THE DEVELOPMENT

7. The proposal is for tourism accommodation development in the form of 2 No. timber pods. The Yorkshire Dales Local Plan sets out three objectives for Tourism. These are:

> "1. Support and encourage development that will help to make the Yorkshire Dales National Park a leading sustainable tourism destination in the UK that is renowned for its local distinctiveness.

2. Support development that improves the quality and variety of visitor accommodation so as to enable more visitors to stay overnight in the Park.

3. Support development that improves the quality and variety of visitor facilities that will extend the tourism season and enable the public to better enjoy the Park's Special Qualities."

8. The proposed pods would assist in complying with each of these objectives as this type of accommodation is not available within a reasonable walking distance of Sedbergh town centre.

9. Local Plan policy T3 deals with sustainable forms of self-catering tourism accommodation. It says that all the following criteria are to be met:

"a) sites are well screened at the time of application, and subsequently, to the extent that development will not cause adverse impact to landscape character; and,"

The proposed pods would be located at an edge of woodland setting where there is existing screening to the rear and sides and few places where they would be seen from within Sedbergh. New tree planting has already been carried out which would further reduce any visual impact. The existing trees and topography would mean that there is little or no adverse impact on the landscape or the appearance and character of the Sedbergh Conservation Area. The boardwalk is mostly in a private valley and therefore hidden from the public.

"b) the units will be restricted to holiday use and short term letting only; and,"

The small units are specifically designed for short term holiday letting. An appropriate planning condition can ensure that their occupation and use is restricted accordingly.

"c) on-site facilities would not harm the economic vitality or viability of nearby settlements."

The proposal does not include any additional facilities and only basic accommodation for 2 people in each unit. The pods would not have their own cooking facilities, so guests would need to rely on local cafes, public houses and restaurants. The accommodation would therefore add to the vitality of Sedbergh. The maintenance, cleaning and servicing of the pods would also directly support local employment.

10. This type of accommodation would be popular for short overnight or weekend stays. The pods are expected to be particularly attractive to walkers or cyclists seeking short term holiday accommodation.

VISUAL IMPACT

11. The timber holiday pods have been designed to be visually unintrusive. They would be sited within the edge of a woodland on the hillside above the applicant's house and landscaped gardens. They would be sited just below the top of a ridge and the canopy of the mature trees. The topography and woodland to the rear and sides would screen then from view from houses

in this part of Sedbergh. In winter there would be less leaf cover however the dark colour of the timber work would only be seen between the tree trunks from houses on Joss Lane on the hillside above or elsewhere.

12. The woodland trees and in the hedgerows to either side of the paddock would provide screening from other neighbouring houses. The applicants house and mature garden trees would significantly restrict them from being seen from Sedbergh's Main Street and Joss Lane Car Park. The pods would only be seen at a distance from the footpaths on the other side of the River Rawthey. From there they would be seen against the backdrop of the woodland trees and between the development of the town centre and housing higher up on the hillside. The visual impact of the two dark coloured timber pods would be very limited and not significantly intrusive to any residential property or public area.

13. The boardwalk was constructed in 2020 and the timber boards are only some 200 – 300mm above ground level. It was constructed over the route of a hard surfaced pathway within the applicant's private garden and steep sided wooded valley. Only at the top of the valley does it climb through the trees to the site of the proposed pods. It cannot therefore be seen by the public except by neighbouring residents in Joss Lane if they look down into the wooded valley from the very end of their gardens. The boardwalk provides a safer walking surface for guests beside a small gill and means that they are less likely to wander and damage any woodland plants on either side, such as bluebells. The timber boardwalk has a very localised visual impact and none on the wider landscape.

14. The application site is therefore well screened at the time of the application and would not cause any significant adverse impact on the landscape character of the area. The proposed development is therefore in accordance with policies T3, SP2 and SP4.

IMPACT ON HERITAGE ASSETS

15. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines conservation areas as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Section 72 places a duty on planning authorities in that "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.

16. The application site extends from a private pedestrian access onto the Joss Lane Car Park and includes the woodland and part of the paddock above the applicant's house. The boardwalk and the proposed site for the pods are outside of the boundary of the Sedbergh Conservation Area. The paddock, where trees have been planted in support of the development, is within the Sedbergh Conservation Area. Policy L1 requires that a proportionate assessment is made of the effect of a proposal upon a heritage asset.

17. The proposed pods would be sited to be visually integrated into the woodland outside of the Conservation Area. They would be visible from very limited viewpoints and would not change the relationship of the densely developed central area of Sedbergh to its setting beneath the wooded hillside and open hilltops of the Howgills. The boardwalk is already in place and has no visual impact of any consequence on the Conservation Area. The proposed development

would preserve and not harm the appearance or character of the Sedbergh Conservation Area and as such is in accordance with Policy L1.

18. An objector has referred to there being an impact on Castlehaw Tower ancient monument located some 130m to the east on the other side of Castlehaw Lane. The proposed pods and boardwalk would be separated by the distance and difficult to see through intervening trees. The pods would not impinge on the setting of that ancient site and would have much less visual impact on its heritage context than the much more visible modern housing in Joss Lane and Castlegarth.

TREES

19. Policy T3 seeks to protect existing trees and prevent their loss from development. The application is supported by an Arboricultural Impact Assessment. All the trees located in the proximity of the proposed pods have been individually surveyed and their root zones and canopy spreads plotted. The trees within the applicant's woodland are defined as early mature varieties of native and naturalised species with occasional mature individuals. The overall condition of the woodland is reported as being generally fair to good but with slightly spindly forms due to how closely apart they were planted in the past.

20. The chosen locations for the two pods would be in gaps between the trees where the height of their canopies avoids more than a couple of small branches being lopped. The pods would be constructed on site and raised on supporting legs to avoid any ground excavation or soil compaction. The construction of the existing boardwalk did not involve the removal of any trees. Its extension to the pods avoids any trees or damage to their roots as it would be supported on individual posts. The water supply pipes would be attached to the underside of the boardwalk and not involve any trenching. The Arboricultural Impact Assessment suggests mitigation measures to avoid damage to trees during construction.

21. A soft landscaping scheme has also been provided which includes planting to reinforce the woodland and within the open paddock to the front of the proposed pod sites. The individual tree planting would be native species including Silver Birch, Alder, Sessile Oak and Wild Cherry and the planting within the woodland a wider species mix. The Trees & Woodlands Officer has no objection subject to adherence to the arboricultural report and landscaping scheme.

RESIDENTIAL AMENITY AND PRIVACY

22. Policy SP4 requires development proposals to respect the amenity of neighbours. The nearest neighbouring residential property to the application site is Tower Cottage on Castlehaw Lane. This is located at a distance of some 35m from the application at a lower level on the hillside and close to an intervening steep bank. Its main elevations do not look towards the application site. The next nearest houses are in Low Langstaff to the west at a distance of 65m followed by those in Joss Lane to the north at a distance of 70m. Whilst the rears of those houses look towards the application site they are separated by distance and the woodland trees.

23. The proposed pods have limited window openings and one door onto an access deck on their southern side which would not face the neighbouring houses. The pods would only generate a low level of activity and the use of the raised walkway does not raise any issues. The

accommodate is limited to two couples or pairs of guests so the opportunity for disturbance of neighbours at the distances above is very low. The lack of on-site facilities is not likely to attract those looking for a party venue and the applicant lives immediately below so they are ideally placed to manage and supervise the site and deal with any issues that may arise.

24. The Environmental Health Officer considers that this type of accommodation will have little to no impact on neighbouring properties.

HIGHWAY SAFETY

25. Policy SP4 requires developments to have appropriate access and parking provision. The application does not propose any dedicated off-road car parking for guests who travel by private motor car. Those coming by car would have to rely on public car parks such as that at Joss Lane or other facilities within the town. The lack of dedicated parking may deter those guests dependent on a car from booking the accommodation. There would still be a demand for simpler accommodation by those touring or arriving on foot or bicycle. Many properties in Sedbergh, including holiday cottages, do not have their own off-road car parking. The lack of car parking is not a reason in itself to refuse the application unless it creates other highway issues.

26. The Parish Council and others are concerned that spaces will be taken up by the proposed accommodation guests. The car park is used by shoppers and by a weekly market so anyone arriving by car would have to take their chances that space is available. If not, they would have to find a space in another public car park or roadside. That does not mean that this would create highway safety issues, just that people would have further to walk. The Highway Authority has no objection to the proposed development. It considers that the proposal will not have a material impact on existing highway conditions. There is no evidence that the proposal in itself would be detrimental to highway safety.

IMPACT ON PROTECTED WILDLIFE SPECIES

27. The application is supported by a Preliminary Ecological Appraisal that sets out compensatory planting and habitat enhancement. The application site is not designated for any particular wildlife value but the woodland with its own natural water course has inevitably attracted a variety of wildlife. No protected wildlife species have been identified that would be directly affected. The proposals do not involve the removal of any trees and they would still be able to attract a variety of bats, birds, amphibians and mammals, such as red squirrels.

28. The siting of two small pods within the edge of the woodland would not destroy protected wildlife habitat or unduly disturb wildlife. The timber boardwalk is similar to many that have been erected in sensitive ecological areas. It has not damaged any habitat and has created opportunities for wildlife to exploit the sheltered space beneath it.

29. Whilst there may be some limited disturbance to wildlife from the siting of the accommodation pods this does not raise any particular ecological issues. The Wildlife Conservation Officer has no objection to the application on the basis that the new planting and habitat enhancement works set out in the ecological report should be implemented.

PARISH COUNCIL COMMENTS

30. Sedbergh Parish Council have four areas of concern. Those relating to parking and access, environmental impact and management / loss of amenity to neighbours have been considered above. The fourth reason for the Parish Council's opposition is that it considers that the application lacks merit. They consider that it is the wrong location and that this and the previous withdrawn applications have caused controversy which is not outweighed by the benefits that it would bring. The Parish Council is not opposed to the diversification of visitor accommodation and supports those that bring significant benefits to town businesses.

31. As can be seen from the above the proposals are for small scale visitor accommodation and on analysis is not considered to be detrimental to neighbours, highway safety, trees, the environment or wildlife in any significant way.

CONCLUSION

32. The proposed development of two short term holiday accommodation pods with limited facilities and accessed by a timber walkway would not harm the appearance and character of the Sedbergh Conservation Area or the setting of any heritage site or the special landscape qualities of the National Park, trees, residential amenity, highway safety or ecology and is considered to be acceptable and in accordance with policies SP1, SP2, SP4, T3, W1, W2 and W3 of the Yorkshire Dales Local Plan (2015-2030) and the National Planning Policy Framework (2021).

RECOMMENDATION

33. It is recommended that permission is GRANTED subject to appropriate conditions including those listed below:
    - Time limit
    - Plans and documents
    - Details specifying materials
    - Implementation of Landscaping Scheme
    - Implementation of compensatory planting and habitat enhancement
    - Control of external lighting
    - Drainage and other services
    - Construction hours
    - Holiday use only
    - Removal of permitted development rights
    - Removal of pods when no longer used for approved purpose