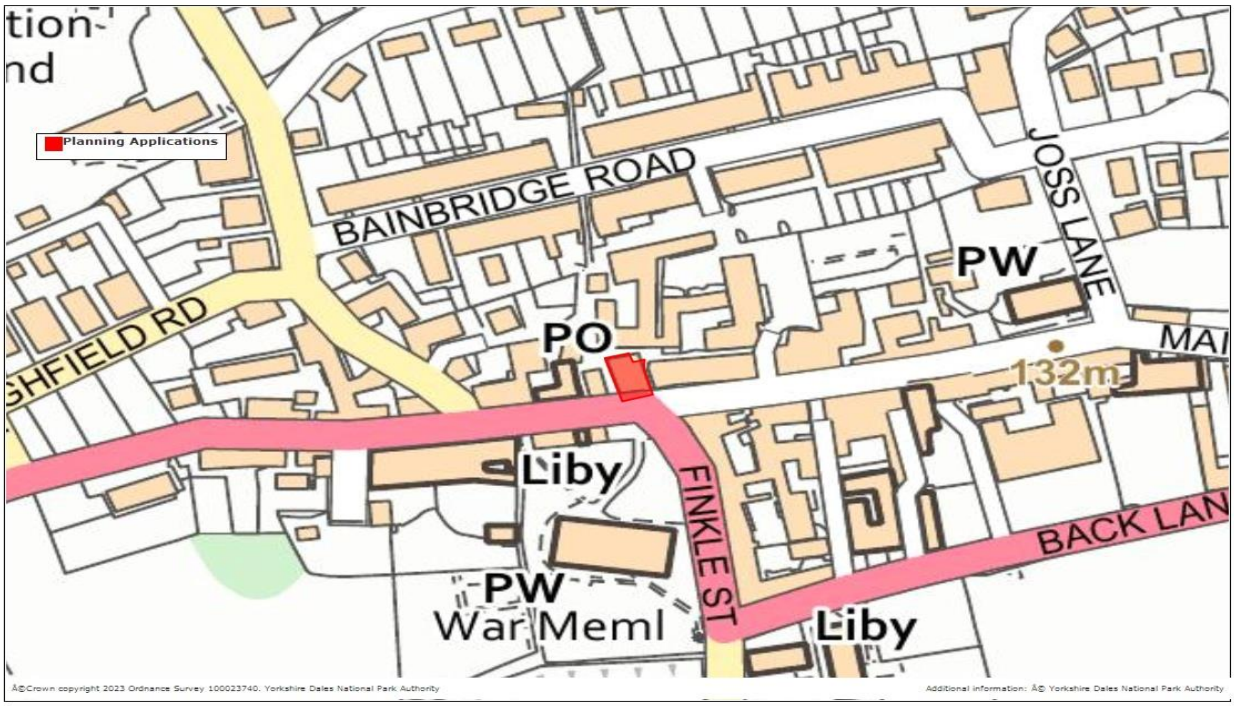
YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Sedbergh
Date:	24 January 2023	**Officer:**	Mark Williams
Applicant:	Lomaco Ltd	**Application No:**	S/03/64C
Site Address:	30a Main Street, Sedbergh, LA10 5BL		
Proposal:	Full planning permission for change of use of part of the first floor of the building into a 1-bedroom apartment, repositioning of external staircase and change of use of old restaurant kitchen to domestic accommodation associated with upper existing apartment and to retain the existing commercial use of the front part of the first floor for use by a E class use (commercial, business and services)		



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. No. 30a lies at the west end of Main Street, Sedbergh, on the junction with Finkle Street. The property is three storeys high with two display windows to the ground floor frontage either side of the central doorway. The ground floor is occupied by a restaurant. A door in the side elevation leads up to the first floor. The front room of the first floor is occupied as an office (Use Class E). The rooms to the rear of the first floor were formerly occupied by a second restaurant but are currently vacant. The second floor is occupied by a 3-bed apartment.

3. The building is within the Sedbergh Conservation Area.

PROPOSAL

4. It is proposed to change the use of part of the first floor to form a one-bedroom apartment. The front part of the first floor would remain in commercial use. The ground floor restaurant, which is in separate ownership, would also remain. The apartment on the second floor would be refurbished and retained.

5. The proposed development would require the repositioning of a short external staircase to the rear of the building, which would be turned through 90 degrees.

6. Occupancy of the proposed accommodation would be restricted by a legal agreement to local occupancy or as a short-term holiday let.

RELEVANT PLANNING HISTORY

7. The following applications are relevant:

Y8/90/3/036 - full planning permission for change of use of vacant shop to ground floor café
Approved – Conditional. 01/06/1990.

S/03/130 - full planning permission for the change of use of first and second floors to form residential flat.Approved 09/07/1992.

S/03/64B - Householder planning permission for installation of PV panels over slates, removal of existing single roof light and insertion of two new conservation style egress rooflights at Flat 30a. Pending consideration.

CONSULTATIONS

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

Highways & LLFA - Cumbria SLDC

Not yet received

CEHO - South Lakeland DC

Environmental Protection raise concerns over the proposal for non-associated residential premises directly above/adjacent to an operational restaurant/commercial operation. These concerns relate to noise and odour impacting on the residential development. Whilst no objection is raised conditions are requested relating to internal noise levels, sound insulation, control of fumes/odours and hours of construction.

Sedbergh PC

The current premises holds a central position & is the only unoccupied property on the Main Street capable of holding a restaurant. Sedbergh is very under resourced in terms of places to eat / diversity of choice in the evenings, this affects both local residents & the visitors which the town is reliant upon. Previous occupants did not vacate the property because of financial unviability & no active attempt appears to have been made to find suitable tenants.

Whilst it is accepted that refurbishment is necessary to the building the current proposals see the loss of the necessary space that would make a restaurant viable in favour of subdivision into two flats & a small area designated for class E use.

The Council feels that the loss of a potential venue within the centre of the main shopping area is not in the long-term interests of Sedbergh, particularly as it is about to increase in population due to the new housing development. The council feels that it would be possible to convert the top floor into standalone residential use & retain the middle floor in a format that would attract a suitable restaurant business, although even this would be less attractive than retaining employee accommodation.

The division into 3 separate entities creates 3 separate parking demands which in total are substantially greater than that generated by the previous single unit. Whilst it is true the property does not currently benefit from parking it is not true that the additional demand can be met by Sedbergh's carparks which are already oversubscribed nor by street parking which in recent years has become a serious problem for the town. It is also incorrect to assume that the existing permit scheme would be retained in perpetuity or that both car parks will remain (one is leased with less than 7 years tenure to run), it is therefore incorrect to assume the Public Car Parks can fulfil the long term parking needs the creation of a new residential property in the building will entail.

PUBLIC RESPONSES

9. Advertised by site notice. Expiry date: 1st December 2022. No responses received.

ASSESSMENT

Key Issues:

- Planning policy
- Highways
- Residential amenity
- Conservation Area
- Parish Council comments
- Equality Act

PLANNING POLICY

10. Yorkshire Dales National Park Local Plan (2015-203) Policy SP2 stipulates that development must further the National Park's two statutory purposes. Policy SP4 sets out design standards for new development, including requirements to protect human amenity and be served by adequate car parking arrangements.

11. The site is within a High Street frontage, as defined for the purposes of Local Plan Policy BE5. The policy aims to safeguard high streets as the main places where local communities and visitors shop and access services. It does this by permitting new commercial uses in high street frontages in circumstances where they would not undermine the retail service role of the street and by requiring proposals for the loss of a retail use to be tested against Policy BE7 (Safeguarding Employment uses) unless it is considered that the loss of the use would not have a significant individual or cumulative effect on the retail function of the high street.

Policy BE7 states that development that would lead to the loss of existing business land or buildings will not be permitted unless the loss would be at a scale that causes no significant harm to community vitality or Local Plan employment objectives.

12. The policy approach here is essentially to safeguard existing retail floorspace but include some flexibility that recognises the long term decline of retail high streets but encourages footfall and viability through allowing non-retail commercial uses and new residential uses on upper floors.

13. This case relates to an upper floor and not ground floor frontage and does not involve the loss of a retail use – the proposal is to change the use of part of the first floor from a restaurant use (not retail) to a residential use. The proposal would not therefore undermine the retail function of Main Street. Nevertheless it could be argued that a restaurant use would make a greater contribution to the commercial and economic vitality and viability of the town centre than a residential use. However the policy requires a proportionate approach and it is acknowledged that this is a very modest change that would not significantly alter the amount of commercial floorspace on Main Street.

14. There are a number of retail and commercial outlets fronting this part of Main Street Given the modest floorspace involved it is considered that use of a small amount of business floorspace for a local occupancy dwelling would have no significant effect on community vitality or employment objectives and therefore the proposal meets the requirements of Policies BE5 and BE7.

15. Policy L2 (Conversion of traditional buildings – acceptable uses) allows for the change of use of traditional buildings to residential uses within existing settlements. Proposals for change of use to a dwelling in continuous occupation will be subject to a local occupancy restriction and those for visitor accommodation subject to short stay letting only. The applicant has confirmed that they will accept both restrictions.

HIGHWAYS

16. There are no parking spaces serving either the residential or commercial elements in the building. Similarly, there will be no additional parking space provided to serve the proposed accommodation.

17. At the time of writing the comments of the Highway Authority had not been received, but any late comments will be reported at the meeting. However it is unlikely that the Highway Authority would object to the proposed development on the grounds of the lack of on-site parking. Town centres are sustainable and accessible places to live or stay as they are served by public transport and most services can be accessed without the need for a private car. More intensive use of town centre floorspace is encouraged by Local Plan policy (BE5) to sustain the vitality and viability of the centre. This approach would not be possible if every new town centre use required its own dedicated off street parking.

RESIDENTIAL AMENITY

18. Local Plan Policy SP4 (Development quality) requires all development proposals to provide an adequate level of amenity for future occupants. The proposed apartment would sit above a restaurant and so be susceptible to nuisance through noise and smells. The existing ground floor restaurant, which would remain, is located to the front of the building, with an extract to the rear of the ground floor. The proposed apartment would occupy the rear of the first floor with its main amenity (albeit limited) gained from windows in the gable elevation, some distance from the extract and the restaurant itself. Due its location to the rear of the property occupants are also less likely to be disturbed by restaurant customers and night-time noise from Main Street.

19. The Environmental Health Officer has no objections subject to conditions covering internal noise levels, sound insulation, control of fumes/odours and hours of construction.

20. Subject to the recommended conditions, it is considered that the apartment will have adequate residential amenities in accordance with Local Plan Policy SP4.

CONSERVATION AREA

21. The site lies within the Sedbergh Conservation Area (CA). The site forms part of the Town Centre Character Area (Area 1) within the Sedbergh Conservation Area Appraisal (CAA). This part of the Conservation Area is characterised by narrowest main streets in the dales, lined by an attractive mixture of properties of different styles, materials, shapes and sizes, creating a picturesque town scene.

22. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with respect to any buildings or other land in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that Area.

23. Local Plan Policy L1 (Heritage Assets) states that development proposals affecting a designated heritage asset will be permitted provided they conserve or enhance it significance.

24. The proposed development will have a negligible impact on the appearance of the Conservation Area and only a minor impact on the character. The restaurant on the ground floor would be retained and while the first floor restaurant would be lost, it would be retained in economic use and thus help to retain the vitality of this part of Main Street. It is therefore considered that the proposed development would preserve the character and appearance of the Conservation Area in accordance with the 1990 Act and Policy L1.

PARISH COUNCIL COMMENTS

25. While the loss of the restaurant is regrettable this was one of two restaurants in this building. The restaurant on the ground floor, with its display windows, would continue to operate thus maintaining the vitality of this part of Main Street. As stated above the loss of this small area of commercial floorspace, with no street presence, it not considered to harm the vitality of the street or the local economy.

26. The Parish Council has pointed to the lack of on-site parking for the proposed apartment, and this is a difficulty faced by most residential and commercial properties on and around Main Street. Thus the existing occupants of 30a Main Street (the restaurant, office and apartment) have no parking on site, and neither did the former restaurant. The proposed apartment is therefore no different from the other users in the building and similar to many other properties on Main Street.

27. As the proposed development is for a modest one-bedroomed first floor apartment and given its town centre location it is considered that the proposed development would have a negligible impact on the demand for public parking spaces.

EQUALITY ACT

28. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

29. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

CONCLUSION

30. The proposed development would see this vacant part of the property brought back into economic use, helping the vitality of this part of Main Street. Due to the limited size of the premises it is considered that the loss of commercial floorspace would not undermine the vitality or viability of Sedbergh as a service centre and the proposal is considered to be in accordance with Local Plan Policies BE5, BE7, L2 and SP4. The proposed development is considered to be acceptable in all other respects and in accordance with Local Plan policies and advice in the National Planning Policy Framework.

RECOMMENDATION

31. It is recommended that permission is GRANTED subject to a s106 agreement to secure local occupancy and short stay letting restrictions and conditions including the following:
    - Time limit
    - Approved plans
    - Internal noise levels
    - Sound insulation
    - Control of fumes/odours
    - Hours of construction.