

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 6  
**Application No:** 15/00014/MFUL  
**Parish:** Claxton Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mrs Tracey McNellis  
**Proposal:** Change of use with alterations of 13no. holiday cottages to form 1no. four bedroom dwelling, 4no. three bedroom dwellings, 7no. two bedroom dwellings and 1no. one bedroom dwellings with parking and amenity areas and communal facilities  
**Location:** Claxton Grange Malton Road Claxton Malton YO60 7RE

**Registration Date:** 29 January 2015  
**8/13 Wk Expiry Date:** 30 April 2015  
**Overall Expiry Date:** 17 April 2015  
**Case Officer:** Alan Hunter **Ext:** Ext 276

**CONSULTATIONS:**

<b>Environmental Health Officer</b>	No views received to date
<b>Housing Services</b>	No views received to date
<b>Tree &amp; Landscape Officer</b>	No views received to date
<b>Forward Planning &amp; Conservation</b>	No views received to date
<b>Sustainable Places Team (Yorkshire Area)</b>	Recommend condition
<b>Highways Agency (Leeds)</b>	No objection
<b>Land Use Planning</b>	Comments
<b>Property Management</b>	Contribution requested
<b>Parish Council</b>	No objection in principle
<b>Highways North Yorkshire</b>	No objection

**Neighbour responses:** Mr Jonathan Greening, Mr & Mrs Nevil And Lynne Pearce,

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**SITE:**

The application site comprises a farmhouse and 13 holiday cottages located within the Parish of Claxton. The site is outside the development limits of the settlement and within the open countryside. The site is on the northern side of the A64 and is served by a separate unclassified road from the A64. This unclassified roadway has two separate access points onto the A64 to the east and west of the application site. The existing holiday cottage complex is served by a shared swimming pool, reception area and open spaces. There are dedicated parking areas for the holiday units.

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## **PROPOSAL:**

Planning permission is sought for the change of use and alteration of 13 holiday cottages to residential use. The alterations proposed are very minor and relate to blocking up a window and the insertion of replacement windows to Units 4 and 8.

## **HISTORY**

1981: Change of use of existing farm buildings into 13 self-contained holiday cottages – Approved

1983: Revised details for the conversion of farm buildings to three holiday cottages at units 9, 10, and 11 – Approved

1983: Construction of a covered swimming pool for use in connection with self catering holiday accommodation – Approved

1996 – Removal of condition number 2 (seasonal occupancy condition of 1981 approval) - Allowed on appeal 1997

2010: Change of use with alterations of holiday cottages to form 1 no. five-bedroom dwelling, 1no. four-bedroom dwelling, 4no. three-bedroom dwellings, 7 no. two-bedroom dwellings and 1 no. one bedroom dwelling with parking and amenity areas and communal facilities- Withdrawn.

2010: Change of use with alterations of 13no. holiday cottages to form 1no. four-bedroom dwelling, 4no. three-bedroom dwellings, 7no. two-bedroom dwellings and 1no. one-bedroom dwelling with parking and amenity areas and communal facilities – Authorised for appeal eventually Withdrawn.

## **POLICY:**

### National Policy Guidance

National Planning Policy Framework, 2012 (NPPF)  
National Planning Practice Guidance, 2014 (NPPG)

### Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy  
Policy SP2 - Delivery and Distribution of New Housing  
Policy SP3 - Affordable Housing  
Policy SP4 - Type and Mix of New Housing  
Policy SP11- Community Facilities and Services  
Policy SP13 - Landscapes  
Policy SP16 - Design  
Policy SP17 - Managing Air Quality, Land and Water Resources  
Policy SP19 - Presumption in Favour Sustainable Development  
Policy SP20 - Generic Development Management Issues  
Policy SP21 - Occupancy Restrictions

## **APPRAISAL:**

The main considerations in relation to this application are:

- The principle of residential development;
- Local Needs Occupancy restrictions;

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- Whether the proposals will have a satisfactory level of residential amenity
- The impact of the proposals upon the amenity of the adjoining neighbours
- Highway safety
- Drainage

The current development comprises a farmhouse and 13 holiday cottages with associated facilities that include a swimming pool, tennis court, reception building and outdoor grassed areas. The use of the site has been in existence since the early 1980's when planning permission was originally granted. An application was submitted in 1996 that sought the removal of the occupancy restriction essentially allowing unrestricted residential use. The Council refused that application and an appeal, the Inspector allowed the application, but only in respect of allowing year round occupation as holiday units. The Inspector considered that there was insufficient information submitted to demonstrate that there was a lack of demand for this holiday cottage accommodation, as such he could not grant planning permission for unrestricted residential use at that time. This application has now been submitted which seeks a change of use to residential.

An earlier application submitted in 2010 was approved by Planning Committee subject to a S106 agreement to allow unrestricted residential use of the 13 holiday units. The S106 agreement related to off-site financial contributions towards affordable housing and public open space. At that time the proposal was assessed against the adopted plan; Ryedale Local Plan 2002. The now adopted Development Plan; Local Plan Strategy was adopted by Council on 5 September 2013. The main change with particular reference to this proposal relates to the introduction of Local Needs Occupancy dwellings in locations such as the site in question. Previously the Ryedale Local Plan allowed unrestricted residential development if the holiday cottage business was not financially viable and there were no other realistic business uses for the buildings. Policy SP2 of the now adopted Development Plan states that the conversion of permanent holiday accommodation to a residential use is acceptable subject to Local Needs Occupancy restriction, and providing that there will be an enhancement to the buildings setting.

Policy SP21 sets out the specific requirements for Local Needs Occupancy and states that it should be limited to people who:

- '- Have permanently resided in the Parish, or adjoining parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock;*
- or*
- Do not live in the Parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men or women returning to the parish after leaving military service;*
- or*
- Are taking up full time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.'*

The agent after taking advice has accepted the requirement for the Local Needs Occupancy condition. It should be noted that, FERA, a major employer is located within the adjoining Parish which is also likely to create some degree of housing need. Officers consider that these 13 units are capable of being occupied on this basis and that there is a potential need for such accommodation. It is considered that a residential use will provide an enhancement to the setting of the buildings by ensuring a permanent and sustainable re-use of the buildings in the long-term. The proposal is therefore considered to meet the requirements of Policy SP2 of the LPS and the principle of the residential use is considered to be acceptable.

A financial contribution is required towards Public Open space within the locality. The Council's Facilities Department have confirmed that £28,500 is the off-site financial contribution required, and

this will need to be secured by S106 agreement. The proposal is not required to make a contribution towards affordable housing as the scheme relates to Local Needs Occupancy dwellings in accordance with Policy SP3 of the LPS.

In regard to the communal facilities, the agent has stated that the communal facilities are to be retained with the exception of the office building. A condition is recommended in regard the future management of the facilities

A Highways Report has been submitted which concludes that there is sufficient visibility from all access points. The report does state that some of the hedges and trees branches from the access position on the western side looking east do impinge on the visibility, but that there is still sufficient visibility of 215m. The Highway Agency has stated no objection and recommend no conditions. The land in question falls with the parameters of the highway, and the Agency are able to trim these branches back should they choose to do so. Furthermore, the accesses are already existing and serve the 13no. holiday cottages. The local Highway Authority has highlighted that there are limited opportunities for vulnerable road users to access local employment, amenities and recreational facilities without having to either travel along or cross the busy, de-restricted A64 which is not provided with street lighting or separate footway provision. However, this situation exists already for users of the 13 holiday units in terms of the sites accessibility by public transport. In this location, accessibility by public transport has to be a clear consideration for future occupiers and the reliability of the car as a method of transport is likely to be an important consideration for future occupiers. In this case there is considered to be no reasonable objections in terms of highway safety.

In view of the location and separation distances it is not considered that the proposed development will have a material adverse effect upon the amenity of nearby properties.

There is some concern regarding the layout and arrangement of properties in relation to whether a satisfactory level of residential amenity can be provided for each of the proposed dwellings. The Planning Inspector did not consider this to be an issue and was silent in his assessment of the proposals in 1997. It is considered that a reasonable level of residential amenity can be provided by the proposals, and that this does not form a sustainable reason for refusal. In addition concern was previously raised regarding whether a residential use would prejudice the appearance of the wider area. The existing development is generally well screened by existing landscaping, and the impact is not considered to materially differ from the current situation. It is noted that a local farmer has a right of access to the fields to the rear, through the application site. This will have some impact upon the amenity of the units. However, these associated movements are not anticipated to cause a material adverse effect upon the amenity of the units. It is also noted that the agent has suggested an alternative access to the adjoining fields through a grassed area to the south (also within their ownership).

The Parish Council has stated that it does not object to the application in principle, but raises the following concerns; its remote location; highway safety and movements to and from the site as permanent residential accommodation; the control of external lighting; the capacity of the existing foul drainage system; and that there is no off-site affordable housing contribution. One neighbour has supported the development. A letter of concern has been expressed by another neighbour, that raises the capacity of the foul drainage system, whether there is sufficient on-site parking provision; the condition of the road between the site and the A64; the management of communal areas; and light pollution.

There is an existing septic tank on site that deals with foul water. The Environmental Health Officer on the previous application requested a condition requiring an assessment of the capacity of the existing tank and a possible replacement facility should it be necessary. This condition is also recommended in this case to address this issue. The Environment Agency has also requested a condition in this respect as the site lies over an aquifer. Yorkshire Water has no objection in terms of drainage.

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In terms of the safety of the accesses and the number of movements associated with the development, both the Highway Agency and local Highway Authority have considered the anticipated numbered movements from 13 dwellings and have not objected to the proposal. There is an existing car park capable of meeting the requirements of the existing holiday cottages. The site is clear of the public highway, so there are no anticipated safety issues. Nevertheless a parking condition is recommended. A condition is recommended in respect of re-surfacing the unclassified access road leading to and from the A64 in both directions. A management plan for the communal areas is recommended by condition, this will also include details of maintenance arrangements. A condition regarding external lighting is also recommended in order to protect against unacceptable light pollution. The isolated location of the site is noted, however Policy SP2 of the adopted Development Plan permits the principle of this development in this location subject to Local Needs Occupancy. The Parish Council's comments in relation to the time delay by the applicants to complete the previously agreed S106 is noted. However, all applications are required by law to be considered against the adopted Development Plan unless there are material planning considerations that indicate otherwise. In this case, the proposal subject to Local Needs Occupancy restriction complies with the adopted Development Plan and there are no grounds to request an off-site contribution towards affordable housing.

In view of the above the recommendation is one of approval subject to a S106 agreement in respect of an off-site financial contribution towards Public Open Space.

**RECOMMENDATION:                      Approval subject to S106 Agreement**

1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            The 13 no. dwellings hereby approved shall only be occupied by a person(s) together with his/her spouse and dependants, or a widow/widower of such a person, who:

- Have permanently resided in the Parish, or adjoining parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the Parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men or women returning to the parish after leaving military service; or
- Are taking up full time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason:- To meet the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

3            Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by

Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be supported by detailed information, include a maintenance programme and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme or any changes as may subsequently be agreed in writing by the Local Planning Authority.

Reason:- Foul drainage from the development will be discharged to the environment via a specific tank. The development is located on the Sherwood Sandstone Principal Aquifer. Principal Aquifers provide significant quantities of water for people and also sustain rivers, lakes and wetlands. It is therefore very important that the Sherwood Sandston Principal Aquifer is protected from pollution associated with the foul drainage scheme.

- 5 Prior to the commencement of development a report showing details of the existing septic tank installed and any proposals to replace it shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. Plan showing the location of the tank and the proximity of inhabited buildings and any well, stream, or river in the locality;
2. The capacity of the tank and number of persons using it;
3. Vehicular access for emptying of the tank, and;
4. Porosity and percolation test results to establish the suitability of land to be used for soakaway/land drainage of effluent.

Reason:- The change of use is likely to result in a large increase in the volume of foul effluent due to increase in occupancy of the cottages. It is therefore considered necessary for the applicant to demonstrate that the arrangements for foul drainage are satisfactory and unlikely to be a source of nuisance, danger to health or cause of pollution and to satisfy Policies SP17 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Prior to the commencement of the development hereby approved a car parking plan showing the parking plan for all units and visitor parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details thereby agreed.

Reason:- In order to ensure that there is sufficient parking to serve the development and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Prior to the commencement of the development a 10 year management plan for all the existing communal areas (including the swimming pool) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the maintenance of such areas.

Reason:- In order to ensure a satisfactory appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 Prior to the commencement of the development hereby permitted a scheme for the maintenance and improvement for the existing access track shall be submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with those aforementioned details.

Reason: In order to protect and improve the means of access to the site, and in the interests of visual amenity and to comply with Policy T3 of the Ryedale Plan - Local Plan Strategy and PPS7.

- 11 Prior to the commencement of the development hereby permitted precise details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details thereby agreed.

Reason: In order to protect the character and appearance of the open countryside and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site location plan;  
Drawing No. M02/985/01;  
Drawing No. M02/985/02;  
Drawing No. M02/985/03;  
Drawing No. M02/985/04; and  
Drawing No. M02/985/06

Reason: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE:**

- 1 Clean roof water may be discharged to ground provided that all roof water downpipes are sealed against pollutants entering the system from surface run-off, effluent or other forms of discharge. The method of discharge must not create new pathways or pollutants to groundwater

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties