



PLANNING SUPPORTING STATEMENT

**FOR THE ALTERATIONS AND CHANGE OF USE FROM SELF CONTAINED HOLIDAY
ACCOMMODATION TO RESIDENTIAL ACCOMMODATION**

AT CLAXTON GRANGE, MALTON ROAD, CLAXTON, YO60 7RE

Our Ref: AAH/1607/14/PLA

OCTOBER 2014

PLANNING SUPPORTING STATEMENT

CONTENTS		PAGE
1.0	INTRODUCTION.....	3
2.0	THE SITE DETAILS.....	4
3.0	PLANNING POLICY.....	5
4.0	PLANNING HISTORY.....	12
5.0	CONSIDERATION.....	13
6.0	CONCLUSION.....	22

1.0 Introduction

- 1.1 This application seeks the resubmission of planning application reference 10/00973/MFUL. This application was finally disposed of by the council on the 14th July 2014. The resubmitted application seeks the same development as that previously submitted and approved at planning committee. The application seeks planning permission for the change of use with alterations of 13 holiday cottages to form 13 dwellings. The application would provide 1no. four bedroom dwelling, 4no. three bedroom dwellings, 7no. two bedroom dwellings and 1no. one bedroom dwelling with parking, amenity areas and communal facilities at Claxton Grange, Malton Road, Claxton, YO60 7RE. The site is located within the Parish of Flaxton.
- 1.2 The application was previously considered by Ryedale Council on the 5th July 2011 where the application was recommended for approval by the Case Officer. The area Planning Committee resolved that planning permission should be granted for the development subject to the signing of a Section 106 Agreement. The Section 106 Agreement was required to secure contributions towards off site public open space and a commuted sum towards affordable housing. The Section 106 Agreement was not signed as various legal issues arose which had to be dealt with first. However, without any prior notice and despite having recent correspondence with the legal team the application was subsequently finally disposed of by the council.

2.0 The Site Details

- 2.1 The application site is located to the west of the village of Claxton and the north east of the A64. The site lies within the administrative boundaries of Ryedale Council. Planning permission is sought to convert the existing holiday let accommodation to form self-contained residential dwellings.
- 2.2 The village of Claxton is sited to the north east of York, and is served by public transport links to both local villages and the city of York, with its extensive services and transport links to the wider region and train links to Edinburgh and London.
- 2.3 The area is characterised as being a small group of converted farm buildings to the north west of the A64, and is accessed from an access slip road. Surrounding the site itself are open fields and paddocks, common place within the rural area surrounding York. Within the curtilage of the wider site is an old farmhouse and holiday let cottages.
- 2.4 Currently, the buildings are arranged in a courtyard type setting around some communal land. The group of buildings also accommodates some communal facilities, including a swimming pool.

3.0 Planning Policy

3.1 The Development Plan for the area of Ryedale consists of three elements: the Ryedale Plan; the saved Policies and Maps of the Ryedale Local Plan 2002; and saved policy of the Regional Spatial Strategy. The site lies outside the development limits of a settlement and within the open countryside. The application seeks the conversion of holiday accommodation in to residential accommodation.

3.2 The following policies of the Ryedale Plan are considered to be relevant to the proposals:

3.3 Policy SP2 Delivery and Distribution of new housing.

The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes across the District are as follows:

Wider Open Countryside

- *New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.*
- *Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy.*
- *Change of use of tourist accommodation (not including caravan cabins or chalet where appropriate and restricted to Local Need Occupancy*
- *Replacement dwellings*

3.4 Policy SP21 Occupancy Restrictions

The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified. This policy will be applied in the following circumstances:

a) Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- *Have permanently resided in the parish, or an adjoining parish (including those outside the District), 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 and 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.*

3.5 Other relevant general development management policies which are relevant to the proposal are as follows:

3.6 Policy SP16 Design

Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness;*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated;*
- *Protect amenity and promote well-being.*
- *To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*

- *Topography and landform that shape the form and structure of settlements in the landscape;*
- *The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale;*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings;*
- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement;*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures.*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail the design of new development will also be expected to:*
- *Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space;*
- *Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking;*
- *Reduce crime and the fear of crime through the careful design of buildings and spaces.*

3.7 SP20 Generic Development Management Issues

Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses.

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.

The cumulative impact of new development on the character of an area will also be considered.

Design

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials.

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise. New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance.

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance.

Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads.

Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded.

Development will be expected to comply with the relevant standards in place at the time a planning application is made to the Local Planning Authority. A Travel Plan may be required to set out how the use of the building can be made more sustainable by reducing the need to travel by private car.

Where applicable, proposals will need to demonstrate the inclusion of safe and effective vehicular servicing arrangements.

3.8 SP19 Presumption in Favour of Sustainable Development

When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework

taken as a whole; or Specific policies in that Framework indicate that development should be restricted.

3.9 Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

New development will contribute to the place-making objectives and aspirations of this Plan and to the infrastructure necessary to support future development in the District.

The Local Planning Authority will negotiate planning obligations/ developer contributions and charge a Community Infrastructure Levy (CIL) to address the necessary improvements to social, physical or utility infrastructure which are required as a result of new development.

Planning obligations will be sought to regulate development, to address necessary on-site mitigation measures to address its impact or to provide compensation for the loss or damage to a facility, feature or resource of acknowledged significance.

Developer contributions and the Community Infrastructure Levy (CIL) funds will be used to contribute to all or some of the following:

- *Affordable housing and/or specialist housing to meet specific needs;*
- *Transport infrastructure improvements including public and community transport schemes and revenue support, transport infrastructure schemes, car parking, cycling and pedestrian improvements, travel plans and behavioural change measures;*
- *Education provision and facilities;*
- *Health care provision;*
- *Emergency services;*
- *Renewable energy, community energy schemes and 'Allowable Solutions';*
- *Community buildings, open space, leisure and play facilities, allotments and burial facilities;*
- *Drainage and flood prevention measures;*

- *Water and sewerage utilities;*
- *Environmental/public realm improvements;*
- *Green Infrastructure Networks;*
- *Biodiversity and habitat compensation measures;*
- *Refuse collection receptacles and vehicles.*

Once the council has prepared and adopted the Community Infrastructure Levy (CIL) Charging Schedule and relevant infrastructure list, developer contributions through Section 106 Agreements will be limited to site/development specific contributions, including affordable housing provision and site specific contributions which are necessary as a result of the scheme and which are essential to allow the granting of planning permission.

Prior to the adoption of the Community Infrastructure Levy, the Local Planning Authority will negotiate developer (Section 106) contributions which are necessary to mitigate the impact that arises as a result of the development proposed. This will include contributions to some of the infrastructure requirements listed above where these are relevant to a scheme and will be informed by relevant policy targets included within this Plan.

In negotiating contributions, the Local Planning Authority will have regard to development viability. Any proposed reduction in contributions will be weighed in the balance against the benefits of a scheme. Applicants should be aware that issues of viability will not override situations where a development would be unacceptable in planning terms without necessary mitigation.

- 3.10 In addition to the relevant local policy the National Planning Policy Framework sets out 12 Core Planning Principles that the planning system ought to play. This set of core land-use planning principles should underpin both plan-making and decision-taking. One of these principle states that planning should:

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).”

4.0 Planning History

- 4.1 In 1981 the change of use of the existing farm buildings in to 13 self-contained holiday cottages was approved. This was subsequently amended in 1983. The applications were restricted to seasonal occupancy only.
- 4.2 A further application sought the removal of Condition 2 of the original planning permission which restricted the use of the cottage to seasonal occupancy. The application was refused by the council but allowed at appeal by the Inspectorate. This decision allowed the holiday accommodation to be used all year round.
- 4.3 Application reference 01/01033/FUL sought planning permission for the erection of a 2 storey extension. This application was approved in 2001.
- 4.4 Application reference 10/00069/MFUL was submitted in 2010. This application sought the change of use of the holiday cottages with alterations to form 14 residential units. The application was withdrawn.
- 4.5 Application reference 10/00973 sought planning permission for the change of use with alterations of 13 holiday cottages to form 13 dwellings. The application was presented to Planning Committee on the 5th July 2011. The application was approved by members subject to the signing of a Section 106 Agreement. The Section 106 agreement was not signed due to legal issues surrounding covenants on the land. Despite recent correspondence with the council's legal team, the application was finally disposed of by the council on the 14th July 2014.

5.0 Consideration

- 5.1 The site currently accommodates a range of two and single storey buildings arranged in a courtyard type setting. The conversion seeks to convert all the buildings within the courtyard to residential accommodation providing a mixture of 4, 3, 2 and 1 bed roomed dwellings with 13 dwellings proposed in total. Each new residential unit would be provided with its own outside amenity space.
- 5.2 The council has previously considered that the conversion of the buildings to residential development was acceptable in this location. The Officer's committee report is attached at Appendix A of this report. The application is the same as that considered previously acceptable by the council, and this matter should be given considerable weight in the determination of the application. It is, however, noted that since the application was considered acceptable, the planning policy context in which the application was considered has changed both locally and nationally. An assessment of the application against relevant policy therefore follows.
- 5.3 The application seeks the conversion of the buildings in to residential accommodation. Previously, Policy AG6 of the Ryedale Local Plan required the applicant to demonstrate either that there was no demand for the holiday accommodation or that the buildings were unsuitable for conversion to business industrial, commercial, tourism or recreational uses. The previous officer report, at Appendix A, did confirm that the site would not be appropriate for an industrial or commercial use by virtue of its location and access, and it was also considered that recreational or office use would require substantial investment which would not be a viable prospect. However, Policy AG6 of the Ryedale Local Plan no longer forms part of the Development Plan and is therefore no longer relevant to such proposals. As such there is no requirement to demonstrate that the accommodation is no longer viable as a tourism use or that it is not suitable for other uses.
- 5.4 Policy SP2 of the current plan seeks to manage the delivery and distribution of new housing across the district. Policy SP2 states that the change of use of tourist accommodation in the countryside is acceptable, subject to it being restricted with a local need's occupancy condition. Similarly, the National Planning Policy Framework encourages the reuse of buildings as an existing resource. It is therefore considered, subject to the local occupancy condition required in Policy SP2, that the conversion of the holiday units to residential units

is acceptable in principle in this location. However, for the reasons outlined below it is considered that the scheme should not be subject to this local occupancy condition or be considered in the context of this policy. In this respect it is noted that Section 38(6) of the Planning and Compulsory Purchase Act states,

“that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

5.5 Also paragraph 4 of the NPPF states that,

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.”

5.6 It is therefore considered that material planning considerations exist to outweigh the noncompliance with the development plan in accordance with the above paragraphs.

Planning History

5.7 The previous application for the same development was approved by the Council. This is a material planning consideration as dictated by case law. This factor must be given significant weight in the consideration of the new application. The Planning history for the site includes application reference 10/00973/MFUL. The application was previously considered by Ryedale Council on the 5th July 2011, where the application was recommended for approval by the Case Officer. The area Planning Committee resolved that planning permission should be granted for the development subject to the signing of a Section 106 Agreement. Therefore, the Council has previously considered that the development of this site as a residential use is acceptable. The council must take this is in to account when considering the previous application.

Housing land Supply

5.8 Paragraph 47 of the NPPF states:

To boost significantly the supply of housing Local Planning Authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

5.9 Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date, if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Recent figures released by the Council identify that the Council cannot demonstrate a 5 year housing supply. In June 2014 Ryedale had a 4.39 year housing supply.

5.10 In this context, recent housing applications considered by Officers of the Council have identified the importance of this matter. With the officer report for application reference 14/00429/MOUTE see Appendix B stating:

“that the implications of this shortfall cannot be under estimated because paragraph 49 of the NPPF is clear in that: Housing applications should be considered in the

context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 5.11 This approach is in line with that of recent Inspectors' decision for example in an appeal on Land off Wedow Road, Thaxted, Essex reference APP/C1570/A/13/2206357 at Appendix C the Inspector concluded that

“I consider it unlikely that the Council can realistically demonstrate a 5 years' supply of housing land (and its own report expects that it will shortly not be able to). Therefore, in the light of the advice in the National Planning Policy Framework (the Framework), the relevant policies for the supply of housing should be considered as not being up-to-date and planning permission for Framework (the Framework), the relevant policies for the supply of housing should be considered as not being up-to-date and planning permission for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”

- 5.11 Therefore, in light of the above policy SP2 which seeks to control the delivery and distribution of new housing is not an up to date policy, and cannot be considered in the determination of the application. The application should be considered in the context of sustainable development and paragraph 14 of the NPPF which states that,

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”

- 5.12 Therefore an assessment of the above must be made to determine whether the proposal seeks sustainable development in accordance with the NPPF. An assessment of the application in light of paragraph 14 follows:

- 5.13 The NPPF promotes the reuse of existing buildings with one of the Core Planning Principles. Stating,

“that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings.”

The NPPF does not require that these converted buildings should be restricted to a local needs occupancy condition. Therefore, the conversion of rural buildings is one which is supported by national policy.

5.14 All other matters such as design, impact on highways and impact upon the open countryside are considered further in this report, however the council has confirmed in the previous officer report that these matters were acceptable when considered against policy at that time. Whilst the policy context has changed, these issues remain acceptable under the current policy context, and the current policy context does not change the key issues that should be considered in respect to an application of this nature. Given the proposed development is acceptable in all other respects no specific policies in this framework indicate that the development should be restricted.

5.15 The NPPF makes it clear that planning permission should only be withheld if any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This statement concludes that there are no adverse impacts which arise as a result of the proposed development.

Benefits of approving the scheme

5.15 In addition to the above the scheme has further benefits which are outlined as follows:

- The scheme would provide much needed housing in a district that does not benefit from a 5 year land supply. It would also help to boost housing supply in area where there is a limited scope for the development of housing.
- According to the North Yorkshire Strategic Housing Market Assessment (NYSHMA) in 2001 the profile of housing stock within Ryedale was characterised by a much higher proportion of detached properties (41.1%). Flaxton is located within the Sheriff Hutton & Ryedale Sub Area in this area detached dwellings comprise 57% of overall stock. With only 10.4% of terraced properties within the housing stock in this area this

demonstrates a need for smaller properties within this location. Furthermore, the NYSHMA states that there is a high demand for smaller family sized properties. In addition “the projected increase in single person and couple older person households serves to suggest a sustained high demand for smaller 2-bedroom properties. This reflects the current stock offer in Ryedale, which as noted above is skewed towards larger family properties.” The proposal seeks consent for predominantly 2 bedroomed properties and small 3 bed properties for which clearly there is a high demand for in this area, as such it is considered that this is a benefit that arises from the proposal.

- Information provided by the Council has confirmed that Claxton is in the ward of Ryedale South West which has a current housing need of 34 properties and an annual need of 10 properties. At ward level the proportional split in size of property required by households in need is: 5% - 1beds, 34% - 2beds, 24% - 3beds and 17% - 4beds+ therefore this clearly demonstrates a need for housing in this area and in particular for the type of accommodation proposed in this application. Given the policy restraints in this area and the only source of providing housing within these areas is through the conversion of existing built form.
- The council has previously acknowledged in the officer report when considering the previous application that the existing use as holiday lets are unviable this still remains the case. Additionally, the Case Officer also concluded that the site would not be appropriate for an industrial or commercial use by virtue of its location and access. It was also acknowledged that a recreational use or use as an office would require substantial investment which would not be a viable prospect. The officer therefore concluded that there were no other relevant uses for the site, thereby acknowledging that the only suitable use for the site is residential use. Therefore, should the Council consider that the site cannot be converted to residential use despite acknowledging it is the only appropriate use, the applicant will have no choice but to cease the use as holiday cottages. Should this application be refused all avenues would have been exhausted by the applicant leaving the application with no choice but to close the business and board up the building. This would ensue that no maintenance of the buildings would take place and the site would fall into disrepair. This would have an adverse impact upon the character of the area contract to the aims of the NPPF and the design policies of the Council. Allowing the conversion to residential would ensure that

the buildings would not fall into disrepair ensuring the character of the area in this location is maintained.

- Allowing the conversion would mean extra people in the area who would have a requirement for private services such as nearby shops and facilities. Therefore, the development will support nearby rural communities this is something which is in accordance with paragraph 55 of the NPPF which requires that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Identifying for example that, where there are groups of smaller settlements development in in one area would support services in a village nearby.
- The proposed development will generate council tax of approximately £20,084.87 per annum at £1544.99 per property.
- The proposed development will generate direct and indirect employment opportunities, in both construction and other sectors linked to the construction market, for the work that will be required to allow the conversion of the properties.
- The proposal is inherently sustainable as it proposes the reuse of existing built form to provide residential accommodation. It does not need to rely on new resources to be built as a new build property would.
- A buyer for the application site has been found and an offer made following the grant of the previous permission. This demonstrates that the much needed housing would be delivered in the short term. Please see attached letter of intention from the purchaser at Appendix D which demonstrates their intention to purchase and developer the site for residential housing. .

5.16 In summary, the council does not have a 5 year land supply. Therefore, policy SP2 which seeks to control the delivery and distribution of new housing is not an up to date policy and cannot be considered in the determination of the application. Consequently, the application should be considered in the context of sustainable development and paragraph 14 of the NPPF. The above has demonstrated that the proposal would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme considered above. In addition none of the specific policies in the framework indicate that the development should be restricted in fact the NPPF supports the reuse of existing resources

as is proposed this application. Therefore, the proposal constitutes sustainable development in accordance with the NPPF.

Other Considerations

- 5.17 It is noted that despite there being a requirement for affordable housing in the last application, the current policy makes it clear that affordable housing contributions will not be sought from residential schemes which will be subject to the local needs occupancy condition under Policy SP2 of the Ryedale Plan. Therefore, the current planning context does not require any affordable housing contribution and it is not proposed in this application.
- 5.18 In respect to highway safety access to the site is from a separate unclassified roadway off the main A64. This unclassified roadway has two separate access points on the A64, to the east and west of the application site. A highways report which was submitted with the previous application concluded that there is sufficient visibility from all access points. Some of the hedges and tree branches on the western side looking east do impinge on visibility, however it was still considered that sufficient visibility of 215m can be achieved. The relevant Highways Authority raised no objections to the scheme and it was considered acceptable in respect to highway safety, subject to a condition requiring the submission of a parking plan for the units and visitors to the site. The previous highways report is included for confirmation of the applications acceptability in respect to highway safety. It is not considered that this report needs updating given that the traffic movements along the A64 remain unchanged.
- 5.19 Having had regard to the residential amenity of surrounding properties it was considered that in view of the location and separation distance between the site and neighbouring residential properties, the proposal would not affect residential amenity. Nothing has changed in this respect and therefore it must be concluded that the proposal would not adversely affect residential amenity. In addition it was considered that a reasonable level of residential amenity for the future dwellings was provided by the proposals, which remains the case.
- 5.20 In respect to the impact of the proposal on the character of the area and the wider countryside. Only minimal changes are proposed to the exterior of the building to allow the change of use of the building in to residential properties, therefore ensuring the proposal

would not adversely impact up the character of the area. This was a concern raised in the previous application. In this respect the council's Planning Officer noted that "concern was previously raised regarding whether a residential use would prejudice the appearance of the wider site. The existing development is generally well screened by existing landscaping and the change in impact is not considered to materially differ. A suitable landscaping scheme to enhance the existing planting should satisfactorily address this issue". Therefore it is not considered that the scheme would impact upon the character of the area given it is not materially different to that one previously considered acceptable by the council.

- 5.21 In respect to developer contributions which arise from the development, it is noted that no affordable housing contribution now arises as a result of the development, as explained above. With regard to off-site public open space a contribution of £28,500 was previously required, although it is not clear as to how this figure was arrived at. The council's website does not include a supplementary planning document to allow applicants to calculate the required POS figure and it is understood that this is provided by the council's Valuer. The applicant looks forward to receiving confirmation of the POS figure shortly to prevent any delays with the application. It is considered that this contribution would need to be secured via a Section 106 Agreement.
- 5.22 In respect to car parking the site currently benefits from a car park clear of the public highway which would be utilised for the parking of the residents of the new residential properties.
- 5.23 In respect to drainage there is an existing septic tank on site that currently deals with foul water. It is the intention that this would be utilised to serve the proposed residential units. This method of foul water drainage was considered previously acceptable, subject to a condition which demonstrates its suitability to serve the development. Therefore subject to this condition it is considered that the proposal is acceptable in respect to foul drainage.

6.0 Conclusion

6.1 The council does not have a 5 year land supply, therefore policy SP2 which seeks to control the delivery and distribution of new housing is not an up to date policy, and cannot be considered in the determination of the application. The application should therefore be considered in the context of sustainable development and paragraph 14 of the NPPF. This statement identifies that the proposal would not result in any adverse impacts which would significantly and demonstrably outweigh the following benefits which arise from the scheme.

- The proposal is inherently sustainable as it proposes the reuse of existing built form to provide residential accommodation.
- There is a need for housing in this area and in particular for the type of accommodation proposed in this application. Given the policy restraints in this area the only source of providing housing within these areas is through the conversion of existing built form as proposed in this instance.
- Allowing the conversion to residential would ensure that the buildings would not fall into disrepair ensuring the character of the area in this location is maintained.
- The proposal would mean extra people in the area who would have a requirement for private services such as nearby shops and facilities. Therefore, the development will support nearby rural communities this is something which is in accordance with paragraph 55 of the NPPF which requires that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Identifying for example that, where there are groups of smaller settlements development in in one area would support services in a village nearby.
- The proposed development will generate council tax of approximately £20,084.87 per annum at £1544.99 per property.
- The proposed development will generate direct and indirect employment opportunities, in both construction and other sectors linked to the construction market, for the work that will be required to allow the conversion of the properties.

In addition, none of the specific policies in the framework indicate that the development should be restricted with the Core Planning Principles requiring planning to reuse existing recourses.

- 6.2 In addition to the above the principle of the development has previously been considered acceptable by the council which should be afforded significant weight in the determination of this application. Furthermore the conversion of existing buildings is promoted by one of the core planning principles of the National Planning Policy Framework; therefore, the principle of this development is in line with national guidance and should be supported by the council.
- 6.3 The proposal would not adversely impact upon highway safety, residential amenity or the character of the area or the wider countryside. No affordable housing contribution arises from the development and the applicant agrees to the payment of an appropriate amount towards off site public open space in the parish of Flaxton. The proposal would also provide suitable drainage arrangements for the proposed dwellings.
- 6.4 It is our submission, therefore, that the principle of the proposed development comprises sustainable development in accordance with the NPPF and should be approved without delay.