



DELEGATED DECISION REPORT

Application Reference Number	16NP0116
Description / Site Address	Construction of 1no. holiday lodge at Lodge 31, Otterburn Lodge Estate, Otterburn Hall, Otterburn, Northumberland, NE19 1HE
Expiry date of publicity / consultations	14 February 2017
Last date for decision	20 March 2017

Details of Proposal

Retrospective planning permission is sought for the construction of 1no. holiday chalet on land known informally as plot 31 of the 'top site', north west of Otterburn Hall, Otterburn.

The top site is located to the northern part of the Otterburn Hall Estate. The site is surrounded by mature trees and separated from the Hall itself by the Estate driveway which runs beyond the southern site boundary. The proposed chalet would be located to the eastern part of the site, bordered to the east by an existing car park and access road with a new access road to the north western corner (*not shown on aerial photograph below*), with existing and now partially-built chalets to all sides.



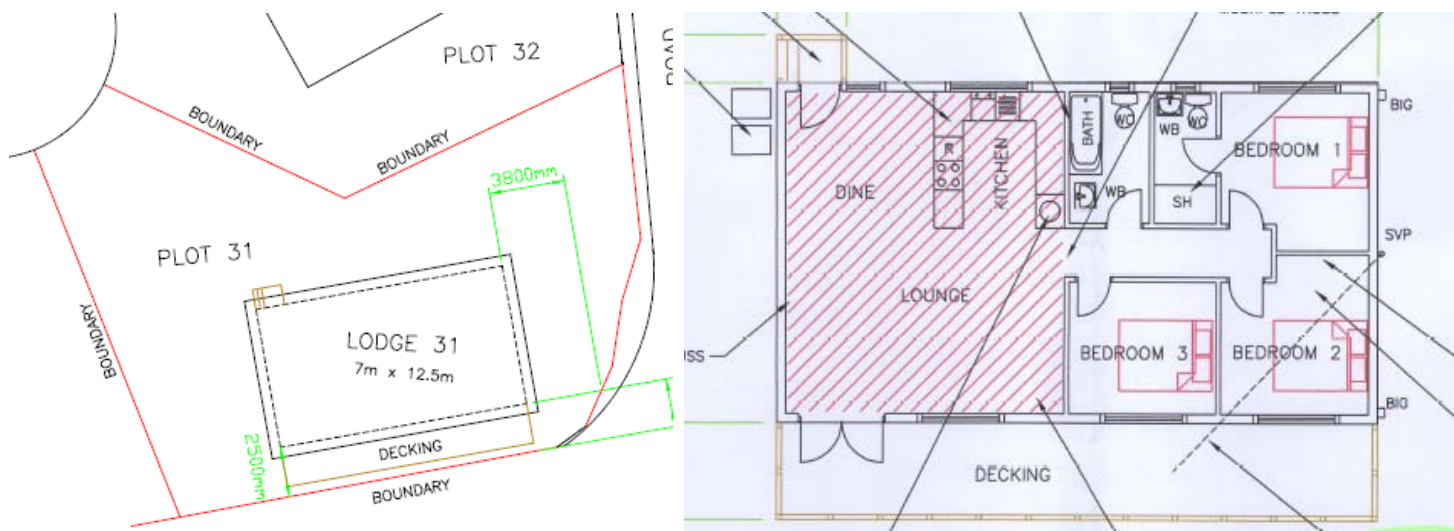
Aerial view of Otterburn Hall and 'top site'. Approximate position of site outlined in red. Otterburn Hall annotated with blue star. Partially-built chalets now covering formerly vacant land

Planning permission was granted for the construction of 33no. chalets on the top site under application reference 87NP0031. This consent was subsequently amended by further applications in respect of the design and positioning of chalets within the site. The chalets approved under the 1987 application and subsequent variants to this are also subject to a condition approved under application 93NP0009 which restricts occupancy of the chalets for any purpose between 15th January and 15th February in any year. To date, approximately half of the lodges granted consent on this site under the 1987 permission have been completed, with construction of the remaining lodges underway following recent sale activity on the site.



As the 87NP0031 development was commenced within the time-frame permitted, the fall-back position of this application is the chalet previously approved in the approximate position of that proposed by this application. Whilst the site owner could construct this previously approved chalet without needing to apply for further planning permission, this application has been received due to proposed changes to the positioning, design and size of the building.

The lodge proposes a footprint of 12.4m x 7m, projecting to ridge and eaves heights of 4.5m and 2.5m respectively. The chalet would incorporate 3no. bedrooms, 2no. bathrooms and an open-plan kitchen/living/dining area, which would open out onto an area of decking along the southern side. This decking proposes a height of 0.5m, surrounded by timber balustrading to a total height of 1.6m. The development incorporates the creation of 2no. vehicular parking spaces, a bin store and the erection of 1m high boundary fencing, and proposes to connect into the existing septic tank system on the site.



Above: Proposed floor and block plans

The application has been amended during its course in order to correct discrepancies pertaining to the position of the lodge as shown on the plans submitted and the position of the lodge as partly-constructed.

An objection has been received to the application from Otterburn Parish Council on the grounds that, whilst the principle of the development raises no objections, concerns are raised regarding the capacity of the existing sewage and clean water infrastructure on the Otterburn Hall site. Notwithstanding the objection raised by the Parish Council the application is recommended for approval to be determined under Delegated Powers, rather than by Members of Development Management Committee; this is because, in accordance with part iii) of the NNPA Development Management Scheme of Delegation, the Head of Development Management considers that those material planning concerns raised by the Parish Council can be dealt with by the imposition of planning conditions through a grant of planning permission.



Planning Policy & Guidance

National Policies

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (2015)

Local Policies

Northumberland National Park Authority Core Strategy and Development Policies Document (Core Strategy) (2009)

Policy 1	<i>Delivering Sustainable Development</i>
Policy 2	<i>Climate Change</i>
Policy 3	<i>General Development Principles</i>
Policy 5	<i>General Location of New Development</i>
Policy 9	<i>Managing Housing Supply</i>
Policy 10	<i>New Housing Development</i>
Policy 12	<i>Transport and Accessibility</i>
Policy 14	<i>A Sustainable Local Economy</i>
Policy 15	<i>Sustainable Tourism & Recreation Development</i>
Policy 18	<i>Cultural Heritage</i>
Policy 19	<i>Tranquillity</i>
Policy 20	<i>Landscape Quality and Character</i>
Policy 22	<i>Trees, Woodlands and Forests</i>
Policy 25	<i>Renewable Energy and Energy Efficiency</i>
Policy 28	<i>Utilities and Infrastructure</i>

Supplementary Planning Guidance

NNPA Building Design Guide Supplementary Planning Document (Design Guide SPD)

NNPA Landscape Supplementary Planning Document (Landscape SPD)

Relevant Planning History

87NP0031 (87/E/419) Siting of 13 static caravans and 22 timber chalets - *Conditional planning permission granted 23.03.1988*

93NP0009 (93/NP/09) Variation of condition no. 7 of planning permission 87/E/419 to permit varied occupancy period for approved chalets – *Conditional planning permission granted 15.04.1993*

Consultation/Representations

Otterburn Parish Council: Objection. *Whilst in principle no objections are raised, concerns are raised regarding the sewage and clean water infrastructure necessary to support development on the Otterburn Hall estate. The Parish Council would highlight that there is no evidence that the owners of Otterburn Hall have started the work promised on the sewage system; therefore the Councillors have agreed to object to the application until such a time that firm assurances and actual work begins in relation to these areas.*



Historic England: No comments offered. *The application should be determined in accordance with National and Local policy guidance and on the basis of your specialist conservation advice.*

NCC Public Protection: Informative recommended. *The applicant is recommended to contact a member of the NCC Private Water Supplies Team with regard to The Private Water Supplies Regulations 2016.*

NNPA Historic Buildings Advisor: No objection

NNPA Historic Environment Officer: No objection. *The proposed development would not impact detrimentally upon archaeological remains. It is also unclear what activity related to the Battle of Otterburn might have taken place here.*

A site notice was displayed at the site on 27.01.2017. No representations have been received.

Assessment

- The Principle of the Development;
- Design, Landscape and Visual Impact;
- Tranquillity and Amenity;
- Drainage, Water Supply and Waste;
- Impact upon Cultural Heritage;
- Highways and Rights of Way; and
- Renewable Energy Provision

The Principle of the Development

The National Planning Policy Framework makes clear that a presumption in favour of sustainable development is at the heart of decision making.

Policy 1 of the NNPA Core Strategy seeks to ensure that development proposals will conserve or enhance the special qualities of the National Park (landscape character, tranquillity, cultural heritage, geodiversity and biodiversity), demonstrating high quality design and sustainable construction. The effects of the proposed development on these qualities are discussed in more detail later in this report.

General Location of New Development

Core Strategy Policy 5 states that the focus for new local needs development should be within identified local centres or smaller villages of the National Park. Policy 5 does however make provision for new development within open countryside locations where it can be demonstrated that:-

- a. The development cannot take place in an identified Local Centre, Smaller Village, or through the re-use of an existing building; and*
 - i. It will conserve or enhance the special qualities of the National Park; and*

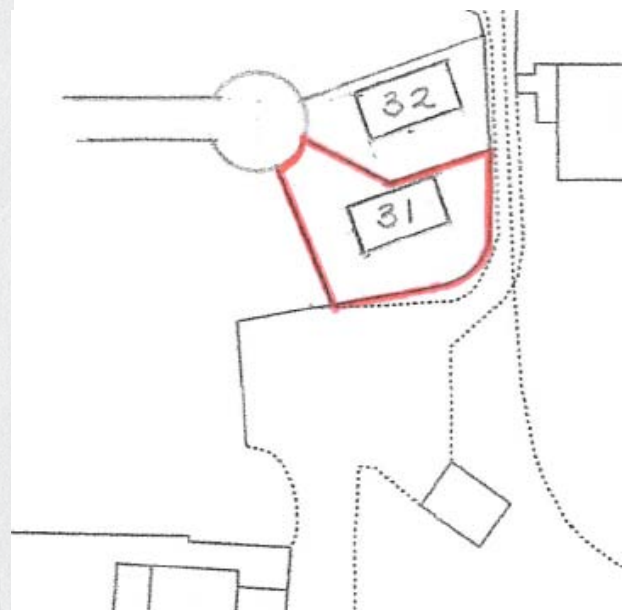


- ii. It will provide opportunities for the public to understand and enjoy the special qualities whilst not negatively impacting on them.*

The proposed development would sit alongside the existing holiday chalets approved on this top site under 87NP0031. It is recognised that a number of chalets granted planning permission under this application have not yet been constructed; however as the development was commenced within the time-frame permitted, the fall-back position of this application is the chalet previously approved in the approximate position as that proposed by this application. This previously-approved chalet is shown in the plan below alongside the position of the chalet presently proposed. In this way, it is considered that the previous development approved under 87NP0031 sets a precedent for the type of development on this top site both in terms of the type of development over the wider top site, and also the specific chalet approved on plot 31.



Left: Site plan approved under 87NP0031



Right: Proposed location plan

Subject to an assessment of the proposed development in terms of any impact upon the special qualities of the National Park and having regard for this fall-back position it is considered that the proposed construction of a chalet in this location would meet with the provisions of Core Strategy policy 5. Policies 14 and 15 of the Core Strategy and NPPF Paragraph 28 also provide support for the proposed development in this case, advocating economic development and tourism development in rural areas. It is however necessary to attach a condition to any planning approval restricting the occupancy of the proposed unit to holiday use only, with a further limitation on the occupancy of the chalet between 15th January and 15th February in each year, as the creation of permanent residential accommodation in this location would conflict with Core Strategy policies 5, 9 and 10 and would require a Local Needs restriction in accordance with Core Strategy policy 10. Whilst new holiday accommodation within the National Park would normally be restricted under more stringent conditions in order to ensure that this was used for holiday purposes only, the wording and parameters are considered to be appropriate in this specific case, as this would bring



the proposed development into line with restrictions placed upon all other approved chalets on the top site.

Design, Landscape and Visual Impact

Design and impact upon Visual Amenity

The NPPF states that “*good design is a key aspect of sustainable development and is indivisible from good planning*”, and that development should be responsive to local character and distinctiveness. Core Strategy Policy 3 provides support for development proposals that conserve and enhance local character and the Park’s special qualities through design that:

- Utilises materials appropriate to the site and setting;
- Is sympathetic in terms of scale, height, massing, siting, form, materials and colour; and
- Protects open space which contributes to amenity, character and setting of a settlement.

The Otterburn Hall top site is populated with 17no. completed timber lodges implemented under application 87NP0031 with construction underway on approximately 10-15no. further lodges (utilising either the planning permission granted under application 87NP0031 or other presently-pending applications being considered by NNPA). A number of the 17no. complete lodges have been modified by virtue of extended decking, re-cladding or painting, however principally remain consistent in terms of overall appearance, design and scale, being timber clad chalets with dark coloured windows, doors and roofs.

The overall appearance, design and scale of the proposed lodge and decking would be in keeping with those of the existing lodges on the top site. The proposed use of western red cedar cladding for the exterior of the chalet is considered to be acceptable in principle. The proposed use of red/brown upvc doors and windows and roof tiles are however not considered to be appropriate for this site as they would not reflect the established character and appearance of the site throughout which the existing lodges all benefit from dark grey roofs and windows/doors. A condition is therefore recommended requiring the applicant to submit final details of the proposed colour of the roof tiles, doors and windows in order to ensure that these are more appropriate for the site. As no specific details have been provided regarding the proposed colour finish of the decking it is recommended that such a condition also requires the submission of these details in order to ensure that this colour is appropriate in the context of the proposed development.

The scheme also incorporates the proposed installation of 1m high timber fencing around the plot boundary and the proposed creation of vehicular parking to the eastern side of the site. Such development was not included under application 87NP0031; it is however recognised that many existing lodge owners travel to the site and park vehicles on land adjacent to their lodges. It is therefore considered that the creation of 2no. parking spaces is a reasonable requirement for such development, and would not be detrimental to the appearance of the surrounding area. The proposed installation of fencing around the plot was similarly not included under application 87NP0031. It is however recognised that such fencing may be installed by the applicant as ‘permitted development’ (i.e. without the need for planning permission) and that such fencing does now exist on areas of the top site and it is not considered that this would be detrimental to the



'open' character of the site, and this is therefore considered to be acceptable. The development is therefore considered to accord with Core Strategy policies 1 and 3 in respect of design.

Impact upon Landscape Character

From a landscape perspective, due to the enclosed nature of the site, views of the site from within the wider area are very limited. It is however recognised that that the development would be visible to other users of the top site and wider site (when viewed from the Estate driveway and car park to the south) and also to users of nearby Public Rights of Way routes. Considering the established nature of development on the site and proposed design of the lodge which would be in keeping with the character and appearance of this, it is not considered that the development would impact significantly upon the landscape character or views of this Park of the National Park. The development thus accords with Core Strategy Policy 20 and the NPPF.

Tranquillity and Amenity

Impact upon Tranquillity

The information submitted to support the application states that no new external lighting is required for the development. In order to protect the tranquillity of the area through the installation of any external lighting in the future, which is considered to be a likely requirement of the development due to the extensive area of decking proposed adjacent to external doors, it is considered reasonable to include a condition restricting the installation of such lighting without approval first being sought from NNPA in order to protect the tranquillity of the surrounding area. Subject to the inclusion of such a condition the development is considered to be acceptable in terms of impact upon tranquillity, in accordance with Core Strategy Policies 1 and 19 and NPPF Paragraph 125.

Impact upon Amenity

The impact of the proposed lodge upon the amenity of neighbouring chalets and buildings is an important consideration in the assessment of this proposal, particularly in respect of any overlooking, loss of privacy or overbearing impact. In considering this impact, due weight must however be given to the chalet previously approved under 87NP0031, and also the nature of the site as approved when fully populated, and the level of amenity afforded in these circumstances.

Each lodge approved under 87NP0031 incorporated an area of decking and windows to 3no. elevations from which other aspects of the site, chalets and decking could be viewed. The layout of the chalet approved under 87NP0031 in the approximate position of that proposed under this application incorporated decking to the west and northern sides from which the adjacent lodges (now known as nos. 29, 30 and 32, to the north and west) would be readily visible, in addition to a number of windows to the north, south and western sides. The overall nature of the site, when fully populated, which could be implemented under 87NP0031, is also relatively un-private as a result of the close positioning and design of the chalets. These characteristics are considered to set a precedent for the design of chalets and level of amenity afforded by occupiers of this top site.

The design of the proposed lodge incorporates windows to both the north and southern sides, with



decking along the length of the southern elevation. It is recognised that these may give views of surrounding chalets to the south, east and west; however, taking into account the above position, it is not considered that the proposed lodge would have a significantly greater impact upon levels of amenity in terms of any overlooking or loss of privacy than the development previously approved on the site, which could be implemented without further planning approval. The overall design and layout of the proposed development is further such that this would not result in an overbearing impact upon surrounding chalets or buildings when constructed. As such, the application is considered to be acceptable in terms of impact upon residential amenity, and thus accords with Core Strategy policy 3 and the NPPF.

Drainage, Water Supply and Waste

Foul Drainage

The Environment Agency is the statutory consultee advising the LPA, however a proposal of this scale falls outside of the proposals that the Environment Agency wishes to be consulted on. The matter of foul drainage is therefore to be considered by the LPA.

In assessing the proposed foul drainage method for the development, the fall-back position afforded by 87NP0031 is noted through which the existing septic tank system could be utilised.

The proposed method of foul drainage is through a connection to the existing septic tank which serves the top site and is located to the rear (north) of the Coach House Hotel. The application is supported by written verification from NCC Building Control Inspector Iain Mason who has confirmed that this existing tank is of adequate capacity to serve the proposed development, in addition to site layout plans which show the location of existing and proposed foul drainage connections and a statement within the applicant's completed Foul Drainage Assessment form (FDA1) verifying that the tank is maintained by the Landlord as per their lease agreement.

Planning Practice Guidance states that connection to a public sewer is the most preferable option, followed by a Package Treatment Plant and then by a Septic Tank. The applicant has not included information within their FDA1 form to demonstrate why a mains sewer is not feasible. The Authority is however aware that the nearest mains connection is approximately 100m from the site and due to this distance and small scale of the development accepts that connecting to the public sewer would be both unfeasible and unreasonable in this case. The applicant has furthermore not provided evidence to demonstrate that a package treatment plant (the second preferable option) would not be feasible; however given the fall-back position afforded by 87NP0031, that the existing septic tank is already in place on the site and the verification provided on behalf of NCC Building Control to confirm that this may be utilised, on balance, the proposed foul drainage method is considered to be acceptable in principle.

Otterburn Parish Council has raised an objection to the application on the grounds of concerns regarding the capacity of the existing sewage infrastructure on the site to accommodate the proposed additional development. Whilst regard has been had for the objection received, it is not considered reasonable that planning permission be refused as in light of the information and additional verification received, in addition to the assessment set out above, the development is considered to be acceptable in terms of foul drainage, in accordance with Core Strategy policy 28



and the NPPF, subject to the inclusion of a condition requiring the connection of the lodge to the existing septic system prior to first occupation.

Water supply

NCC Environmental Protection is the statutory consultee advising the LPA in respect of water supply however a proposal of this scale is deemed to fall below their risk appetite and therefore the aspect of water supply is therefore to be considered by the LPA. An informative has however been suggested by NCC which recommends that the applicant contact the NCC Private Water Supplies Team with regard to the Private Water Supplies Regulations 2016.

In assessing the proposed water supply for the development, the scale of the proposal and fall-back position afforded by 87NP0031 are noted.

The applicant has stated within their completed FDA1 form that water is not mains supplied; based on knowledge of the site the Authority understands that water supply to the site is spring fed.

It is understood that the proposed water supply to the lodge would be assessed by under Building Control regulations in order to ensure that there would be a wholesome supply of potable water to serve the needs of the development. It is therefore considered that the checks which would be undertaken by this Service would ensure that the development would be appropriately serviced in terms of water supply. Based on this understanding and given the fall-back position afforded under 87NP0031 in which a similar lodge could be constructed without further approval, the proposed method of water supply is considered to be acceptable in principle

Otterburn Parish Council has raised an objection to the application on the grounds of concerns regarding the capacity of the existing water supply to the site to serve the proposed additional development. Whilst regard has been had for the objection received, it is not considered reasonable that planning permission be refused as in light of the assessment set out above, the development is considered to be acceptable in terms of water supply, in accordance with Core Strategy policy 28 and the NPPF, subject to the implementation of the Informative recommended above by NCC Environmental Protection. This together with the checks performed by Building Control regulations would ensure that a wholesome supply of water to the development would be provided. Should the proposed water supply arrangements be deemed inadequate by Building Control at this stage, the principle of any replacement supply arrangements may be re-assessed as a planning matter.

Waste

The proposal incorporates the creation of a bin store adjacent to the lodge; this is supported and considered appropriate.

Impact upon Cultural Heritage

The application site is located within the area of the Registered Battlefield of Otterburn and is in relatively close proximity to a number of listed buildings, to the south and west of the site.



Due to the location of the site within a Registered Battlefield, Historic England (HE) has been consulted on the application. HE has responded with no comments, advising that the application should be determined in accordance with National and Local policy guidance and on the basis of the Authority's specialist conservation advice. The NNPA Historic Environment and Historic Buildings Officers have also been consulted, with no objections raised from either consultee.

Due to the fall-back position in this case afforded by 87NP0031, it was not considered reasonable or proportionate to request that a Heritage Statement be submitted to accompany this application due to the fact that this previously approved development could be constructed without further planning consideration or approval in terms of impact upon cultural heritage.

Giving weight to this fall-back position and the established precedent for chalet-type development on this site, it is not considered that the proposed lodge would have a significantly greater impact upon these surrounding heritage assets than the development previously approved to such a degree that this would render the development unacceptable in terms of impact upon cultural heritage. In these circumstances it is considered unreasonable to object in terms of impact upon cultural heritage.

Due to the historic surroundings of the site consideration has been given to the attachment of a condition to any planning approval ensuring that any archaeological features uncovered unexpectedly during construction of the proposed chalets be reported to the Local Planning Authority and be treated appropriately; however as development has commenced on site, with the foundations and base on the chalet complete, such a condition is not considered necessary.

The development is considered to be acceptable in terms of impact upon cultural heritage, in accordance with Core Strategy policy 18 and the NPPF.

Highways and Rights of Way

The proposed lodge would be served by 2no. parking spaces accessed via the existing access road on the site. The proposed parking arrangements for the site are considered to be acceptable and would not impact detrimentally upon the safety of the surrounding highway network. It is furthermore not considered that the development would have any detrimental impact upon nearby Public Rights of Way within the vicinity. The development is therefore considered to accord with Core Strategy policies 3 and 12.

Renewable Energy Provision

Policy 25 requires all new developments, including conversions, to minimise the amount of energy used during construction, achieve high energy efficiency, and utilise renewable energy sources in order to offset at least 10% of the predicted energy requirements of the development.

The proposed scheme does not incorporate the installation of renewables; whilst policy 25 stipulates that this is a requirement for all new development, on balance, considering the fall-back position which does not incorporate renewables, and the nature of the lodges as holiday accommodation which are likely to incur lesser energy usage levels than a permanent residential



dwelling, it is not considered reasonable to require the applicant to provide renewable energy technology in this instance.

Recommendation & Conditions

It is recommended that retrospective conditional permission is granted subject to the following conditions:-

1. The development hereby permitted shall be maintained in accordance with the following approved plans and documents:
 - Application form, received 1st December 2016
 - Located plan, received 1st December 2016
 - Proposed plans and elevations (DWG. No. LODGE31-A, Revision A 9-12-16), dated 9th December 2016
 - Proposed Site Plan (DWG No. LODGE31-1-C, dated 3-3-17), received 9th March 2017
 - Proposed Block Plan (DWG. No. LODGE_31-0-B, dated 9-12-16), received 14th March 2017
 - Foul Drainage Assessment form (FDA1), dated 15th December 2016
 - Email correspondence, subject 'Fwd: Plot 17/18/31/32', dated 18th January 2017
 - Email correspondence, subject 'lodge 31 your ref. DM/14/MISC/16NP0116', dated 9th December 2016

Reason: For the avoidance of doubt and to ensure that the development accords with policies 1, 2, 3, 5, 9, 10, 12, 14, 15, 18, 19, 20, 22, 25 and 28 of the NNPA Core Strategy and the National Planning Policy Framework.

2. Prior to the fixing of any external lighting within the site in association with the development, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details should include:
 - The specific location of all external lighting units;
 - Design of all lighting units;
 - Details of beam orientation and lux levels; and
 - Any proposed measures such as motion sensors and timers that will be used on lighting units.

The approved lighting scheme shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In order to ensure that there is no harmful effect upon the tranquillity and intrinsically dark character of the area, including the Northumberland Dark Sky Park through excessive light pollution, in accordance with Core Strategy policy 19 and the NPPF

3. The lodge hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence, or for any purpose between 15th January and 15th February in any year.



Reason: To prevent a permanent and unrestricted residential use in a location where this would not otherwise be in accordance with adopted planning policies, namely Core Strategy policies 5, 9 and 10 and the NPPF.

4. Notwithstanding the provisions of the Application form, received 1st December 2016 and the Proposed plans and elevations (DWG. No. LODGE31-A, Revision A 9-12-16), dated 9th December 2016, within 28 days of the date of this approval details of the colour of the proposed roof tiles, upvc doors, upvc windows and decking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In order to preserve the visual appearance and amenity of the area, in accordance with Core Strategy policies 1 and 3 and the NPPF.

5. Prior to the development hereby permitted first being brought into use the lodge shall be connected to the septic tank system. The development shall be retained as such thereafter unless first agreed in writing by the Local Planning Authority.

Reason: To ensure that reasonable infrastructure measures are put in place to accommodate foul waste generated by the development, in accordance with Core Strategy policy 28 and the NPPF.

Informative Notes

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of development, irrespective of the degree of variation, will constitute unauthorized development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform the Northumberland National Park Authority's Development Management team immediately of any variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.
2. This Planning Application is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. If there is a condition that requires work to be approved prior to the commencement this is called a 'condition precedent'. The following should be noted with regards to conditions precedent:
 - a) If a condition precedent is not complied with, the whole of the development will be unauthorized and you may be liable to enforcement action.
 - b) In addition if a condition precedent is breached, the development is unauthorized and the only way to rectify the development is the submission of a new application.



If any other type of condition is breached then you will be liable to a breach of condition notice.

3. The applicant is recommended to contact a member of the Northumberland County Council Private Water Supplies Team on 01670 620374 with regard to The Private Water Supplies Regulations 2016, which came into force on 27 June 2016;

This legislation requires that each private water supply is subjected to a risk assessment that supplies water to any premises (other than a supply to a single dwelling not used for any commercial activity). It also requires the water supply to be subject to routine sampling, the frequency of which will be determined by the classification of the supply. Supplies with a commercial activity [for example B&B, holiday let, Assured Short hold Tenancy (AST) properties] using 10m^3 each day would be subject to annual sampling, with the sampling frequency increasing when consumption is above 10m^3 . Supplies with a domestic only element to them (for example owner-occupied, second homes) and using 10m^3 per day would be subject to sampling every five years at the time of risk assessment.

A copy of the Private Water Supplies Regulations 2016 can be viewed at:
<http://www.legislation.gov.uk/ukxi/2016/614/contents/made>

Background Papers

Application file 16NP0116
EIA Screening Opinion

	Signature	Date
Planning Officer		
Head of Development Management or Chief Executive		