

DELEGATED DECISION REPORT

Application Reference Number	19NP0015
Description / Site Address	Variation of condition 3 of planning permission 17NP0037 (occupancy restriction) to permit year-round holiday-only occupancy at Otterburn Hall, Lodge 28 and 29, Otterburn, Northumberland, NE19 1HE
Expiry date of publicity / consultations	20 th April 2019
Last date for decision	15 th May 2019

This application seeks to vary condition 3 (occupancy restriction) of planning permission 17NP0037 which relates to Lodges 28 and 29, Otterburn Hall.



Figure 1: Location Plan

Planning permission was granted retrospectively under 17NP0037 for the construction of two holiday lodges known as Lodge 28 and 29. This was subject to a condition (condition 3) which stated:

The lodges 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.



This application seeks to vary the occupancy condition set by condition 3 of 17NP0037 to state the following:

The chalets hereby approved relates to the provision of short-term accommodation only and shall not be used at any time as permanent residential accommodation. Occupiers of the approved accommodation shall occupy this for holiday purposes only and shall not occupy this as their sole or main place of residence, or as a second home. The operators shall maintain an up to date register of the names of all occupiers of the holiday accommodation hereby approved and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

The reason for this application being proposed is in order that the lodge owner may rent the properties out as holiday accommodation on a year-round basis, removing the requirement for a period of non-occupation between 15th January and 15th February in each year.

Planning Policy & Guidance

National Policies

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

Local Policies

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

Policy 1	<i>Delivering Sustainable Development</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 14	<i>A Sustainable Local Economy</i>
Policy 15	<i>Sustainable Tourism & Recreation Development</i>
Policy 17	<i>Biodiversity and Geodiversity</i>
Policy 18	<i>Cultural Heritage</i>
Policy 19	<i>Tranquillity</i>
Policy 20	<i>Landscape Quality and Character</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*
- 16NP0115** Construction of 1no. holiday lodge. *Conditional planning permission granted 16.03.2017*
- 17NP0037** Construction of 2 no. holiday chalets (Retrospective). *Conditional planning permission granted 09.06.2017*
- 17NP0117** Installation of a sewage treatment plant. *Conditional planning permission granted 17.04.2018*
- 18NP0129 -
18NP0138** *Variation of occupancy restrictions to permit year-round holiday-only occupancy of Lodges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 25, 26, 27, 31, 33 and 35 (amalgamated, including subject application). Approved February 2019;*

Consultation/Representations

Otterburn Parish Council: No response

NCC Historic Buildings Advisor: No objection

NNPA Historic Environment Officer: No objection: Does not wish to offer any comment.

The application was advertised by means of a notice displayed at the site on 29th March 2019. No representations have been received in response.

Assessment

The key material planning consideration in the assessment of this application is the principle of the development. The impacts of the development upon design and amenity and the National Park's special qualities are also relevant considerations.



The principle of the development

Site history/background

Planning permission was granted under application 87NP0031 (or 87/E/419) for the construction of lodges on this site (known as the ‘top site’) in March 1988. This permission was subject to a condition (condition 7) which prevented the regular occupation of the units between 1st November in one year and 1st March in the following year, as these were not considered suitable for permanent occupation.

An application was submitted in 1993 under 93NP0009 which sought the variation of condition 7 of 87NP0031, in order to provide an increased period of occupation of the lodges. This application was approved in April 1993 and condition 7 was subsequently revised to state:

“The chalet units here approved shall not be occupied for any purpose between 15 January and 15 February in any year”.

The lodges constructed under 87NP0031 (which did not include Lodge 28 & 29) are not restricted by any further occupancy conditions limiting their use to holiday purposes only or preventing their being used as second homes; they are only prevented from being occupied for any purpose between 15th January and 15th February as directed by 93NP0009.



Figure 2: Lodges 28 and 29

Approximately half the lodges granted planning permission across the site under 87NP0031 were commenced within the timeframe permitted. As such, 87NP0031 represented the fall-back position in the consideration of subsequent revised applications for the construction of holiday lodges on the site in the approximate positions of those granted permission (but not constructed) under 87NP0031, which included Lodges 28 and 29.



Having regard for both current national and local planning policy and the aforementioned fall-back position, retrospective planning permission was granted under 17NP0037 for the construction of Lodges 28 and 29 subject to a condition (condition 3) which restricted the use of the lodges to holiday use only and prevented their occupation between 15th January and 15th February using the following wording:

The lodges 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.

Whilst new holiday accommodation within the National Park would normally be restricted under more stringent conditions (e.g. preventing their being used as second homes) but would not include a specific period of non-occupation, the wording of this occupancy condition was considered to be appropriate for this specific site as this would bring the development into line with restrictions placed upon all other approved chalets on the top site.

As set out within the supporting information, this application has been submitted within the context of a number of similar applications which relate to other lodges on the site, both those approved under 87NP0031 and more recent "fall-back position applications" approved in around 2016-2017, in order to introduce a more modern, consistent holiday occupancy condition to lodges on the site.

Assessment

The principle of the development in respect of the construction of two holiday lodges was established as acceptable under application 17NP0037 in accordance with local and national planning policy and remains unchanged by this application.

The matter to be considered by this application is whether the proposed variation of the condition relating to the occupancy of the lodge would be acceptable in principle.

The application proposes to vary the current occupancy condition set by 17NP0037 to an occupancy condition of alternative wording. The proposed condition would maintain the current requirement for the lodges to be occupied for holiday accommodation only and not as a main or sole place of residence, with the addition of requirements preventing the use of the chalets as a second home and necessitating the operator to maintain a register of occupiers (in line with other holiday occupancy conditions currently placed upon holiday accommodation within Northumberland National Park) and the removal of the requirement for the lodges to be vacated between 15th January and 15th February in each year, thereby allowing them to be occupied on year-round basis.

The proposed varied condition would ensure that the development remained acceptable in principle in respect of nature and location in accordance with Core Strategy policies 5, 9, 10, 14 and 15 and the NPPF, and would be consistent with the approach taken by the Local Planning Authority in terms of the holiday occupancy condition currently typically applied to other such development within Northumberland National Park. It is further considered that this would comply with the requirements of NPPF Paragraph 55 which guides that planning conditions should only be imposed



where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. The ability of the Local Planning Authority through the proposed condition wording to request details of the occupiers will assist in the ability to maintain and enforce against unauthorised second home or permanent residential use of the development.

Design and amenity

The development proposed by this application is limited to the use of the building only and does not propose any changes to the lodge itself; this therefore remains acceptable in terms of impact upon visual amenity. The changes to the occupancy of the building, which would remain as holiday accommodation only with occupation permitted between 15th January and 15th February, would not have a detrimental impact upon residential amenity. The development would remain in accordance with Core Strategy policy 3 and the NPPF in these respects.

Condition 4 of 17NP0037 required the colour of the decking, steps, balusters and balustrades to match the colour of the larch cladding on the lodge and to be retained as such in perpetuity. Visits to the site subsequent to the grant of planning permission illustrate that the decking, steps and balustrades match the natural timber finish of the lodge and are considered to be appropriate within the context of the site; as such, it is not considered necessary to re-attach condition 4 to the grant of planning permission. An alternative condition has however been attached requiring that the development be retained in its constructed form.

Impact upon National Park special qualities

The proposed development is considered to be acceptable in terms of impacts upon National Park special qualities.

Condition 2 of 17NP0037 required the submission of details of any external lighting required to be installed in association with the development, in the interests of the tranquillity of the area. This application does not include details of any external lighting required to be installed, and taking into account the location, tranquillity and dark skies of the National Park, it is considered appropriate that this condition be re-attached, in order that the scheme may be in accordance with Core Strategy policy 19 and NPPF Paragraph 180.

Utilities and infrastructure

Taking into account the fall-back position and nature of the application as a variation of condition, the proposed development is considered to be acceptable in terms of impacts upon utilities and infrastructure.

Condition 6 of 17NP0037 required that the lodge be connected to the septic tank system on the site prior to first occupation. Planning permission was subsequently granted under 17NP0117 for the construction of a sewage treatment plant which would replace the septic tank system (as this was found to be dysfunctional) which is now operational. As such, it is not considered necessary to re-



attach condition 6 of 17NP0037 to this grant of planning permission however an alternative condition is included requiring that the development be connected to the sewage treatment plant system as approved under 17NP0117, in order to ensure that adequate waste infrastructure measures are in place to serve the development.

Recommendation & Conditions

Following consideration of the information submitted to support the proposed variation of condition 3 of 17NP0037 the development as proposed remains acceptable in principle. It is therefore recommended that the proposed variation to planning permission 17NP0037 is approved and planning permission is granted under 19NP0015 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 20th March 2019;
- Location plan, received 11th April 2017
- Planning Statement received 20th March 2019;
- Drawing No. 02a Proposed floor plans, received 27th March 2017
- Drawing No. 02b Proposed elevations, received 11th April 2017
- Drawing No. 03 Site Plan Rev. A, received 11th April 2017
- Drawing No. 04 Roof plan, received 27th March 2017
- External lighting specification, 'Nordlux Can, Number: 28751134', received 7th June 2017
- Foul Drainage Assessment form (FDA1), received 11th April 2017
- Email correspondence 'RE: NNPA Application 17NP0037 – 2no lodges, Otterburn Hall (Mr. Cambell)', received 6th June 2017 (details of Sandtoft Double Roman Slate Grey concrete roof tiles, Siberian Larch Cladding – B11 profile fixed vertically, LG solar panel, smooth grey concrete paving flags)

Reason: For the avoidance of doubt and to ensure that the development accords with policies 1, 3, 5, 9, 10, 12, 14, 15, 17, 18, 19, 20, 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 paragraph 180 of the NPPF.

3. The chalet hereby approved relates to the provision of short-term accommodation only and shall not be used at any time as permanent residential accommodation. Occupiers of the approved accommodation shall occupy this for holiday purposes only and shall not occupy this as their sole or main place of residence, or as a second home. The operators shall maintain an up to date register of the names of all occupiers of the holiday accommodation hereby approved and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

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

4. Notwithstanding the provisions of the proposed plans and elevations, (Drawing No. 02b Proposed elevations) received 11th April 2017 the colour of the decking, steps, balusters and balustrades hereby permitted shall be retained as constructed in perpetuity unless first agreed in writing by the Local Planning Authority.

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. The development hereby permitted shall be connected to the site sewage treatment plant and 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 unauthorised and you may be liable to enforcement action.
 - b) In addition if a condition precedent is breached, the development is unauthorised 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/uksi/2016/614/contents/made>

Background Papers

Application Files 19NP0015 & 17NP0037
EIA Screening Report

	Signature	Date
Planning Officer	C Godfrey	3/5/19
Head of Development Management	S Buylla	7/5/19