

## DELEGATED DECISION REPORT

<b>Application Reference Number</b>	19NP0018
<b>Description / Site Address</b>	Variation of condition 3 of planning permission 16NP0115 (occupancy restriction) to permit year-round holiday-only occupancy at Lodge 32, Otterburn Lodge Estate, Otterburn Hall, Otterburn, Northumberland, NE19 1H
<b>Expiry date of publicity / consultations</b>	12 March 2019
<b>Last date for decision</b>	16 April 2019

### Details of Proposal

This application seeks to vary condition 3 (occupancy restriction) of planning permission 16NP0115 which relates to Lodge 32, Otterburn Hall.



**Figure 1: Location Plan**

Planning permission was granted retrospectively under 16NP0115 for the construction of a holiday lodge known as Lodge 32. This was subject to a condition (condition 3) which stated:

*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 15<sup>th</sup> January and 15<sup>th</sup> 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 16NP0115 to state the following:

*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.*

The reason for this application being proposed is in order that the lodge owner may rent the property out as holiday accommodation on a year-round basis, removing the requirement for a period of non-occupation between 15<sup>th</sup> January and 15<sup>th</sup> 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 &amp; 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**

<b>87NP0031 (87/E/419)</b>	Siting of 13 static caravans and 22 timber chalets. <i>Conditional planning permission granted 23.03.1988</i>
<b>93NP0009 (93/NP/09)</b>	Variation of condition no. 7 of planning permission 87/E/419 to permit varied occupancy period for approved chalets. <i>Conditional planning permission granted 15.04.1993</i>
<b>16NP0115</b>	Construction of 1no. holiday lodge. <i>Conditional planning permission granted 16.03.2017</i>
<b>17NP0117</b>	Installation of a sewage treatment plant. <i>Conditional planning permission granted 17.04.2018</i>
<b>18NP0129 - 18NP0138</b>	<i>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;</i>

**Consultation/Representations**

**Otterburn Parish Council: No response;**

**NCC Historic Buildings Advisor: No response;**

**NNPA Historic Environment Officer: No objection;**

The application was advertised by means of a notice displayed at the site on 21<sup>st</sup> February 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 1<sup>st</sup> November



and 1<sup>st</sup> 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 does not include Lodge 32) 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 15<sup>th</sup> January and 15<sup>th</sup> February as directed by 93NP0009.

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 Lodge 32.

Having regard for both current national and local planning policy and the aforementioned fall-back position, retrospective planning permission was granted under 16NP0115 for the construction of Lodge 32 subject to a condition (condition 3) which restricted the use of the lodge to holiday use only and prevented its occupation between 15<sup>th</sup> January and 15<sup>th</sup> February using the following wording:

*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 15<sup>th</sup> January and 15<sup>th</sup> 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 a holiday lodge was established as acceptable under application 16NP0115 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 16NP0115 to an occupancy condition of alternative wording. The proposed condition would maintain the current requirement for the lodge 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 chalet 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 lodge to be vacated between 15<sup>th</sup> January and 15<sup>th</sup> February in each year, thereby allowing this 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 15<sup>th</sup> January and 15<sup>th</sup> 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.



**Figure 2:** Lodge as constructed



Condition 4 of 16NP0115 required that the roof tiles, doors and windows installed within the lodge had to be dark grey in colour with the cladding having to be in larch. Condition 5 required the colour of the decking, steps, balusters and balustrades to match the colour of the larch cladding.

Visits to the site subsequent to the grant of planning permission illustrate that the lodge has been constructed with dark grey doors, windows and roof tiles, and that the decking matches the natural timber finish of the lodge, which are considered to be appropriate within the context of the site; as such, it is not considered necessary to re-attach condition 4 or 5 of 16NP0115 to this grant of planning permission. An alternative condition is however to be included 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 16NP0115 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 16NP0115 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 16NP0115 to this grant of planning permission however an alternative condition would be 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 16NP0115 the development as proposed remains acceptable in principle. It is therefore recommended that the proposed variation to planning permission 16NP0115 is approved and planning permission is granted under 19NP0018 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 14<sup>th</sup> February 2019;
- Location plan, received 1st December 2016
- Planning Statement received 14<sup>th</sup> February 2019;
- Proposed plans and elevations, (DWG. No. LODGE32-A, Revision A 10-12-16), received 16th December 2016
- Proposed Site Plan (DWG. No. LODGE32-1-C, dated 3-3-17), received 9th March 2017
- Proposed Block Plan (DWG. No. LODGE\_32-0-B, dated 10-12-16), received 14th March 2017
- Foul Drainage Assessment form (FDA1), received 16th December 2016
- Email correspondence, subject 'Fwd: Plot 17/18/31/32', dated 18th January 2017
- Email correspondence, subject 'Re: amendments', time 05:36, dated 16th March 2017
- Email correspondence, subject 'Re: amendments', time 10:42, dated 16th March 2017

**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 (DWG. No. LODGE32-A, Revision A 10-12-16)*, received 16<sup>th</sup> December 2016, the roof tiles, doors and windows installed within the lodge and the colour of the decking 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 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  $<10\text{m}^3$  each day would be subject to annual sampling, with the sampling frequency increasing when consumption is above  $10\text{m}^3$ . Supplies with a domestic only element to them (for example owner-occupied, second homes) and using  $<10\text{m}^3$  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 19NP0018 & 16NP0115  
EIA Screening Report

	<b>Signature</b>	<b>Date</b>
<b>Planning Officer</b>	C Godfrey	25/03/2019
<b>Head of Development Management</b>	S Buylla	27/03/2019