



DELEGATED DECISION REPORT

Application Reference Number	20NP0075
Description / Site Address	Vary the Section 106 attached to 16NP0053 with respect to removing local needs occupancy and replacing with principal needs occupancy at Burnbank Farm, Greenhaugh, Tasset, Northumberland, NE48 1LY
Expiry date of publicity / consultations	20 October 2020
Last date for decision	(24 November 2020) Extension of time agreed to complete Section 106 31/12/2020.

Details of Proposal

This application seeks to vary the Section 106 agreement attached to planning permission 16NP0053 with respect to removing the local needs occupancy restrictions and replacing with principal needs occupancy related to the construction of five two-storey detached dwelling houses, each with four bedrooms, on land at Burnbank Farm, Greenhaugh.

All other aspects of the 2016 permission remain as approved and the permission was commenced on site on 13th August 2019, which was within the three year commencement period set out in condition 1 of 16NP0053. The decision was appealed in 2016 and therefore some of the conditions attached to 16NP0053 were subsequently amended, and all of those needing to be discharged prior to commencement of development have been.

The site is located directly to the north of existing residential properties in Greenhaugh, fronting onto the eastern side of the main road through Greenhaugh. The application site is a greenfield site, bounded by agricultural land to the north and the east. The overall site extends approximately 110 metres parallel to the main road and approximately 35 metres back from its front boundary, roughly level with the rear of Horsley Cottage, a property directly to the south of the site. The planning permission approved five detached houses constructed of stone and slate roofs.

Planning Policy & Guidance

National Policies

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance
The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992



Northumberland National Park Local Plan

Policy ST1	<i>Sustainable Development</i>
Policy ST2	<i>General Development Principles</i>
Policy ST4	<i>Spatial Strategy</i>
Policy ST5	<i>New Housing</i>
Policy DM1	<i>Community Facilities and Infrastructure</i>
Policy DM9	<i>Transport and Accessibility</i>
Policy DM10	<i>Habitats, Biodiversity and Geodiversity</i>
Policy DM11	<i>Landscape, Tranquillity and Dark Night Skies</i>
Policy DM12	<i>Trees, Woodlands and Forests</i>
Policy DM13	<i>Renewable Energy</i>
Policy DM14	<i>Historic Landscape Assets and Built Heritage</i>
Policy DM15	<i>Archaeological Heritage</i>

Relevant Planning History

18NP0098 - Approval of Details reserved by condition 17 (land contamination) (as varied at appeal) of planning permission 16NP0053 - Construction of five two storey detached dwellings including new access from highway and internal circulation roads. Approved.

18NP0010 - Approval of details reserved by conditions 3, 4, 5, 6, 9, 11, and 17 of planning permission 16NP0053 (Boundary treatment & Refuse store, Hard landscaping scheme, Soft landscaping scheme, Hedge details, Archaeological evaluation, Construction method statement and Contamination). Part discharged April 2018

16NP0053 - Construction of five two storey detached dwellings including new access from highway and internal circulation roads. Approved 9th September 2016. Commenced development.

15NP0034 – Construction of five two storey detached dwellings including new access from highway and internal circulation roads. Refused 14th April 2016.

13NP0031 – Outline application for seven two-storey dwellings. Not determined

12NP0105 – Outline application for seven two-storey dwellings (Withdrawn)

Consultation/Representations

Tarset and Greystead Parish Council: No objections

A site notice was displayed on site on 1st October 2020. No response has been received as a result of the site notice.



Assessment

The key issues for determination are as follows:

Principle of development
Other matters

Principle of development

This application is an application made under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 and solely considers the content of the Section 106 that was attached to planning permission 16NP0053. The permission for five detached houses and associated highway access has commenced and therefore is extant. Whilst the works carried out constitute a demonstrable start, the houses themselves have not been constructed.

In 2016, when the decision was made to approve the scheme, the adopted Local Plan was the Core Strategy, which required, through Policy 10, all new residential dwellings within the National Park to be restricted to people meeting the National Park Authority's local need criteria. The occupation of the properties were restricted through a planning obligation (in the form of a legal agreement under section 106 of the Town and Country Planning Act) in order to prevent subsequent sale or letting to those without a local need and to prevent them from being used as second or holiday homes.

The Core Strategy was superseded when the Northumberland National Park Local Plan was adopted in July 2020. This new Local Plan removed the requirement for new housing to be restricted to occupiers who meet a local need and replaced it with the requirement for all new housing to be occupied as principal residence only, not to be used as a second home.

Policy ST4 of the Local Plan supports small scale housing (principal residence) in the named settlements within the National Park. In the 2016 permission it was accepted that the site falls within the settlement of Greenhaugh and Greenhaugh is one of the settlements named as being suitable for housing.

Parts 1 and 2 of Policy ST5 relate to proposals for more than 5 dwellings and are therefore not relevant for this application.

Part 3 a. of Policy ST5 states that new housing within named settlements will be permitted providing they are affordable or principal residence. This application seeks to limit occupation to principal residence and therefore is considered acceptable in principle. As



the Local needs requirements were restricted through a section 106 a deed of variation is drafted to change the occupation of the 5 houses.

The occupation of the 5 dwellings as principal residence would meet with Local Plan policies ST4 and ST5 and the deletion of the 2009 Core Strategy means there is no longer a justifiable reason for the new houses to only be occupied by people meeting the local needs occupancy condition. The proposal is therefore considered acceptable and in accordance with adopted Local Plan policy.

Other matters

As outlined above the planning permission 16NP0053 has been commenced and therefore all other aspects of the proposal remains the same. The change of occupancy (from local needs to principal residence) would not affect the special qualities of the National Park; design and amenity issues of the housing; highways and rights of way; biodiversity and natural environment; landscaping and trees; cultural heritage, landscape character and tranquility; renewable energy; utilities, drainage and flood risk; and land contamination.

As this is effectively issuing a new permission then all relevant conditions attached to the original permission, as well as those amended at appeal need to be attached, albeit in an amended form to ensure those discharged do not require further submission of details.

Recommendation & Conditions

Grant conditional permission subject to the signing of the varied S106 and the following conditions :

Conditions from 16NP0053 as amended at appeal and as discharged.

1. The development hereby permitted shall be maintained in accordance with the following approved plans and documents:
 - Application forms received on 25/05/16 and 20/09/2020
 - Sustainability, design and access statement received on 25/05/16
 - Ecological report for Burnbank, Greenhaugh (revised 2015) by George Dodds received on 25/05/16
 - BB/08/LP/01 Location plan received on 25/05/16
 - BB/08/PSP/03 Proposed block plan received on 25/05/16
 - BB/08/PSW/04 Proposed surface water plan received on 25/05/16
 - BB/08/PSP/06 Proposed site plan received on 25/05/16
 - BB/08/PSS1/07 Short sections received on 25/05/16
 - BB/08/PSS2/08 Short sections received on 25/05/16
 - BB/08/PLS/09 Long sections received on 25/05/16



- BB/08/PCS/10 Combined sections received on 25/05/16
- BB/08/PPE/11 House type 2, Plot 1 received on 25/05/16
- BB/08/PPE2/12 House type 2, Plot 2 received on 25/05/16
- BB/08/PPE3/13 House type 1, Plot 3 received on 25/05/16
- BB/08/PPE4/14 House type 1, Plot 4 received on 25/05/16
- BB/08/PPE5/15 House type 2, Plot 5 received on 25/05/16

Reason: For the avoidance of doubt, to enable Northumberland National Park Authority to adequately control the development and to conform with Local Plan Policies ST1, ST2, ST4, ST5, DM9, DM10, DM11, DM12, DM14, DM15 and the National Planning Policy Framework

2. The development shall be carried out in accordance with the details of the design and materials of the boundary treatments, recycling and refuse stores as approved under planning reference 18NP0010.

Reason: To ensure that the boundary treatments and stores used are appropriate in the context of the design of the development and its surrounding area and for the development to accord with Local Plan policy ST2.

3. The development shall be carried out in accordance with the hard landscaping scheme approved under planning reference 18NP0010.

Reason: In the interests of protecting the visual character of the area, in accordance with Local Plan policy ST2.

4. The development shall be carried out in accordance with the soft landscaping scheme approved under planning reference 18NP0010

Reason: In the interests of protecting the visual character of the area in accordance with Local Plan policy ST2.

5. The development shall be carried out in accordance with the scheme to provide native hedge along the northern and eastern boundaries of the site approved under planning reference 18NP0010. The hedge shall be provided on site in accordance with the approved scheme, prior to the first occupation of any of the approved dwellings on site.

Reason: To ensure that the loss of part of an existing hedge is adequately compensated for, in line with the recommendations of the submitted ecological



survey, and in order to conserve the biodiversity of the National Park in accordance with Local Plan policies ST1, ST2 and DM10.

6. Prior to the commencement of each dwelling (or agreed group of dwellings) above damp proof course level, a detailed and accurate specification of measures to support roosting bats and/or breeding house martins within the site for each dwelling (or agreed group of dwellings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to provide an adequate level of compensation for the loss of feeding habitats for birds and bats, in line with the recommendations of the submitted ecological survey, to ensure that the biodiversity of the National Park is conserved in accordance with Local Plan policies ST1, ST2 and DM10.

7. Any site clearance or ground disturbance should not be undertaken in the bird breeding season (March-August), unless a checking survey has first been undertaken by a suitably qualified ecologist and any birds that are found to be nesting being allowed to finish nesting before such work commences.

Reason: To ensure that ground nesting birds on the site are protected and for the development to accord with Local Plan policies ST1, ST2 and DM10.

8. Prior to the installation of any external lighting on each dwelling (or agreed group of dwellings), a detailed lighting scheme shall be submitted to, and approved by, the Local Planning Authority, to include:

- The specific location of all external lighting units
- Design of all lighting units design
- Details of beam orientation and lux levels across the site
- Any proposed measures such as motion sensors and timers that will be used as part of lighting units

The development shall be carried out in full accordance with the approved lighting scheme thereafter, unless external lighting is removed in its entirety.

Reason: In order to conserve the tranquillity and intrinsically dark character of the National Park, in accordance with Local Plan policy DM11 and para 180 of the NPPF.



9. Development shall be carried out in accordance with the Construction Method Statement approved under planning reference 18NP0010. The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Local Plan policy ST2 and DM9 and the NPPF.

10. The development shall not be occupied until the car parking areas indicated on *BB/08/PSP/06*, received on 25/05/16, have been surfaced. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that there is adequate space within the site for the parking of vehicles, in the interests of highway safety, in accordance with Local Plan policies ST2 and DM9 and the NPPF.

11. The development shall not be occupied until the two means of vehicular access have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Local Plan policies ST2 and DM9 and the NPPF.

12. Prior to the commencement of each dwelling (or agreed group of dwellings) above damp proof level, samples of the natural stone and natural slate to be used for the external facing and roofing materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be consistent throughout the whole of the development site and shall comprise natural stone (not reconstituted stone) and 'natural' slate (not imported slate) unless otherwise agreed in writing by the Local Planning Authority. The dwellings shall be constructed in accordance with the approved samples.

Reason: To ensure that the materials used in the construction of the development are appropriate in the context of the design of the development and its surrounding area and for the development to accord with Local Plan policy ST2.

13. Prior to the commencement of each dwelling (or agreed group of dwellings) above damp course level, precise details of renewable energy measures for generating energy from decentralised renewable and/or low carbon sources (as defined in Annex 2 of the National Planning Policy Framework) shall be submitted to, and formally approved in writing by, the Local Planning Authority. The information



submitted should establish accurate details of the predicted energy requirements for each unit and demonstrate how the proposed renewable energy measures will maximise renewable and low carbon energy sources within the development. The approved renewable energy measures required for each dwelling shall be implemented in full before the first occupation of that dwelling.

Reason: To ensure that appropriate renewable energy and/or low carbon energy measures are included, in line with Local Plan policies ST1 and ST2 and the NPPF.

14. Unless otherwise agreed in writing with the Local Planning Authority, construction works shall not take place outside the hours of 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1700 hours on Saturdays. Construction works shall not take place on Sundays or Bank Holidays.

Reason: In the interests of residential amenity of the occupiers of existing neighbouring properties and to accord with Local Plan policy ST2 and the NPPF.

15. The site shall be remediated in accordance with the measures and timescale approved through planning reference 18NP0098 and a verification report that shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, including timescales for the work to be carried out, shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within ten days of the report being completed and approved in writing by the local planning authority.

Reason: To protect the environment and ensure that the remediated site is reclaimed to an appropriate standard, in accordance with Local Plan policy ST2 and the NPPF.

16. No building hereby permitted shall be occupied until details of soakaways and/or sustainable drainage systems for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the submitted details.

Reason: To ensure that surface water can be adequately discharged from the site without the development creating a negative impact in terms of localised flooding or pollution and to accord with Local Plan policies ST1 and ST2 and the National Planning Policy Framework.



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 the development, irrespective of the degree of variation, will constitute unauthorised 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 local planning authority immediately of any proposed 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 planning application.

2. This consent 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 carried out or details to be approved prior to the commencement of the development 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. **Northumberland County Council Highways – New vehicle crossing point, Type Access A, (s.184)**

You should note that under the Highways Act 1980, vehicle crossing points are required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact Northumberland County Council Highways Planning on 01670 620295.

4. A copy of the specification for NCC standard access Type 'A' is included with the decision notice.



5. Northumberland County Council Highways – Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed with the Highway Authority (Northumberland County Council). You are advised to contact the NCC Street Works Team on 0345 600 6400 for skip and container licences.

6. This planning permission is granted subject to a legal agreement under section 106 of the Town and Country Planning Act 1990.

Background Papers

20NP0075
18NP0010
18NP0098
16NP0053

	Signature	Date
Planning Officer		
Head of Development Management	<i>Susannah Buylla</i>	03/11/2020