

NORTHUMBERLAND

Northumberland County Council

DELEGATED REPORT

Application No:	14/00407/DISCON		
Proposal:	Application for the discharge of planning obligation on planning permission 98/A/439 (removal of condition 5 of 89/A/225 - 4 holiday bungalows for disabled) in order to permit permanent residential occupation (as amended by letter dated 1 July 2014)		
Site Address	Dene House Farm Cottages, Harrogate Lane, Longframlington, Morpeth, Northumberland, NE65 8EE		
Applicant/ Agent	Mr & Mrs P Wilson, c/o agent / Mr Richard Garland, George F White, 4-6 Market Street, Alnwick, Northumberland, NE66 1TL		
Valid Date	6 February 2014	Expiry Date	3 April 2014
Case Officer Details	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

1. Introduction

- 1.1 This application can be determined under delegated powers and is recommended for approval.

2. Description of the Proposals

- 2.1 The application seeks to discharge the obligation of an agreement under Section 106 of the Town and Country Planning Act that was entered into in relation to a development at Dene House Farm, Longframlington. The application is submitted under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.
- 2.2 Full planning permission was granted under application reference 89/A/225 for the construction of four holiday bungalows for disabled persons. The permission was granted subject to a condition that restricted occupancy so that the units could not be occupied between 1 February and 1 March in any year, in order to ensure that the accommodation is used for holiday purposes only.
- 2.3 The applicant then submitted an application under reference 98/A/349 that sought to remove condition 5 of permission 98/A/225 relating to the occupancy restriction. Permission was subsequently granted, subject to the completion of the s106 agreement that includes the following obligations:

Second Schedule

- 1. To utilise the 4 holiday homes for holiday accommodation only*

2. Not to permit any of the holiday homes to be continuously occupied by the same person or persons for longer than 5 months in any one year

Under this current application the applicant had originally sought to modify the existing obligations of the s106 agreement with the following wording:

Not to permit the four cottages to be occupied other than persons over the age of 55 or registered disabled.

- 2.4 In supporting information submitted with the application it is stated that the applicants have run the holiday cottage business from the site since their construction following the 1989 permission. These cottages sit alongside other two other holiday units designed specifically for disabled use, and a leisure building. It is stated that in recent years the demand for the cottages has decreased and the profitability of the business has shown a marked decrease. The proposed variation of the 106 agreement is therefore intended to fill an identified gap in the market, for which the applicants have had a number of enquiries. It is stated that the applicants already provide 24 hour assistance and care service for users of the cottages and this arrangement would continue.
- 2.5 Following consideration of the application as submitted officers advised that it was not considered reasonable to be able to modify the existing s106 agreement to restrict occupation to a particular category of residents as proposed. The applicant has therefore amended the application to remove the obligation altogether. This would have the effect of removing the occupancy restriction from the cottages and making them capable of permanent residential use. The applicants could still retain the units and let them out as envisaged, or they could be sold or let without restriction if approved.

3. Planning History

89/A/225 – Construction of 4 holiday cottages – Approved

98/A/349 – Removal of condition 5 of 89/A/225 – Approved subject to s106

99/A/284 – 3 x chalets, leisure building and tennis court - Approved

99/A/506 – 3 Chalets, leisure building and tennis court – Approved

A/2001/0446 – Golf driving range – Approved

A/2002/0161 – Removal of planning condition number 3 attached to approval
87/A/040 – Approved

A/2002/0700 - Two holiday cottages for the less able and managers house –
Approved

A/2004/0047 - Two x holiday cottages for the less able and managers house
(revision to application A/2002/0700)

A/2005/0566 - Construction of new bed and breakfast accommodation and laundry/leisure building extension to existing leisure facility – Refused then allowed on appeal

4. Planning Policy

4.1 National Planning Policy

National Planning Policy Framework

4.2 Development Plan Policy

S1 Location and scale of new development - Alnwick LDF Core Strategy

S2 The sequential approach to development - Alnwick LDF Core Strategy

S3 Sustainability criteria - Alnwick LDF Core Strategy

S4 The phased release of housing land - Alnwick LDF Core Strategy

S11 Locating development to maximise accessibility and minimise impact from travel - Alnwick LDF Core Strategy

S14 Development in the open countryside - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

H13 Removal of restrictive occupancy conditions - Alnwick District Wide Local Plan

4.3 Other Documents/Strategies

N/A

5. Consultee Responses

Longframlington Parish Council	<u>Comments on Original Modification</u> No objection but the need for parking and access can be higher for this accommodation so they think it is important that it is checked that the original requirements have been met <u>Comments on Proposed Discharge of Obligation</u> Do not oppose this application but would ask that preference still be given to over 55s.
NCC Highways	No objection.
Local Authority Housing Enabler (North)	Queries possibility of seeking commuted sum towards affordable housing provision.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	1
Number of Support	4
Number of General Comments	0

Notices

General site notice - 2nd July 2014

No Press Notice Required.

Summary of Responses:

Representations in support of the application have been made by four parties. These refer to the decline in holiday accommodation market; benefits of accommodation for disabled and elderly and lack of existing provision; transport links are available; sufficient parking and no increase in traffic; applicants currently provide a useful service and proposal would create addition to rental accommodation in the area; location close to leisure services; no effects on water supply.

Objections have been received from residents at Dene House that raise concerns in respect of access and parking provision; condition of the access and parking provision; condition of access road; water supply and foul drainage; amenity and character of the area; garden areas and additional buildings; and development is better suited to holiday accommodation than permanent housing.

7. Appraisal

- 7.1 In assessing the proposal to discharge the existing obligation of planning permission 98/A/349 officers have given consideration to the principle of development and whether the proposal would result in a sustainable form of development having regard to the Alnwick Core Strategy (CS) and the National Planning Policy Framework (NPPF). In addition consideration has been given to the issues raised during the consultation process.
- 7.2 When approving the 1989 permission for the construction of the four holiday units the former Alnwick District Council as Local Planning Authority (LPA) felt it reasonable and necessary to impose a condition that restricted their occupancy to holiday units only. The reason for condition 5 is stated as *“to ensure that the accommodation is used for holiday purposes only”*. From checking the application documents associated with application 98/A/349 there is reference to permission only being granted on the basis that the units were holiday accommodation, as they were outside of the Longframlington settlement boundary and in order to promote tourism within the former district area. It is stated that the LPA did not consider it possible to vary the wording of the condition to control occupancy, and therefore the removal of condition 5

was approved, but subject to the s106 to ensure the dwellings are retained as holiday accommodation only.

- 7.3 The proposed discharge of the existing s106 obligation would have the effect of allowing the cottages to be used for permanent residential use. Although information provided by the applicant states that they wish to rent out the units to those over the age of 55 or registered disabled, officers have given consideration to the effects of allowing the removal of the obligation and permanent use of the properties. The previous applications were considered at a time when there was a defined settlement boundary around Longframlington, and prior to the adoption of the CS and publication of the NPPF. At this time there is no defined boundary, and the main issue to consider is whether the proposal would result in a sustainable form of development having regard to the CS and NPPF.
- 7.4 Policy H13 of the Alnwick District Wide Local Plan (LP) states that the removal of restrictive occupancy conditions attached to dwellings in the countryside will be permitted provided that the dwelling has been built and occupied in accordance with the original permission, and the applicant has provided satisfactory evidence that the need which justified the occupancy condition no longer exists. Policy S3 of the CS outlines sustainability criteria that development should satisfy, with Policy S11 including criteria relating accessibility of development and S14 relating to new development in the countryside. The NPPF seeks to significantly boost the supply of housing with a presumption in favour of sustainable development, taking into account social, economic and environmental considerations. There should be a mix of housing and in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and may support services in a village nearby. Isolated new homes in the countryside will require justification.
- 7.5 The supporting information identifies that whilst the accommodation was initially designed, purpose built and targeted for use by the less able, the introduction of the Disability Discrimination Act in 2006 required other properties to become accessible to meet these regulations. It is stated that this has resulted in a more competitive market as opposed to previously when the applicants were at the forefront of this type of accommodation. The applicants state that this alongside a downturn in the tourism market has had a detrimental effect on bookings and therefore they are looking at the future of these units. One option is to provide accommodation for those over 55 who would like to downsize but remain living in a rural community with village facilities in Longframlington close by, including the existing leisure facilities at Dene House Farm.
- 7.6 Although the cottages are outside of the main settlement and for planning purposes would be classed as the countryside, the site is not significantly isolated from Longframlington, being around 1.1 km from the northern edge of the village. The area to the north of the village is characterised by existing groups of housing around North End and on Harrogate Lane that leads down to the site. The site also has permission for the cottages to be occupied throughout the year, albeit on a holiday basis only and for no more than 5 months by the same person or persons. In effect the four cottages could be

used for continual residential use throughout the year on a holiday basis, subject to satisfying these restrictions.

- 7.7 On this basis it is not felt that a change to allow permanent residential use of the existing properties would have significant or adverse effects in terms of achieving a sustainable form of development in this location. It is the intention of the applicants to deliver a form of housing for a specific target market, and it is felt that this could achieve benefits in terms of achieving a mix of housing. However, it is also felt that if the properties were to be sold or let on the open market there would not be any significant or adverse effects on terms of sustainable development and the strategies of the CS and the NPPF in this instance with the properties not being substantially isolated and relatively well related to the village. Furthermore, despite the consideration given at the time by the planning authority, it is not considered entirely reasonable or necessary to control the occupancy of the properties through a S106.
- 7.8 On other matters, no objections have been received from the NCC Highways team in relation to the proposal. The properties could continue to use the existing access and parking arrangements on the site all year round, and the proposed change is not considered to have any adverse effects in terms of highway safety. There is existing parking provision and private amenity space on the site that is considered to be sufficient to serve the properties. Similarly, in terms of water supply and drainage matters, the properties could continue to be used for a similar residential use all year round, therefore the proposal is not considered to result in any unacceptable impacts. The applicant or any subsequent owners would still need to satisfy any other requirements or regulations (i.e. consents from the Environment Agency).
- 7.9 Whilst the comments from the objectors at Dene House located 235 metres to the east of the site are noted, which was the original house associated with Dene House Farm until a restrictive condition was removed, it is not felt that there would be any unacceptable or adverse impacts upon their amenity. There may be a change in the nature of the use should the obligation be discharged in full, however it is felt this would be very similar to the existing residential use of the site and would not have any adverse impacts upon residential amenity or the character and appearance of the area.

8. Conclusion

- 8.1 On the basis of the information provided with the application, and having regard to the policy requirements of the LP, CS and NPPF, it is officer opinion that the full discharge of the existing s106 obligation to allow permanent residential use would result in an acceptable form of development in this location. Whilst the site is within the countryside, and the original scheme related to new build development rather than conversion of redundant buildings, it is not considered that a different form of residential use would not be sustainable given its relationship with surrounding development and proximity to Longframlington. It is felt that there are grounds to justify the discharge of the obligation in this instance, and the proposal is therefore considered to be in general accordance with Policy H13 of the LP, Policies S3, S11 and S14 of the CS and the NPPF.

9. Recommendation

On the basis of the information provided with the application, and having regard to the policy requirements of the Alnwick District Wide Local Plan, the Alnwick District LDF Core Strategy and the National Planning Policy Framework, it is considered that the full discharge of the existing Section 106 obligation to allow permanent residential use would result in an acceptable form of development in this location. The existing Planning Obligation no longer serves a useful planning purpose therefore it is agreed that points (1) and (2) of the Second Schedule of the Section 106 agreement dated 8 March 1999 made between Alnwick District Council and Patrick Joseph Wilson and Patricia Marie Wilson relating to Dene House Farm, Longframlington, Northumberland be discharged.

Date of Report: 26.09.2014

Background Papers: Planning application file(s) 14/00407/DISCON