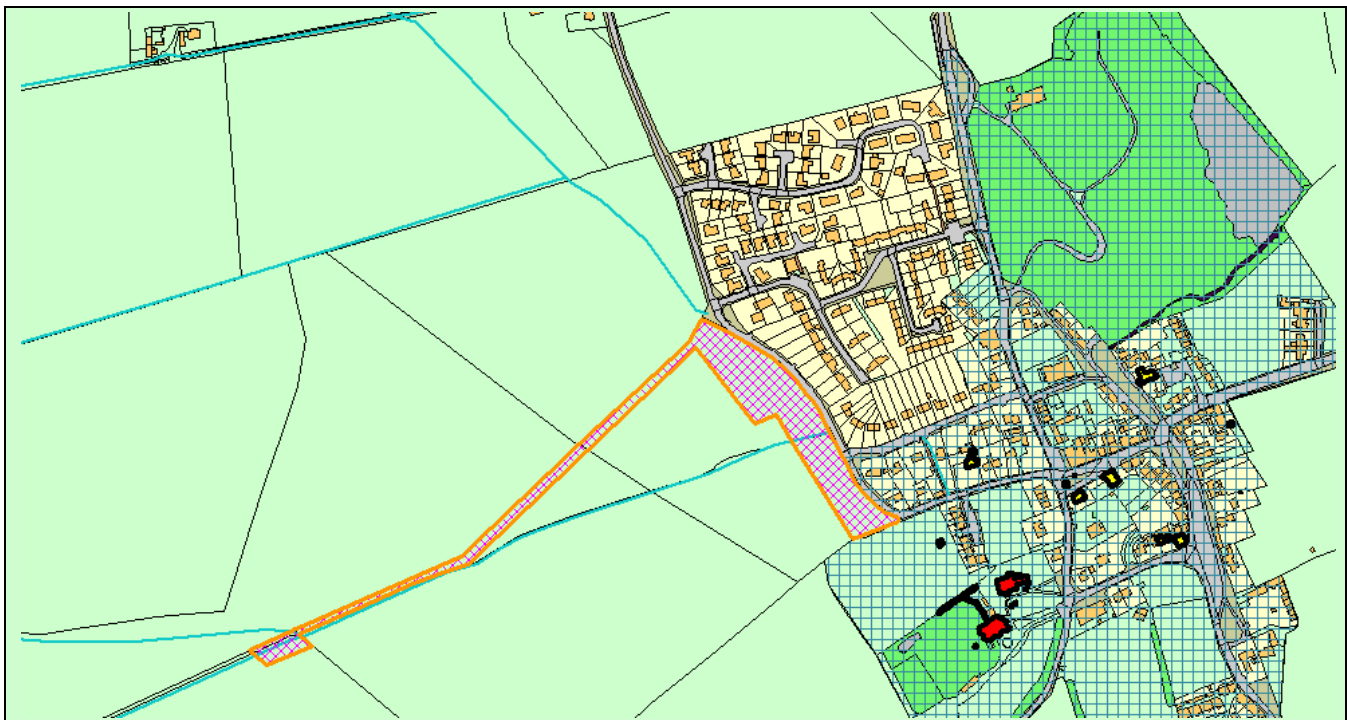




Northumberland County Council

North Northumberland Local Area Council
21st June 2018

Application No:	18/01014/FUL		
Proposal:	Proposed construction of 7 dwellings.		
Site Address	Land West Of Station Road, Station Road, Embleton, Northumberland		
Applicant:	Mr & Mrs Robertson C/O Agent,	Agent:	Ms Grace Hunter The Manor House, West End, Sedgefield, TS21 2BW
Ward	Longhoughton	Parish	Embleton
Valid Date:	20 March 2018	Expiry Date:	25 June 2018
Case Officer Details:	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction.

1.1 Following inclusion on the Chair referral list this application has been deemed appropriate for consideration at North Northumberland Local Area Council Planning Committee. It is understood that this application has also been deemed appropriate by the chair for a site visit prior to consideration at Committee.

1.2 A site visit is scheduled for Monday 18th June 2018 for Members to familiarise themselves with the site and surroundings.

2. Description of the site and proposal.

2.1 The site to which the application relates is located to the west of Embleton, and is separated from the rest of the settlement by Station Road. The site is 1.4 hectares and is currently in use as pasture land. Station Road is a route into the settlement from the North, and also provides a route to through the settlement via the village centre. The site is not located in the AONB or the conservation area, however the site does abut the conservation area to the east along Station Road. The site is located approximately 250m from the AONB boundary.

2.2 The proposal is for 7no. detached dwellings which will be presented in a linear form, along Station Road. These are to be developed on the site at a density of 5 dwellings per hectare. Each of the dwellings proposed will have either a double or a single garage. The number of dwellings on the site could potentially be a higher density, however the applicant has sought to retain a lower density to reflect it's rural location.

2.3 It is understood that a full application has been progressed, rather than an outline, to demonstrate the deliverability of a scheme on this site.

2.4 The proposal falls below the thresholds for which affordable housing is required both in quantum of dwellings. and in terms of floorspace.

3. Planning History

None

4. Consultee Responses

Embleton Parish Council	<p>Responses have been received Embleton Parish Council and members of the neighbourhood plan steering group, which is developing the plan on the Parish Council's behalf. These representations from members of the steering group are summarised along with other individual representations</p> <p>The Parish Council states they are not anti -development but hope that development that is permitted is appropriate. That many of the objections to this application would be nullified by a redesign of the site layout, change of house type and materials and the inclusion of two affordable or discounted market value homes. That the material of construction proposed for the dwellings are not in keeping with the rest of the village. That the size of the proposed houses are too big and thus are too expensive to meet local needs. The Parish Council would rather see affordable homes or smaller homes with a permanent resident covenant on them (principal residency stipulation). That access to the site is dangerous being close to a very sharp bend. Remodelling of the corner should be a part of the scheme if the application is accepted. That the application is accepted the houses should be specified as carbon neutral. That if the application is granted it should include a requirement that no construction traffic uses Station Road and the applicant creates a new temporary road, across his own land leading off the B1339 to the south of Embleton Church.</p>
Highways	No objection, subject to conditions

County Ecologist	Requirement to contribute to Coastal Mitigation Service, Further to the original formal comment from the County Ecologist it has been confirmed that provided the applicant provides onsite dog walking facilities The County Ecologist is content that the impacts on the Local Wildlife Site can be avoided .
North Trees And Woodland Officer	No response received.
Northumbrian Water Ltd	No objection subject to conditions
Countryside/ Rights Of Way	No objection subject to conditions
Building Conservation	Although the proposed development site adjoins the boundary of the southwest side of the Embleton Conservation Area, it is considered that the proposal would not impact or harm the setting of the Conservation Area or listed buildings within the vicinity. Building Conservation raise no objection to the proposal, subject to plans provided.
County Archaeologist	No objections, satisfactory information provided
Lead Local Flood Authority (LLFA)	No objection, subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	24
Number of Objections	51
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

Site notice - Public Right of Way, 24th April 2018

Northumberland Gazette 5th April 2018

Summary of Responses:

Representations have been received in relation to this application. These mainly refer to matters in relation to:

- Quantum of new residential development in the settlement;
- Development should be limited to the existing limits/boundary of the settlement;
- Development is in advance of the Embleton Neighbourhood Plan;
- Lack of affordable housing in the scheme;
- Development is not in the public interest;
- Impact on character of the area;
- Incursion onto the open countryside;
- Impact on the AONB and wider landscape character;
- Loss of agricultural land;
- Impact on the conservation area and nearby listed buildings;
- Overdevelopment in Embleton;
- Potential for increase flooding/flood risk;

- Lack of principal occupancy restriction/likelihood of proposed dwellings to become second homes;
- Impact on conservation area and historic environment;
- Vehicle access and traffic matters;
- Impact on Conservation Area and Historic Environment;
- Impact on community infrastructure;
- Impact on sewage/drainage infrastructure; and,
- Loss of amenity for residents on Station Road;

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P5UIUNQSN2B00>

6. Planning Policy

6.1 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
 S5 Housing density - Alnwick LDF Core Strategy
 S8 Economic regeneration - Alnwick LDF Core Strategy
 S11 Locating development to maximise accessibility and minimise impact from travel - Alnwick LDF Core Strategy
 S12 Protecting and enhancing biodiversity and geodiversity - Alnwick LDF Core Strategy
 S13 Landscape character - Alnwick LDF Core Strategy
 S14 Development in the open countryside - Alnwick LDF Core Strategy
 S15 Protecting the built and historic environment - Alnwick LDF Core Strategy
 S16 General design principles - Alnwick LDF Core Strategy
 S23 Planning obligations - Alnwick LDF Core Strategy

BE8 - Proposals for new dwellings and extensions to existing dwellings - Alnwick District Wide Local Plan

CD37 - Water & Sewerage Alnwick District Wide Local Plan

Appendix A - Design and Layout of New Dwellings - Alnwick District Wide Local Plan

6.2 National Planning Policy

National Planning Practice Guidance (2014, as updated)

National Planning Policy Framework (2012)

6.3 Other Relevant Documents/Evidence Base Documents

Northumberland Five Year Supply of Deliverable Sites (November 2017)

Northumberland Landscape Character Assessment 2010

Alnwick LDF Landscape Character SPD - May 2010

Embleton Conservation Area - Character Appraisal and Management Matters - Designation Report 2008

7. Appraisal

7.1 The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development and identifies there are three dimensions to sustainable development: economic; social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

7.2 Planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The adopted development plan in relation to this site is formed by the Alnwick Core Strategy (2007) and the Alnwick District Local Plan (Saved Policies 2007). The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policies topics are considered to be particularly relevant to this application. Although Embleton Parish Council are understood to be preparing a Neighbourhood Plan, this is at such a draft stage that it can not be given any weight in the determination of this planning application at this moment in time.

Principle of Development

7.3 Policy S1 of the Alnwick Core Strategy (ACS) identifies Embleton as a Sustainable Village Centre, where development should be well related to the scale and function of the settlement. Further to this Policy S2 provides a sequential test for new development, however whilst the NPPF encourages the use of Previously Developed Land it does not set a strict hierarchy therefore ACS policy S2 is afforded little weight in the determination of the application. ACS policy S3 outlines the sustainability criteria that generally need to be satisfied before permission is granted for new development. It includes that the site should be accessible to homes, jobs, services, the transport network and modes of transport other than the private car; that there is adequate existing or, planned capacity in the physical and community infrastructure and environmental needs can be mitigated; potential implications of flood risk have been assessed. It is therefore considered that 'in principle' Embleton, is an appropriate location for new housing development, subject to other on site factors. Embleton fits in this category due to the local services available in the village and the availability of jobs in the local area and in nearby Alnwick as well as the regular bus links to Alnwick and beyond, which are available from the settlement.

Housing Supply

7.4 The NPPF aims to significantly boost the supply of housing, paragraph 49 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated. Policy S4 of the ACS seeks to manage the supply of dwellings throughout the former Alnwick district by identifying broad areas of development and at the present time proposals are being assessed against Policy S4 of the ACS, and having regard to the latest figures for the Five Year Housing Land Supply which covers the period up to March 2022 (base date 31 March 2017).

7.5 This demonstrates a housing supply across the county of 6.5 years. Based upon these current figures it is evident that the County has a deliverable land supply, such that the policies for the supply of housing are not considered to be out of date.

7.6 The relevant policies in the ACS are considered to be up to date. The need to ensure a 5 year housing land supply is a minimum and not a maximum and therefore additional housing can be permitted providing it is sustainable. The key consideration is whether the proposed development is considered to be sustainable development, in line with Policy S3 and the NPPF.

Impact on open countryside

7.7 Although adjacent to the village, it is considered that this proposal would be viewed as separate to the village itself by virtue of its location to the west of station road, which forms a distinct boundary of Embleton to the west. An incursion in this direction would open up the land to west of Embleton to further future development. The proposed development would dramatically alter the form and extent of the settlement. Dwellings would extend into an area of open countryside, significantly extending the area of built development. This would change the character of the immediate surroundings by introducing built development where none previously existed.

7.8 Although not prominent from the east, west and south the development would be seen from the north. The site has no screening vegetation to its northern or western boundary and there are clear views over the intervening agricultural land into the site. Whilst it would be possible to introduce landscaping as part of any proposal the presence of residential development is still likely to be apparent. However it is considered this would stand out as an uncharacteristic and incongruous extension of residential development into open countryside.

7.9 Taking these matters in the round it is considered that the proposal would be seriously harmful to the character and appearance of the locality.

7.10 The NPPF and Planning Practice Guidance do not encourage blanket bans on development in the countryside and so the development plan can be regarded as somewhat out of step in that regard. However, the NPPF is clear that recognition should be given to the intrinsic character and beauty of the countryside. This proposal would harm that intrinsic character and beauty. It is considered that this proposal would be contrary to Policies S13 and S14 of the ACS, and Paragraph 17 of the NPPF (bullet point 6).

Impact on landscape

7.11 The Northumberland Landscape Character Assessment (LCA) 2010 and the Alnwick District Landscape Character SPD are the key documents in relation to landscape character in relation to this site. The LCA identifies this area as Landscape Character Type 3 (Farmed Coastal Plain), and this specific area as 3c (*Rock*), which includes Embleton. This refers to this landscape type as generally low lying of gently rolling land, with some broad, flat areas. This goes on to state in paragraph 4.32 that this is an open landscape, though with varying enclosure imparted by the changing levels of tree cover, and further states that views inland

are similarly limited by the varying topography and tree cover, although the adjacent hills rise gradually and are not prominent when visible.

7.12 With reference to this specific cell (3c Rock), the LCA states that *“this area is similar 3b [states that the coastal plain broadens into an area of flat or gently rolling farmland, rising to a plateau near the coast which obscure most seaward views], but it’s generally more wooded. The transition is gradual, but this area is characterised by coniferous shelterbelts and deciduous woodland strips. Hedgerows are more common, although their condition remains variable.”* In respect of this site, this is located at the foot of a rolling hill, which guards Embleton to the west from longer range views, although the result of this is that of a tunnelling effect from the north, focusing views down Station Road (from the north) and those from the footpaths leading from Station Road, towards this site, which gives a feeling and sense of open countryside to this edge of the settlement location. When taking into account the development guidelines for this Landscape Character Type, this encourages appropriate *“well designed new-build developments which respect local character”*. It is not considered that this proposal, by virtue of its, location in an open countryside location, distinctly separate from the settlement, does not respect the local landscape character.

7.13 In terms of the impact on the AONB, the proposal is located 250m from the AONB boundary, separated from the AONB by the built form of Embleton and is not considered to have potential to impact upon this designation with the site not being viewable from the AONB or have views towards it.

Affordable Housing

7.14 Further to comments from Embleton Parish Council, the relevant policy relating to Affordable Housing locally is policy S6, with this site falling below the threshold for which affordable housing is required and has therefore not been requested by the LPA. Throughout discussions on this application, the applicant/agent a contribution towards affordable housing was suggested by the applicant as a measure to help make the proposal more acceptable It is however, not a factor that would be considered to make this application acceptable.

Design and impact on the local area

7.15 The NPPF and the ACS seek to ensure that development is sited appropriately, without an unacceptable, adverse impact on the local environment. The NPPF's presumption in favour of sustainable development is based on securing a balance between its economic, social and environmental dimensions. The site is set in the open countryside, but adjacent to an existing rural village setting. The design has potential to impact on both the village setting, and that of the open countryside, and the setting of the proposal in the landscape.

7.16 The NPPF and both the ACS seek to ensure good design in all development. The proposal seeks to provide a housing development for 7 dwellings at a density of 5 dwellings per hectare, although contrary to policy S5, it is considered that provision is provided in this policy for lower density developments in rural areas such as this.

7.17 The Parish Council has requested that the dwellings are ‘carbon neutral’ and that these should be smaller dwellings. This is not something which can be stipulated

through the planning system. The only housing standards which can be applied are the recently introduced optional standards which can only be applied through a local plan. It is not currently possible to require additional housing standards above building regulations in respect of this application.

7.18 General design matters are covered locally by S16, this states that all development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional or contemporary design and materials. Whilst it is conceded that considerable work has been placed into the design of the proposal, it is considered that the difficulty for the proposal to integrate into the open countryside location of the proposal, means that the proposal fails to take account of local character.

7.19 Embleton Parish Council have commented on the design of the proposal, and have commented that the proposal is not in constructed of similar materials to that of the reset of the village, whilst this is understood, it is not considered that there is any one particular architectural style, or vernacular architecture of development in the village, and that this in itself is not sufficient enough to warrant refusal, given the NPPF paragraph 60 stating that “decisions should not attempt to impose architectural styles or particular tastes”.

Impact on neighbour amenity

7.20 NPPF Paragraph 17 requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 requires that planning decisions should aim to avoid impacts on health and quality of life. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. The relevant local policy in relation to this is B8 of the ADWLP, and accompanying Appendix A (design and layout of new dwellings).

7.21 The proposal is on land to the west of the village, the nearest residential properties would be those, opposite the site, across Station Road, with the properties in the proposal set back from Station Road. Whilst it is acknowledged that the proposal seeks residential development on a site that has a current agricultural use and that the proposed development has the potential to impact on neighbour amenity more than that experienced presently. However, it is considered that the proposals would not have an adverse impact on the living conditions of existing residential neighbours, or future occupants in terms of loss of privacy or overlooking, loss of light, outlook or have any overbearing impact because of the separation distances achieved.

7.22 In the context of the above, the proposals are not considered to be in conflict with Part 11 of the NPPF.

Impact on Heritage Assets

7.23 The NPPF, ADWLP and the ACS seek to protect heritage assets within the plan area. The proposal site is located adjacent to the southwest boundary of the Embleton Conservation Area. The location of the development site adjoins the conservation area where it meets a junction at Station Road and Merton Cottages.

Three of the seven proposed dwellings would be located directly across Station Road from the conservation area boundary.

7.24 It is considered that the development of 7 dwellings would change the views to/from this section of the Conservation Area, similar views already exist when viewed to the north of the site, which includes the mid 20th century expansion of the village. As mentioned, a large section of the field where the proposed development would be sited would be retained, along with the existing stone wall fronting Station Road. The rural backdrop through to open rural scenery would also remain visible.

7.25 It is considered that based on plans, site inspection and the heritage statement submitted with the application that the development proposed would have a minor visual effect on the setting of the Conservation Area. The site lies in a location where the development would be visible from specific viewpoints, but would not impact on the character and significance of any listed buildings or the Conservation Area.

7.26 The proposed development site adjoins the boundary of the southwest side of the Embleton Conservation Area. It is considered that the proposal would not impact or harm the setting of the Conservation Area or listed buildings within the vicinity as per the comments from the Building Conservation Officer. It is therefore considered that the proposal is compliant with policy S15 and the relevant elements of the NPPF.

7.27 In terms of impact on archaeological heritage assets, the application is supported by an archaeological desk-based assessment and a further report summarising the results of the archaeological evaluation undertaken. This identifies that no significant archaeological features or deposits were identified. The exercise further identified that the much of the site had been subject to landscaping and intrusive earthworks/ground reduction. The County Archaeologist has confirmed following this additional work, they have no objections and that the activities referred to above will have truncated or removed any archaeological features that may have been present and therefore no further archaeological work is required. The proposal is therefore acceptable in terms of impact on archaeological heritage assets.

Highways Matters

7.28 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.29 Policy S11 of the ACS is the key policy in relation to accessibility and maximising accessibility and minimising the impact from travel, and therefore the key local policy in determining whether the proposal is acceptable from a highways standpoint, alongside relevant national policy. Due to the scale of the proposal it is not deemed appropriate to require a transport statement/assessment. In terms of accessibility, the site has access to bus stops (approximately 230m from the site), which provides the nearby town centre of Alnwick approximately 10 miles away. The nearest first school to the site is approximately 200m from the site, with Embleton Post office situated approximately 275m from the site, offering local amenities.

7.30 In terms of road safety, the traffic expected to be generated from the proposed development is not considered to have a harmful impact on the highway network, however, it has been requested that details of boundary treatment of no higher than

600mm is required to ensure no obstruction to visibility across site frontage. It is considered that this is appropriate to condition.

7.31 In terms of parking, it is considered that the details provided are acceptable, this will allow vehicles to manoeuvre safely within the site. This is also considered to be the case in respect of cycle parking.

7.32 In terms of Highway works, the applicant proposes to install 2 accesses from Station Road, to the proposed dwellings; this will require the applicant to enter into a s184 agreement before works to the proposed accesses can commence. These will be required to meet NCC Type 'A' specification.

7.33 With regards refuse storage and servicing, the proposals submitted have been considered to be acceptable. From a highways standpoint, lighting is not considered to be applicable in this instance.

7.34 To summarise the above, subject to conditions suggested by Highways Development Management, the proposal is considered acceptable in highway terms

7.35 Comments have been received from the Parish Council regarding highways matters and construction traffic, however, following consultation with the relevant highways consultees, these matters have not been considered significant enough as to warrant refusal on these grounds.

Ecology

7.36 NPPF, Part 11, Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by, minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.

7.37 The application is located on the edge of a built area bordering onto open countryside beyond. The site is located within close proximity to a number of designated sites and Local Wildlife Site with the proposal as residential development having potential to affect them. The application has been submitted with an Ecology Survey which has been subject to assessment in consultation with the County Ecologist and Natural England.

S3 of the ACS sets out sustainability criteria one of which is that there would be no significant adverse effects the natural resources, environment, biodiversity and geodiversity of the district.

S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.

7.38 The County Ecologist has raised no objection on issues relating to on-site impacts subject to signing up to the Coastal Mitigation Scheme, and providing the proposed on site dog walking area on included in the proposal. As set out within the Coastal Mitigation section of the appraisal, the applicant has agreed to enter into a legal agreement with the Local Planning Authority to pay into the Council's Coastal

Mitigation Service which would mitigate the off-site impacts associated with the proposal.

7.39 Therefore the on-site ecological impacts arising from the proposal can be suitably mitigated in accordance with S12 of the ACS and the NPPF.

Coastal Mitigation

7.40 The site lies within 10km of Northumbria Coast Special Protection Area (SPA) / Ramsar sites, Northumberland Marine SPA, North Northumberland Dunes SAC and Berwickshire and North Northumberland Coast SAC which are internationally designated sites as well as further nationally designated sites which are; Northumberland Shore SSSI, Howick to Seaton Point SSSI, Alnmouth Saltmarsh and Dunes SSSI, Warkworth Dunes & Saltmarsh SSSI, Castle Point to Cullernose Point SSSI.

7.41 When developers apply for planning permission for new residential or tourism development within the coastal zone of influence, the local planning authority, as competent authority, is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone or in combination with other projects.

S23 of the ACS sets out that where a planning obligation is necessary to make an application acceptable in planning terms, the district council will request a developer to sign a legal agreement to provide in kind and / or make a contribution towards the provision or improvement of physical or social infrastructure or local environmental improvements necessitated by the development or to provide affordable housing to meet housing need.

Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

7.42 There is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.

7.43 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.

7.44 The applicant has agreed to pay a contribution of £600 per residential dwelling for coastal wardening work (based on a 6-month occupancy), secured by s106 legal agreement. From this, the Council has completed a Habitats Regulations Assessment concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any SSSIs. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation.

7.45 From this, the off-site ecological impacts of the development on designated sites can be suitably addressed.

Impact on the Public Right of Way

7.46 The site is bisected by a public right of way (Public Footpath 13), this projects westwards from Station Road from Embleton, and towards Christon Bank.

7.47 The proposal will impact the route of a Public Right of Way, seeking its diversion. The Public Rights of Way Officer has no objections to the proposal, subject to conditions relating to the diversion of this route, and works impacting on this route should be applied to the grant of planning permission. The applicant would need to discuss specifications for the new route prior to an application for a path diversion order being made. It is also requested that no action should be taken to disturb the path surface, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or diversion order having been made, confirmed and an acceptable alternative route provided. without prior consent from the Highway Authority. Should Members be minded to approve the application conditions relating to the diversion of the Public Right of Way would need to be imposed.

Drainage

7.48 Consultation has taken place in relation to drainage and foul sewage with Northumbrian Water (NWL) and the council's Lead Local Flood Authority Officer (LLFA), and the relevant local plan policy is policy CD37 of the ADWLP.

7.49 There are no objections from from the relevant bodies in relation to this matter, despite the dwellings being located in a surface water flow route. In relation to this matter it is suggested that a condition managing this matter is applied to any grant of planning permission, along with an informative relating to areas of hard standing.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.36 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.37 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.38 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 On the basis of the above assessment, although Embleton is acceptable location for new housing development in principle, it is considered that the proposal would be contrary to both national and local planning policies. The proposal would form an incursion into the Open Countryside, which would fail to "recognise the intrinsic character and beauty of the countryside". Further to this, the proposal would impact upon open views over the surrounding countryside which are afforded from the site. It is therefore considered that the impact the proposal will have on the surrounding landscape and environmental character would be considerable. The proposal is therefore deemed to fail the environmental strand of the NPPF paragraph 7 and is therefore not considered to form sustainable development in this context. There are no material considerations that indicate a decision should be made otherwise.

9. Recommendation

That this application be refused subject to the following:

Conditions/Reason

1. The proposal forms and incursion into the open countryside and fails to recognise the intrinsic character and beauty of the countryside and is therefore contrary to paragraph 17 of the NPPF. It does not comply with policy S14 of the Alnwick Core Strategy as the proposal is not essential to support farming and other countryside-based activity and also fails to support the conservation and enhancement of the countryside.
2. The proposal fails to protect and enhance the distinctive landscape character of Embleton and the wider former district of Alnwick. This proposal is therefore contrary to Policy S13 of Alnwick Core Strategy and Paragraph 17 of the NPPF.

Date of Report: 06.06.2018

Background Papers: Planning application file(s) 18/01014/FUL