

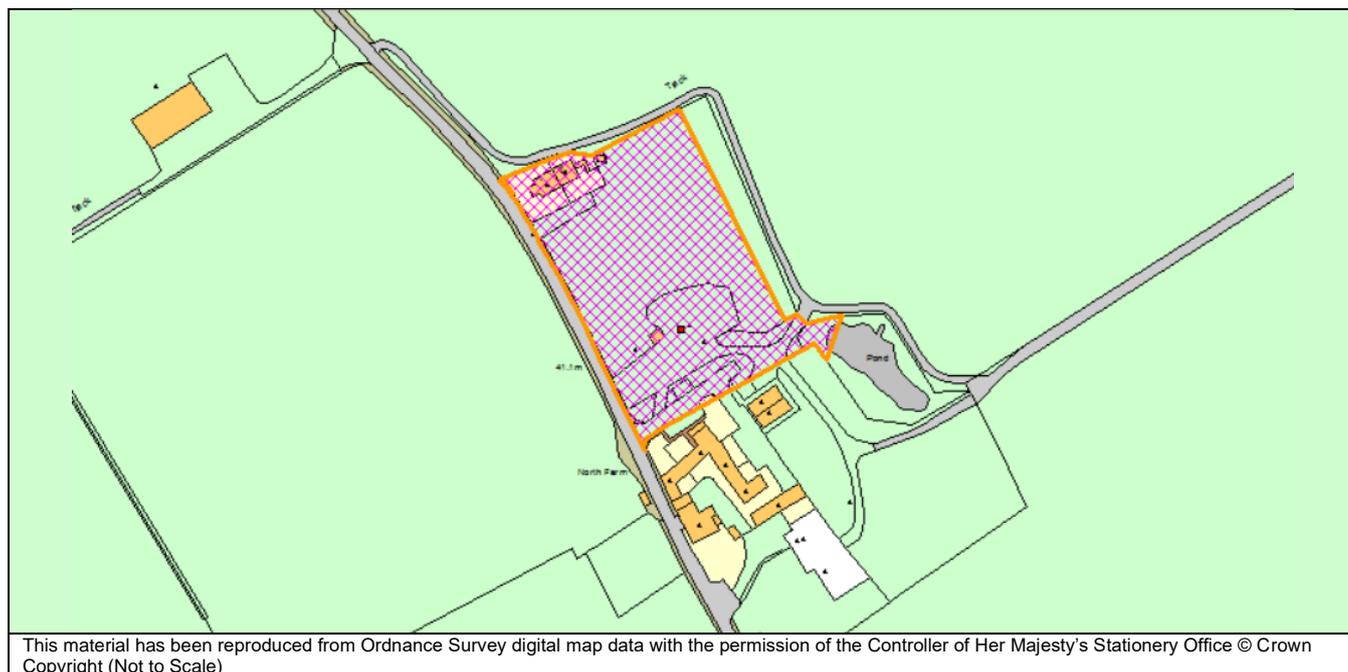


Northumberland County Council

North Northumberland Local Area Council 18th February 2021

Application No:	20/03155/FUL		
Proposal:	6no. tourism units with associated access, parking and amenity space		
Site Address	Land North Of North Farm, Embleton, Alnwick, Northumberland NE66 3DX		
Applicant:	Mr R Manners North Farm Holiday Cottages, Embleton, NE66 3DX,	Agent:	Miss Hannah Wafer 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Longhoughton	Parish	Embleton
Valid Date:	25 September 2020	Expiry Date:	29 January 2021
Case Officer Details:	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



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1. Introduction

This application falls to be determined by the North Northumberland Local Area Council following receipt of a valid objection from Embleton Parish Council. The application has been reviewed by the Director of Planning and the Committee Chairs who considered that it that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application seeks planning permission for the erection of 6no tourism units with associated access, parking and amenity space on land at North Farm, Embleton. It has also been proposed by the applicant that their client would be willing to enter into a S106 agreement to quash an existing extant permission on a separate part of the site for the siting of 9no caravans (19/00510/COU) if this application were to be approved.

2.2 The proposed tourism units would be single storey constructed with stone facing walls under slate dual pitched roofs, reflective of the existing North Farm development. They would each have 2no beds and would be arranged in a predominantly linear form, acting as infill development, with 5no semi-detached units in 2no blocks along the highway frontage and a single unit against the northern boundary of the site to the east of the existing farm cottages. The cottages would be accessed via a footpath from the existing car park to the south,

2.3 North Farm holiday complex lies approximately 500 metres north of Embleton in open countryside. The application site is located immediately to the north of North Farm and would occupy an area of mown grass pasture with the existing holiday complex and farm house to the south and 2no former farm cottages to the north. The site is bound to the west by the B1339 public highway, from which the site is served by an existing vehicular access, with agricultural fields beyond and to the east by further agricultural fields which extend to the coast approximately 1.5km away.

2.4 Site constraints include;

Northumberland Coast AONB.
Coal Authority Low Risk Area,
Natural England IRZ,
Coastal Mitigation,
Heritage Coast.

3. Planning History

Reference Number: 16/00806/FUL

Description: Construction of 2no.holiday apartments over gymnasium/pool leisure facility

Status: Permitted

Reference Number: 18/01328/ELEGDO

Description: Erection of a new pole with upgraded transformer

Status: No Objection

4. Consultee Responses

County Ecologist	Further information required in respect of protected species and potential impact on nearby habitats
County Ecologist (reconsult)	No objections to the proposals on ecological grounds are raised on condition that the avoidance, mitigation and enhancement measures detailed in the report are carried out in

	full. Condition in respect of ecological mitigation and contribution to coastal mitigation service requested.
Embleton Parish Council	Objects. The site falls outside of the settlement boundary stated within the Embleton Parish Neighbourhood Plan, the dwellings are intended for non-permanent residence and the site is within the AONB
Highways	The proposal is in accordance with the NPPF in highways terms, and the principle of development acceptable. There are no recommended amendments to the scheme to set out. The imposition of conditions and informatives with regards to car parking and the impacts during the construction phase will address any concerns with the proposed development.
Lead Local Flood Authority (LLFA)	No comment
Natural England	No objection subject to appropriate mitigation
Northumberland Coast AONB	Whilst the economic benefits of the proposal are acknowledged, on balance, the AONB Partnership objects to the proposal on the grounds of negative impact on the special qualities of landscape, historic environment and tranquility of the AONB.
Public Protection	No objection subject to conditions and informatives
Tourism, Leisure & Culture	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	1
Number of Support	29
Number of General Comments	0

Notices

General site notice, posted 3rd November 2020
No Press Notice Required.

Summary of Responses:

30no representations received, 29no in support and 1no objection.

The supporting representations include 27no signed copies of a proforma letter highlighting the direct and indirect economic benefits of the proposal, that the scheme would be in keeping with the existing development, that sustainable rural tourism is in line with the emerging Neighbourhood Plan and that there is need for this type of accommodation in the area.

The remaining 2no letters of support highlight similar factors.

The letter of objection received agrees with the AONB Partnership's assessment that the development would effectively create a mini-settlement in an unsustainable position well outside the settlement boundary of Embleton. It would also impact on the open character of the countryside.

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=QH64KBQSJ0S00>

6. Planning Policy

6.1 Development Plan Policy

Alnwick LDF Core Strategy (2007)

S1 Location and scale of new development
S2 The sequential approach to development

S3 Sustainability criteria
S10 Tourism development
S11 Locating development to maximise accessibility and minimise impact from travel
S12 Protecting and enhancing biodiversity and geodiversity
S13 Landscape character
S14 Development in the open countryside
S16 General design principles

Alnwick District Wide Local Plan (1997)

BE8 Design in new residential developments and extensions (and Appendix A and B)
CD32 Controlling development that is detrimental to the environment and residential amenity
RE16 Protection of the AONB
TT5 Controlling car parking provision (and Appendix E)

6.2 National Planning Policy

National Planning Policy Framework (2019)

Planning Practice Guidance (2019, as updated)

6.3 Emerging Planning Policies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications as submitted 29th May 2019

STP 1 Spatial strategy (Strategic Policy)
STP 2 Presumption in favour of sustainable development (Strategic Policy)
STP 3 Principles of sustainable development (Strategic Policy)
ECN 15 Tourism and visitor development
QOP 1 Design Principles (Strategic Policy)
QOP 2 Good Design and Amenity

TRA 1 Promoting Sustainable Connections (Strategic Policy)
TRA 2 Effects of Development on the Transport Network
TRA 4 Parking Provision in New Development
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 Biodiversity and Geodiversity
ENV 4 Tranquillity, dark skies and a sense of rurality
ENV 5 Northumberland Coast AONB
WAT 2 Water supply and sewerage
POL 3 Agricultural land quality
INF 6 Planning obligations

Embleton Neighbourhood Plan - Referendum Version April 2020

Policy 1 Sustainable Development
Policy 2 Landscapes and Seascapes
Policy 3 Habitats and Species
Policy 4 High Quality and Sustainable Design

6.4 Other Documents/Strategies

AONB Management Plan 2020-2024

AONB Design Guide for the Built Environment

National Design Guide (2019)

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

Principle of Development,
Conclusion
Scale, Design & Visual Impact,
Amenity,
Highways,
AONB,
Ecology, and
Coastal Mitigation.

Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development. However, the presumption in favour of sustainable development is restricted by Paragraph 172 of the NPPF, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in

Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.3 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the saved policies of the Alnwick LDF Core Strategy (2007) (ACS) and the saved policies of the Alnwick Local Plan (1997) (ALP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) and proposed minor modifications was submitted for examination on 29th May 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage.

7.5 Embleton Parish is a designated Neighbourhood Area. A Neighbourhood Plan has been prepared and is at referendum stage. The referendum version of the plan should therefore be given significant weight in decision-making so far as material to the application.

7.6 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. Embleton is identified in Policy S1 as a Sustainable Village Centre, where development will be permitted that is well related to the scale and function of the settlement. However, the application site is approximately 500 metres north of the village and is therefore in 'The Countryside' for the purposes of Policy S1, where development should be restricted to the reuse of existing buildings.

7.7 Policy S14 seeks to ensure that development in the open countryside is likely to be sustainable in the context of Policy S3 and will support existing farming or other countryside based businesses, will promote recreation and support the retention of sustainable communities. Policy S10 of the ACS relates to tourism development and states that proposals for new built cultural and tourism development must be in or adjacent to the rural service centres, sustainable village centres and local needs centres. It also states that tourism development in the open countryside will be considered against policy S14.

7.8 This approach does not entirely accord with the NPPF as paragraph 83 intends to allow rural businesses to expand and does not specify the degree of isolation, the scale or the use or form of any new building. Paragraph 79 only seeks to prevent housing in open countryside locations but of course, even for houses, less isolated sites have been challenged.

7.9 It is accepted that the location is not isolated, being less than 1km from the services in Embleton but it is clearly open countryside.

7.10 The emerging Local Plan classifies Embleton as a service village – a third tier settlement as with the ACS. While STP 1 is the subject of many unresolved objections, the position of Embleton on the hierarchy is not.

7.11 The Embleton Neighbourhood Plan carries significant weight, having been through Examination and approaching Referendum. This establishes a settlement boundary for the village through Policy 1, which goes on to state that land outside these defined settlement boundaries will be treated as countryside. There is then a list of types of development that may be supported outside defined settlement boundaries subject to relevant policies elsewhere. These include *'the sustainable growth and expansion of all types of business ... through ... well-designed new buildings'*, *'sustainable rural tourism and leisure developments which respect the character of the countryside'*. *The Policy goes on to make clear that 'any development proposed in the countryside to meet local business and community needs must be sensitive to its surroundings, must not have an unacceptable impact on local roads and must demonstrate how all opportunities have been taken to make the location of the development more sustainable including through improving the scope for access on foot, by cycling or by public transport.'* The Policy then refers to limitations on major development in the AONB, (which the site is just within); however, the proposal does not breach this threshold.

7.12 While this Policy allows scope for a development such as this, at least in principle, the emerging Northumberland Local Plan (Policy ECN 15 parts 2c and 2d) presumes against the development of new build, permanent buildings for holiday accommodation of any sort in the countryside unless small scale and part of a recognised village or hamlet. There can be exceptions if the buildings concerned demonstrably improve and diversify the County's tourist offer and/or clearly provide necessary accommodation along an established tourist route and are located as close as is practicable to existing development.

7.13 It is accepted that the proposal is on an established tourist route (the coastal route) and is next to other buildings. However, in terms of its scale, the proposal would double the building footprint and would not be well related to the form of the buildings. The existence of the lone cottage to the north does not automatically make this an infill site.

7.14 One of the purposes of Policy ECN 15 parts 2c and 2d, is to avoid the situation where permanent buildings that have a form similar to a dwelling houses and therefore the potential to become permanent residence homes, (albeit that they begin as tourist accommodation), are sited in a rural location that would be inappropriate for housing.

Conclusion

7.15 Embleton is a service village where additional development is appropriate. However, the development plan, as tempered by the NPPF and emerging plans, is clear that the site is open countryside, where the scale and type of development that can be permitted is much more limited than it would be, were the site to be part of the village.

7.16 Notwithstanding the intended traditional design of the proposed buildings, their form is of small bungalows that could, one day become permanent residences. Policy seeks to discourage development of tourism accommodation in open countryside to prevent a situation where a change of use to permanent housing may be sought at a later date.

7.17 The site's open countryside and AONB location must be balanced against the potential benefits for the visitor economy that include the potential to sustain an existing business and add to accommodation along a popular tourist route. These matters will be considered in detail later in the report.

Scale, Design & Visual Impact

7.18 Policy S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment, having regard to their layout, scale and appearance. Policy S13 of the same document requires all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the former district. Under this policy, all proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area.

7.19 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.20 The proposed development would significantly expand the built form of the North Farm complex and whilst it is recognised that the development of the paddock would be the natural area in which to extend the steading, it would have the effect of turning what is recognisable as a former farm steading into something more akin to a small settlement, albeit one used for holiday accommodation. The design of the proposed cottages is such that they would be in keeping with their surroundings, however the scale of the proposal is such that the visual appearance of the development would be significantly altered. The development would therefore be contrary to Policy S16 of the ACS and the NPPF in this respect.

7.21 Policy 4 of the emerging Embleton NP seeks to ensure that local context and character are respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping, means of enclosure and safe access. As above, the scale of the proposal would be contrary to Policy 4,

7.22 Policy QOP 1 of the emerging NLP seeks to support development which respects its surroundings. Policy ENV 1 of the same document states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. The proposal is considered to be in general accordance with these policies, however little weight can be attributed to them at this time.

Amenity

7.23 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.24 Due to the site's location, it is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light,

outlook, overbearing or privacy. As such the proposal is considered to be in accordance with the NPPF in this respect.

7.25 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

Highways

7.26 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated. Saved Policy TT5 and Appendix E of the ALP set out car parking standards for new development.

7.27 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.28 The Local Highway Authority responded to consultation raising no objections subject to conditions and informatives. As such the proposal is found to be in accordance with highways policy in this respect.

7.29 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy.

AONB

7.30 The application site falls within the Northumberland Coast AONB and as such due consideration must be given to this designated area.

7.31 Policy RE16 of the ALP states that planning permission will not normally be granted for development which would adversely affect the AONB.

7.32 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.33 The AONB Partnership responded to consultation raising concerns about the proposed development. It is noted that the style of the units proposed fit relatively well with the vernacular architecture of the area and use the same materials as the existing new-build units and historic core of the farm, however the proposal is considered harmful to the character and appearance of North Farm and the wider landscape, because of its siting and layout, and the cumulative number of tourism units at the farm. With the loss of the paddock and an additional six pastiche cottages, North Farm will appear as an incongruous and overly large settlement that dominates this part of the landscape due to its elevated position and position adjacent to the road. The proposal would have a detrimental impact on the character and appearance of the site and the surrounding area and would therefore not accord with the aims of conserving the natural beauty of the AONB. Accordingly, it is

considered that the proposed development would harm the character and appearance of the AONB and would be contrary to Policy RE16 of the ALP and the NPPF in this respect.

7.34 Policy 4 of the emerging NP states that development proposals that fail to take opportunities for improving the character and quality of the area will not be supported. Furthermore, for areas within the AONB, this will include incorporating the principles contained in the most recent version of the Northumberland Coast AONB Design Guide. The Design Guide states that 'In order to conserve the diversity and distinctiveness of the coastal environment, inappropriate development should be resisted. It goes on to say that it is equally important to ensure that new development is of suitable scale, well designed and relates well to the coastal landscape setting'. As noted above, the scale of the proposed development is excessive and therefore would not be in accordance with Policy 4 of the emerging NP.

7.35 Policy ENV5 of the emerging NLP seeks to ensure that the special qualities of the AONB will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance. The proposal is not considered to be in accordance with this, however little weight can currently be given to this policy.

7.36 It is acknowledged that the proposal will bring benefits for the visitor economy that include the potential to sustain an existing business and to add accommodation along a popular tourist route, however, the site is located in the AONB and in the open countryside and it is not considered that these benefits are sufficient to outweigh the harm caused by the proposed development.

Ecology

7.36 Policy S12 of the ACS states that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the area.

7.37 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.38 The County Ecologist responded to initial consultation requesting additional information. Following receipt of this information no objections are raised to the proposals on ecological grounds on condition that the avoidance, mitigation and enhancement measures detailed in the report are carried out in full. On this basis the proposal is acceptable and in accordance with Policy S12 of the ACS and the NPPF in this respect.

7.39 Policy ENV2 of the emerging Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy.

Coastal Mitigation

7.40 When developers apply for planning permission for new residential 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.

7.41 Due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service (paid on occupation of the first unit) which will be used to fund coastal wardens who will provide the necessary mitigation.

7.42 The contribution per unit in this location would be £615 however this may be reduced for holiday accommodation based on average occupancy rates and how many months of the year the accommodation is made available for let. In this instance, the applicant has agreed to pay a contribution towards the Coastal Mitigation Scheme and the proposal is therefore acceptable in this respect, however as this agreement has not been signed, it is included below as a refusal reason.

Other Matters

7.43 The comments made in the representations received and those from the Parish Council are noted and have been addressed accordingly.

7.44 The applicant's offer to enter into a S106 agreement to quash the existing permission for caravans on the site is noted, however, as the application is being recommended for refusal the S106 has not been pursued. Should Members wish to approve the application then they may wish to enter into a S106 to quash the extant permission.

Equality Duty

7.45 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

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

Human Rights Act Implications

7.47 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.

7.48 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.

7.49 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 It is acknowledged that the proposal will bring benefits for the visitor economy that include the potential to sustain an existing business and to add accommodation along a popular tourist route, however, the site is located in the AONB and open countryside and it is not considered that these benefits are sufficient to outweigh the harm caused by the proposed development.

The proposal would be contrary to both national and local planning policies and as such is being recommended for refusal.

9. Recommendation

9.1 That this application be REFUSED permission subject to the following:

Conditions/Reason

1. Impact on AONB

By virtue of its scale, form and positioning, the proposed development would have a detrimental impact upon the Northumberland Coast Area of Outstanding Natural Beauty and is therefore not in accordance with Policy RE16 of the Alnwick District Wide Local Plan or Paragraph 170 of the NPPF.

2. Visual Impact

The proposed development, by virtue of its location and setting would erode the rural character of the site and its surroundings, contrary to Policy S16 of the Alnwick LDF Core Strategy.

3. Coastal Mitigation

In the absence of suitable mitigation to address recreational disturbance, this proposal would have an adverse effect on the integrity of the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC. Accordingly, granting planning permission would be contrary to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Background Papers: Planning application file(s) 20/03155/FUL