



Northumberland County Council

North Northumberland Local Area Council 23rd September 2021

Application No:	21/02608/VARYCO		
Proposal:	Variation of condition 2 (approved plans) on approved application 20/03155/FUL to allow changes to layout and design		
Site Address	Land North Of North Farm, Embleton, Alnwick, Northumberland NE66 3DX		
Applicant:	Mr R Manners C/O Agent, North Farm Holiday Cottages, Embleton, NE66 3DX	Agent:	Miss Hannah Wafer 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Longhoughton	Parish	Embleton
Valid Date:	15 July 2021	Expiry Date:	30 September 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 GRANTED permission.



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 This application falls to be determined by the North Northumberland Local Area Council planning committee following receipt of a call in request from the Local Ward Councillor. The application has been reviewed by the Director of Planning and the

Committee Chairs who considered that it that it does raise issues of wider community interest, local member request and AONB issues and should therefore be referred to the NNLAC.

2. Description of the Proposals

2.1 An application has been made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 (approved plans) on approved application 20/03155/FUL which was approved on 11th June 2021.

2.2 Permission is now sought to allow amendments to the proposed layout and design of the approved holiday lets following the completion of a detailed site survey, with the revised layout responding better to the topography of the site. Due to a drafting error in the original plans it has been identified that the paddock between North Farm Cottages and the existing carpark / site entrance / swimming pool building is c.60m in length (approximately 12-15 metres shorter than originally thought). The proposed amendments to the layout would relocate and reorientate the 5no tourism units fronting the road to fit into the paddock, with units 1-3 no longer following the line of the road.

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 farmhouse 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: 20/03155/FUL

Description: 6no. tourism units with associated access, parking and amenity space

Status: Permitted

Reference Number: 21/03172/DISCON

Description: Discharge of conditions 4(contamination), 7(Ground Gases Protection Measures), 9(ecology report),10(Protection of Trees and Hedgrows), 11(Landscaping Plan) and 15(Finished Floor Levels) on approved application 20/03155/FUL.

Status: Invalid

4. Consultee Responses

Embleton Parish Council	Embleton Parish Council has no objection and supports the application
Tourism, Leisure & Culture	No response received.
Highways	No issues arising
County Ecologist	The proposed changes do not impact on the interest features or the conditions relating to consent 20/03155/FUL. Therefore, no objection on ecological grounds.
Natural England	No comment
Planning Strategy	No response received.
Longhoughton Ward	No response received.
Public Protection	No objection
Northumberland Coast AONB	The AONB Partnership does not support the proposal. 21/02608/VARYCO does not meet Objectives Two to Five of the AONB's Management Plan, in particular Policies 2.1, 3.1, 3.2, 3.5, 4.2 and 5.2.
Lead Local Flood Authority (LLFA)	No comment

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	43
Number of Objections	0
Number of Support	1
Number of General Comments	0

Notices

General site notice, posted 20th August 2021

No Press Notice Required.

Summary of Responses:

1 no letter of support received stating that the proposed development will be of a high quality and in keeping with the existing development.

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=QVF0CYQSHHP00>

6. Planning Policy

6.1 Development Plan Policy

Embleton Neighbourhood Plan (2021)

Policy 1 Sustainable Development
Policy 2 Landscapes and Seascapes
Policy 4 High Quality and Sustainable Design
Policy 9 Business, Employment and Tourism

Alnwick LDF Core Strategy (2007)

S16 General design principles

Alnwick District Wide Local Plan (1997)

BE8 Design in new residential developments and extensions (and Appendix A and B)

RE16 Protection of the AONB

6.2 National Planning Policy

National Planning Policy Framework (2021)

Planning Practice Guidance (2019, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

ECN 15 Tourism and visitor development
QOP 1 Design Principles (Strategic Policy)
QOP 2 Good Design and Amenity
INF 6 Planning Obligations

6.4 Other Documents/Strategies

National Design Guide (2019)

Northumberland Coast AONB Management Plan 2020-2024

Northumberland Coast AONB Design Guide

7. Appraisal

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

Design
Amenity
Impact on AONB
Legal Agreement

7.2 The principle of development has already been established through the granting of planning permission reference 20/03155/FUL. Other technical matters have been satisfactorily addressed through the assessment of that application and therefore do not need to be revisited here, however, since the granting of the original planning permission, the Embleton Neighbourhood Plan (ENP) has been "Made" and now attracts full weight in the determination of planning applications.

7.3 The key policies within the Neighbourhood Plan in respect of this proposal are set out above and it is considered that the proposals are generally in accordance with them. The requirement for a Visual Impact Assessment, as set out in Policy 9, would appear to be onerous in this instance given the application seeks only minor amendments to an already approved scheme and at this stage would therefore be excessive. The extant permission represents a fallback position and is therefore a material consideration in the determination of this application.

Design

7.4 Policy 4 of the ENP 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.

7.5 Policy S16 of the Alnwick LDF Core Strategy (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.

7.6 Paragraph 126 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.

7.7 The proposed changes to the design and layout of the approved scheme seek to rectify issues identified within the base plan of the approved document, whereby the base plan used does not accurately represent the location of the existing buildings. The submitted details are now based on an accurate topographical survey. The proposed units have been repositioned to reflect the revised base mapping and the southernmost (triple) unit has been reorientated to better respond to the topography of the site. The footprints of the double and triple units are also subject to minor revisions.

7.8 Notwithstanding the submitted details, all other aspects of the development are to remain as approved, including materials. It is considered the proposed amendments to the approved plans will not have a significantly greater impact on the site or surrounding area from that currently permitted and as such are acceptable in accordance with Policy 4 of the ENP, Policy S16 of the ACS and the NPPF.

7.9 Policy QOP 1 of the emerging Northumberland Local Plan (NLP) establishes design principles that ensure development supports health and wellbeing and enhances quality of life. The proposals are considered to be in accordance with this however only limited weight can currently be applied to it.

Amenity

7.10 Policy 4 of the ENP seeks to ensure that, in terms of the massing, height, scale and proximity, development proposals do not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

7.11 Policy CD32 of the ALP states that planning permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.

7.12 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.13 Due to the site location, it is considered that there would not be any substantive impacts on amenity resulting from the proposed amendments 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.

7.14 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.

Impact on AONB

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

7.16 Policy 2 of the ENP states that great weight will be given to the conservation of (these) local landscapes, the Heritage Coast and the scenic beauty of the coast, including views across the AONB to the coast from Embleton village and inland from the coast towards Embleton village.

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

7.18 Paragraph 176 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.

7.19 The AONB Partnership responded to consultation stating that they do not support the proposals as they do not meet Objectives Two to Five of the AONB's Management Plan. The reorientation of the units away from the road creates a curve of buildings from the swimming pool block up to the existing cottages which would diminish the approved layout.

7.20 The AONB Partnership's response to the substantive application stated that "whilst it is recognised 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, 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 an incongruous and overly large settlement that dominates this part of the landscape

due to its elevated position and adjacency to the road." The Partnership considers that the change in layout does not improve the approved design and fitting six units into the landscape in this way will appear even less authentic.

7.21 The Partnership's comments are noted, however the revised layout now proposed responds to the contours of the site in a way that the originally approved layout did not. Whilst the triple unit would no longer be in alignment with the road it is officer opinion that this would not have a significant impact upon the landscape and would be seen as a building which responds to its context. On this basis the proposals are acceptable, in accordance with Policy 4 of the ENP, Policy RE16 of the ALP and the NPPF.

7.22 Policy ENV 5 of the emerging NLP states that the special qualities of the Northumberland Coast AONB will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance. The proposals would not accord with this, however little weight can currently be applied to it.

Legal Agreement

7.23 The original application was approved subject to a S106 legal agreement securing a financial contribution to the Council's Coastal Mitigation Service and the agreement of the applicant not to implement a previous planning approval (19/0510/COU) which granted permission for caravans on a separate part of the site. This agreement includes a clause allowing it to be bound to future planning applications submitted under Sections 73 or 96a of the Town & Country Planning Act and therefore any approval of the application at hand would not need to be subject to a new legal agreement.

Equality Duty

7.24 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

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

Human Rights Act Implications

7.26 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.

7.27 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.

7.28 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 The proposal represents an appropriate form of development that would not have a significant adverse impact on the appearance of the property, the street scene, wider landscape or the amenity of nearby residents. It is therefore in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following;

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of approval of planning application reference 20/03155/FUL (11/06/21).

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following approved plans:

1. Drawing No ALN510583-01-A - Location Plan,
2. Drawing No ALN510583-02-A - Drainage Plan,
3. Drawing No 2020/906/11 - Proposed Plans and Elevations - Triple Unit,
4. Drawing No 2020/906/11a - Proposed Plans and Elevations - Double Unit,
5. Drawing No 2020/906/11b - Proposed Plans and Elevations - Single Unit.
6. Drawing No 2020/906/14b - Proposed Site Plan.

Reason: To ensure the development is carried out in accordance with the approved plans

03. Implementation of car parking area

The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

04. Contaminated Land Report to be submitted (pre-commencement)

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) If identified as being required following the completion of the desktop, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

c) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

05. Contamination Verification Report to be submitted

Prior to first occupation two full copies of a full closure (Verification Report) report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

06. Contamination not previously discovered.

If during development contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the end user.

07. Ground Gases Protection Measures.

No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties.

08. Validation and Verification of Ground Gas Protection.

The development hereby approved shall not be brought into use until a validation and verification report to the approved methodology in Condition 7, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to the health of the future occupiers.

09. Development in accordance with ecology report (pre-commencement)

The development hereby approved shall be carried out in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (ECOLOGICAL APPRAISAL NORTH FARM COTTAGE, EMBLETON, E3 Ecology Ltd., Version R02, Final, 9.12.20) including, but not restricted to,

adherence to precautionary working methods and an Amphibian Method Statement to be submitted to and agreed in writing with the Local Planning Authority before works commence;

adherence to external lighting recommendations and in accordance with Bats & Lighting in the UK Bat Conservation Trust/Institution of Lighting Professionals, 2018;

inclusion of 3No. in-built' bird nesting features and 3no. in-built bat roosting features into the structures of the new buildings with types and locations to be agreed in writing with the Local Planning Authority before the commencement of works above dpc level;

provision of 2no. amphibian refuge features in the vicinity of the pond and within the ownership/control of the applicant with types and locations to be agreed in writing with the Local Planning Authority;

any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;

an updating in season (April to September inclusive) ecological survey to be carried out in the event that works do not commence before the end of August 2022 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before works commence.

Reason: To maintain the favourable conservation status of protected species.

10. Protection of Trees and Hedgrows (pre-commencement)

The development hereby approved shall be carried out in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012 and a hedge protection plan to be submitted to the Local Planning Authority for approval in writing prior to the commencement of development and fully implemented as approved.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

11. Landscaping Plan to be submitted

Notwithstanding the approved plans, a detailed landscape planting plan, including the planting of locally native species of local provenance, shall be submitted to and agreed in writing by the Local Planning Authority with the planting to be fully implemented during the first full planting season (November March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

12. Nesting Birds

No removal of vegetation or hedgerow cutting shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law.

13. Protection of Priority Species

All new close boarded garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species.

14. Materials

The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy S16 of the Alnwick LDF Core Strategy and the NPPF.

15. Finished Floor Levels to be submitted

Notwithstanding the approved plans, no development shall take place above dpc level until full details of existing and proposed ground and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policy S16 of the Alnwick LDF Core Strategy and the NPPF.

16. Holiday Use Restriction

The accommodation subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework

Background Papers: Planning application file(s) 21/02608/VARYCO