

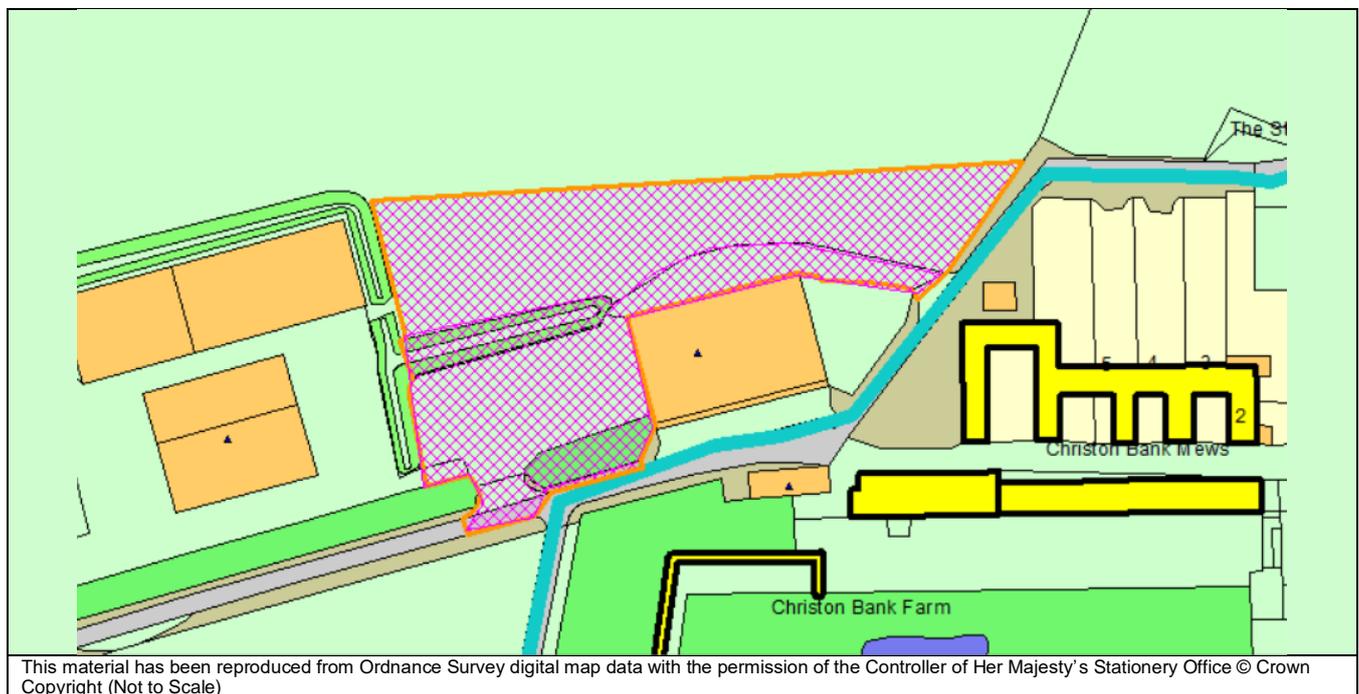


Northumberland County Council

North Northumberland Area Local Area Council 20th January 2022

Application No:	21/02382/OUT		
Proposal:	Outline application with all matters reserved for the demolition of an existing building and redevelopment with up to 5No residential properties		
Site Address	Christon Bank Farm, Christon Bank, Alnwick, Northumberland NE66 3EZ		
Applicant:	Mr R Jeffreys C / O George F White, 4 - 6 Market Street, Alnwick, NE661TL	Agent:	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Longhoughton	Parish	Embleton
Valid Date:	3 August 2021	Expiry Date:	28 January 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council (NNLAC) following receipt of an objection from the Parish Council. The previous application was also reported to NNLAC. The application has been reviewed by the Director of Planning and the Chair and Vice Chair of the committee and it was resolved that it should be determined by NNLAC.

1.2 The application represents a resubmission of an earlier scheme (18/02965/OUT) which was approved by committee in April 2019 (against officer recommendation). Whilst the principle is established for part of the site, the red line boundary has been amended to remove the existing agricultural building thereby providing more separation distance between the proposed new builds and the listed farm buildings to the south and west, however, the site now encroaches into the field to the north as a result.

2. Description of the Proposals

2.1 Outline planning permission with all matters reserved is sought for the development of up to 5no residential dwellings on land at Christon Bank Farm, Christon Bank.

2.2 The application site comprises land to the north, north east and west of an existing agricultural building which is sited to the northwest of Christon Bank Farmhouse. The land comprises an area of compacted hard standing, which is used for storing cars and an area of agricultural field. It is located in open countryside approximately 400m south of Christon Bank village.

2.3 The site is bound to the north by agricultural fields, to the south by the above mentioned agricultural building with the farm access road beyond. This access road continues to the east to serve residential dwellings including the grade II listed Christon Bank Farmhouse and the separately listed (also at Grade II) Farm building group to the North of Christon Bank Farmhouse. To the west are buildings and land associated with Pringles Garage.

3. Planning History

Reference Number: 18/02965/OUT

Description: Outline application with all matters reserved for the demolition of an existing building and redevelopment with up to 5 no. residential properties

Status: Permitted

4. Consultee Responses

Building Conservation	With all matters reserved, it is not possible to assess whether any harm would result to the setting of the heritage assets identified and the level of any harm. Refuse - insufficient information has been submitted to allow proper assessment of impact on the setting of the listed buildings.
Embleton Parish Council	Objects. The site falls outside the Settlement Boundary as prescribed in the Embleton Neighbourhood Plan and, as it proposes 5 market value houses, cannot be considered as a rural exception development. Impacts on heritage assets, encroachment into open countryside. Christon Bank is not a Service Centre with nearest services (other than pub and church) at Embleton or Alnwick. If approved, must be for primary occupancy.
Countryside/ Rights Of Way	No objection to the proposed development provided Public Footpath No.12 is protected throughout. No action should be taken to disturb the path surface, without prior consent from

	ourselves as Highway Authority, 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.
County Ecologist	No objection subject to conditions and contribution to Coastal Mitigation Service
Natural England	No objection subject to appropriate mitigation
Highways	No objections subject to conditions and informatives
Public Protection	<p>The Environmental Protection Team do not object to the proposed development.</p> <p>The proposed development is similar to a previous application (18/02965/OUT) which was granted planning permission and to which the Environmental Protection Team did not object.</p> <p>Whilst the previous proposal and this one was originally was to demolish a 1960s steelframed agricultural building this has now been removed from the application and the steel-portal framed agricultural building no longer forms part of this application. This change does not alter the aspects of the development previously considered and still apply to the application as proposed.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting LBC and PROW, posted 20th August 2021

Press Notice - Northumberland Gazette, published 12th August 2021

Summary of Responses:

1no objection received from the CPRE stating that the site location in unsustainable and that the proposal does not accord with the Embleton Neighbourhood Plan, or the emerging Northumberland Local Plan.

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=QUJLWTQSH3Z00>

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 5 Settlement Boundaries for Embleton Village and Christon Bank
Policy 10 Principal Residence Housing

Alnwick LDF Core Strategy (2007)

S1 Location and scale of new development
S2 The sequential approach to development
S3 Sustainability criteria
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
S15 Protecting the built and historic environment
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
TT5 Controlling car parking provision (and Appendix E)

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)

STP 1 Spatial strategy (Strategic Policy)
STP 2 Presumption in favour of sustainable development (Strategic Policy)
STP 3 Principles of sustainable development (Strategic Policy)
STP 4 Climate change mitigation and adaptation (Strategic Policy)
STP 5 Health and wellbeing (Strategic Policy)
HOU 2 Provision of new residential development (Strategic Policy)
HOU 8 Isolated residential development in the open countryside
HOU 9 Residential development management
QOP 1 Design Principles (Strategic Policy)
QOP 2 Good Design and Amenity
QOP 4 Landscaping and trees
QOP 5 Sustainable design and construction
QOP 6 Delivering well-designed places
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 3 Landscape
ENV 4 Tranquillity, dark skies and a sense of rurality
ENV 7 Historic environment and heritage assets
WAT 2 Water supply and sewerage
WAT 4 Sustainable Drainage Systems
POL 1 Unstable and contaminated land
POL 2 Pollution and air, soil and water quality
POL 3 Agricultural land quality
INF 6 Planning obligations

6.4 Other Documents/Strategies

National Design Guide (2019)

The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) (2017)

Planning (Listed Buildings and Conservation Areas) Act 1990

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,
Emerging Policy,
Impact on Character of Area
Scale, Design & Visual Impact,
Amenity,
Highways,
Heritage Assets,
Ecology,
Public Protection, and
Planning Obligations.

Principle of the development

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. 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.

7.3 Paragraph 219 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 comprises the policies of the

Embleton Neighbourhood Plan (2021) (ENP), the policies of the Alnwick LDF Core Strategy (2007) (ACS) and the saved policies of the Alnwick District Wide 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 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. Christon Bank is recognised in Policy S1 as a 'Local Needs Centre', which is defined as a settlement with: 'limited services, or which are peripherally located in relation to employment and transport' and states that development in these centres will be restricted to that satisfying local needs only. However the application site is approximately 400 metres south of the village (and outside of the settlement boundary defined by Policy 5 of the ENP) and is therefore in The Countryside for the purposes of Policy S1, where development should be restricted to the reuse of existing buildings.

7.5 Policy S2 sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However, limited weight can be attached to this policy as the NPPF, whilst encouraging the reuse of previously developed land, does not require a sequential test for this development type.

7.6 Policy S3 states that, prior to granting planning permission, the local planning authority should be satisfied that the following sustainability criteria are met;

- That the development is accessible to homes, jobs, shops, 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 or that additional capacity can be provided, without compromising sustainability objectives, in time to accommodate the development;
- Any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated;
- The potential implications of flood risk have been assessed having regard to the relevant flood zones, as defined by a strategic flood risk assessment;
- That there would be no significant adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets of the district;
- That new development in settlements would help to build communities by sustaining or providing community services and facilities, or through the provision of affordable housing to meet identified local need.

7.7 Policy S14 of the ACS 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.

7.8 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities.

7.9 The most up to date part of the development plan in this area is the Embleton Neighbourhood Plan (ENP), which has been adopted since the approval of the previous outline permission. Policy 1 of the ENP states that unless material considerations indicate otherwise, development will be supported which provides

new Principal Residence dwellings within the settlement boundaries of Embleton village and Christon Bank.

7.10 Policy 5 of the same document defines these settlement boundaries and goes on to state that all land outside the settlement boundaries is considered to be 'open countryside' for planning purposes. The supporting text to Policy 5 notes that the settlement boundaries are not intended to stifle development which could still make a positive contribution to sustainable communities in the Neighbourhood Area. This reflects the intention of national policy and guidance.

Although the site is not geographically remote, it is visually and physically distinct from the settlement of Christon Bank. Therefore, it is located where development plan policy restricts development.

The Embleton Neighbourhood Plan defines a settlement boundary drawn around the built up area of Christon Bank, with the site out with the settlement boundary and considered as being countryside as per the Embleton Neighbourhood Plan. The site would not be in a suitable location for new build residential development having regard to planning policy including the Embleton Neighbourhood Plan.

7.11 Further to the above policy context, it is noted that the site benefits (in part) from outline planning permission for residential development following the granting of application reference 18/018/02965/OUT. This application was referred to the NNLAC with a recommendation for refusal on grounds of sustainability, however, Members concluded that the site was suitable for development and the proposal was approved. This decision was made before the adoption of the Embleton Neighbourhood Plan, which is a strong material consideration in the determination of this planning application. However, it must also be acknowledged that extant permission exists on part of the site for residential development. The current application has an amended red line boundary resulting in removal of the existing agricultural building and inclusion of part of the field to the north of the approved site (which has not previously been developed). Approximately half of the new site already benefits from outline permission, however, the remainder of the site does not and it is not considered that this is of a sufficient justification to allow further encroachment into the countryside.

7.12 It is also noted there is existing housing development adjacent to the site, however, the proposed site is not located in a settlement and it is clear that neither the Embleton Neighbourhood Plan nor the Alnwick Core Strategy consider it to be a suitable place for new build development.

7.13 The site would not be in a suitable location for residential development having regard to development plan policy. The proposal would conflict with policies in the Embleton Neighbourhood Plan and the Alnwick Core Strategy. Significant weight is attached to this conflict. The proposal would also conflict with the NPPF.

Emerging Policy

7.14 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 (Regulation 19) (NLP) was submitted to the Secretary of State for the Ministry

of Housing, Communities and Local Government on 29 May 2019 and is currently going through the examination process.

7.15 On 9 June 2021 the Council published for consultation a Schedule of proposed Main Modifications to the draft Local Plan, which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation and the policies in the emerging plan are considered to be consistent with the NPPF.

7.16 The emerging NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) dependent upon whether Main Modifications are proposed and the extent and significance of unresolved objections.

7.17 Policy STP 1 of the emerging NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. The policy is subject to a proposed main modification, however the location of the application site within the open countryside is not in dispute.

7.18 Section g) of STP 1 states that development in the open countryside will be supported if it can be demonstrated that, amongst other criteria, it provides for residential development in accordance with Policies HOU 7 or HOU 8.

7.19 Policy HOU 7 relates to exception sites and is not relevant in this instance. Policy HOU 8 states that the development of isolated homes in the open countryside will only be supported where:

- a. There is an essential and clearly established need for a full-time rural worker necessary to meet the operational needs of a rural business to live permanently at or near their place of work in the countryside,
- b. It represents the optimal viable use of a heritage asset, or represents appropriate enabling development to secure the future of a heritage asset(s);
or
- c. It re-uses redundant or disused buildings and enhances its immediate setting;
or
- d. It involves the appropriate sub-division of an existing residential dwelling; or
- e. The design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards of architecture, and would help to raise the standards of design in rural areas, and it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

7.20 Given the existing development adjacent to the site it would be difficult to argue that the site is isolated for the purposes of Policy HOU 8. Criterion f) of STP 1 echoes paragraph 79 of the NPPF in stating that development in other settlements not identified as Main Towns, Service Centres, Service Villages or Small Villages will be limited to that within the built form of the settlement, and the conversion, extension or redevelopment of existing buildings unless it supports the sustainable growth of an existing business or the formation of a new business or provides for new or enhanced community facilities.

7.21 Criterion i) goes on to state that development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network and use previously developed land where opportunities exist.

7.22 As noted above, the application site is partly comprised of previously developed land, however approximately 50% of it is not. The proposed development would represent infill between the converted traditional farm buildings to the east and Pringle's garage to the west. It would not involve the reuse or conversion of existing buildings and would encroach into open agricultural land. Whilst five new dwellings in this location may go some way to supporting local businesses and facilities, it would not wholly accord with the emerging policy context.

Impact on Character of Area

7.23 The application site is located within an existing farm steading and is bound by built development to the three sides but bordering open countryside to the north. The site includes part of an open agricultural field which falls away gently towards Christon Bank approximately 400m to the north. Notwithstanding the proximity of the village, the site has a strong relationship with the open countryside beyond, following established field boundaries.

7.24 Policy S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district. Policy S14 requires that development in the open countryside is essential to support farming and other countryside-based activities, promotes recreation and supports the retention of sustainable communities or supports conservation and enhancement of the countryside. S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.

7.25 Policy 2 of the ENP states that development proposals within or affecting landscape character areas must demonstrate how they respect the features of the landscapes identified in the Northumberland Landscape Character Assessment (2010), including farmsteads of traditional vernacular architecture. Policy 4 of the same document 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.

7.26 Paragraph 130 of the NPPF are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.27 In wider landscape terms, the application site falls within an area of coastal farmland as set out in the Northumberland Landscape Character Assessment, (Character Type 5: Sandy Coastline). The area is characterised by a mix of arable and pastoral farmland, with varying field patterns interspersed with villages which have developed to meet the demands of this popular tourist area. Isolated farm steadings are also prevalent. The openness and undeveloped character of the farmland to the north of the site contributes to the area's rural character. Because of its comparatively modest scale, the proposal would have a limited impact on long distance views into the site, however, by its very nature, the proposal would not respect the open landscape character.

7.28 Although the proposal would represent infill development within an existing farm steading and would be seen in views into the site against the backdrop of the existing built form, the site is considered to be within open countryside into which any development would intrude. The proposal would require the change of use of part of an agricultural field unit and would introduce residential development with hard surfaced access and ornamental gardens with new native hedges planted to the site boundary. Although the loss of relatively small quantities of commonly occurring landscape elements (native hedge/arable land) would in itself result in limited landscape effects, the proposed development would have a negative influence due to the incursion of built form into the open landscape beyond the existing built form. Accordingly, it would have a detrimental effect on the quality of the northern edge of the steading, both in isolation and in association with other development.

7.29 Policy ENV 3 of the emerging NLP seeks to ensure that the impact of development on the setting and surroundings of the County's historic towns and villages will be assessed, ensuring that new development on the edge of settlements does not harm the landscape character of the settlement edge and, where possible that it has a net positive impact. It goes on to say that where it is considered that landscape character may be adversely affected, or aspects of this character that warrant protection would be degraded as a result of a proposed development, then the weight given to the harm caused will be in accordance with the importance of the designation. This policy is subject to a main modification and only limited weight can currently be given to it.

Scale, Design & Visual Impact

7.30 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. All development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional or contemporary design and materials.

7.31 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.

7.32 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.

7.33 The National Design Guide also provides guidance on design for those involved in the planning and built environment disciplines and illustrates how well-designed places that are beautiful, enduring and successful can be achieved. This forms part of the Planning Practice Guidance and should be read alongside other guidance on the design process and tools.

7.34 Whilst layout, scale, access, appearance and landscaping are reserved matters and subject to further detailed assessment, with specific reference to the design of the proposed properties and their immediate streetscape, a scheme could be developed using appropriate materials and taking design cues from the local vernacular such that the dwellings would individually fit in with the adjacent built form. On this basis the proposal is acceptable in accordance with Policy S16 of the ACS, Policy 4 of the ENP and the NPPF.

7.35 Policy QOP 1 of the emerging Local Plan seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness, incorporate green infrastructure and opportunities to support wildlife, make provision for efficient use of resources, respond to the climatic conditions of the location and avoid the creation of adverse local climatic conditions, mitigate climate change and be adaptable to a changing climate and ensure the longevity of the buildings and spaces.

Amenity

7.36 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.

7.37 Policy 4 of the ENP states that proposals for development within the Neighbourhood Area must demonstrate how, in terms of the massing, height, scale and proximity, the proposed development would not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

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

7.39 The location and scale of the site is such that a scheme could be developed that would not have any substantive impacts on residential amenity in terms of loss of light, outlook or privacy either for existing dwellings adjacent to the site or for future occupiers of the proposed development that could not be appropriately addressed at reserved matters stage. As such the proposal is in accordance with Policy CD32 of the ALP, Policy 4 of the ENP and the NPPF.

7.40 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.

Highways

7.41 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.

7.42 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 112 goes on to say that within this context applications for development should,

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.43 The Local Highway Authority has responded to consultation raising concerns about the sustainability of the location, noting that there are no footways/cycleways close by, there are no public transport stops close by and the local amenities are located within Embleton which is approximately 4km away from the site. Future occupants of the proposed dwellings would therefore be reliant upon the private car for the majority of journeys away from the site.

7.44 The Highways Officer notes that the appropriateness of the location must be a consideration for the Planning Officer in the wider assessment of the application and offers conditions and informatives to secure further information at reserved matters or discharge of conditions stage. On this basis the proposal is acceptable and in accordance with highways policy and the NPPF.

7.45 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network. It is considered that the proposal is in accordance with this, however only limited weight can currently be given to this policy.

Heritage Matters

7.46 The application site is located to the north of the Grade II listed Christon Bank Farmhouse and to the west of the Grade II listed Farmbuilding Group at Christon Bank Farm and as such due consideration must be given to the impacts of the proposal upon these designated heritage assets.

7.47 The legislative framework has regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

7.48 Policy S15 of the ACS states that all development involving built and historic assets or their settings will be required to preserve, and where appropriate, enhance the asset for the future.

7.49 Paragraph 194 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance

7.50 Paragraph 197 of the NPPF goes on to say that in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

7.51 The Council's Building Conservation Officer has responded to consultation noting that a Heritage Statement has been submitted with the application, however this is considered to be of little relevance as it can only assess the impact of the existing buildings and not the impacts of an as yet undefined development within the setting of the existing buildings. It is not possible to assess whether harm would result from the proposal, and whether this would be substantial harm or less than substantial harm, due to all matters being reserved. Scale, massing, design, and materials are fundamental in any assessment of impact on the setting of heritage assets. In addition to this, details of access, parking, landscaping and boundary treatments may also have an impact on setting.

7.52 The Conservation Officer concludes that with all matters reserved, it is not possible to assess whether any harm would result to the setting of the heritage assets identified and what the level of any harm would be. It is therefore recommended that the application be refused due to the fact that insufficient information has been submitted to allow a proper assessment of the impact of the proposals upon the setting of the listed buildings.

Ecology

7.53 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.

7.54 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.55 The County Ecologist has responded to consultation raising no objections subject to conditions securing protected species mitigation and biodiversity net gains along with a contribution to the Council's Coastal Mitigation Service. On this basis the proposals are acceptable in accordance with Policy S12 and the NPPF.

7.56 Policy ENV2 of the emerging Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon biodiversity and geodiversity, avoiding significant harm through location and/ or design and will secure a net gain for biodiversity through planning conditions or planning obligations.

Public Protection

7.57 Paragraph 183 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

7.58 The Council's Public Health Protection team has responded to consultation raising no objections subject to conditions securing details of ground gas protection, contaminated land protection and noise management in relation to the adjacent commercial site. On this basis the proposal is acceptable in accordance with the NPPF.

7.59 Policy POL 1 of the emerging NLP states that development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.60 Policy POL 2 seeks to ensure that development proposals are not put at an unacceptable risk of harm from, or are adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances. The proposals are in accordance with these policies however only limited weight can currently be applied to them.

Planning Obligations

Coastal Mitigation

7.61 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.

7.62 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 which will be used to fund coastal wardens who will provide the necessary mitigation.

7.63 The contribution per residential unit in this location would be £615. This may be reduced for holiday accommodation in line with average occupancy rates for the county. This contribution can be secured by Unilateral Undertaking by virtue of S106 of the Town & County Planning Act 1990.

Primary Occupancy Housing

7.64 Policy 10 of the ENP states that proposals for all new housing, excluding replacement dwellings, will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. This will be secured prior to the grant of planning permission via legal agreement pursuant to Section 106 of the Town & Country Planning Act 1990.

Other Matters

7.65 The comments made in the representation received and those from the Parish Council are noted and have been addressed and/or taken into consideration in the assessment of the application as appropriate.

Equality Duty

7.66 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

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

Human Rights Act Implications

7.68 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.

7.69 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.

7.70 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 the proposal would be contrary to both national and local planning policies and as such is being recommended for refusal. There are no material considerations that indicate a decision should be made otherwise.

9. Recommendation

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

Conditions/Reason

01. Unsustainable Location

By virtue of its location the proposal would result in development in an unsustainable location which is outside of any settlement identified within the

Alnwick District LDF Core Strategy or the Embleton Neighbourhood Plan. There has been no demonstrated need, justification or other material consideration that would justify the construction of new dwellings in this unsustainable location. The proposal would therefore be contrary to Policy 1 of the Embleton Neighbourhood Plan, Policies S1, S3 and S14 of the Alnwick LDF Core Strategy and the National Planning Policy Framework.

02. Impact on Heritage Assets

By virtue of its location, any development on the proposed site would have an impact upon the setting of the Grade II listed Christon Bank Farmhouse and the separately listed (also at Grade II) Farmbuilding Group to the North of Christon Bank Farmhouse. Insufficient information has been submitted with the application to make a determination as to whether this impact would be harmful to the designated assets. The application is therefore contrary to Policy S15 of the Alnwick LDF Core Strategy and the NPPF.

03. 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).

04. Principal Occupancy

In the absence of a S106 legal agreement to secure the proposed dwellings as principal occupancy, the proposal would be contrary to Policy 10 of the Embleton Neighbourhood Plan and the NPPF.

Background Papers: Planning application file(s) 21/02382/OUT