

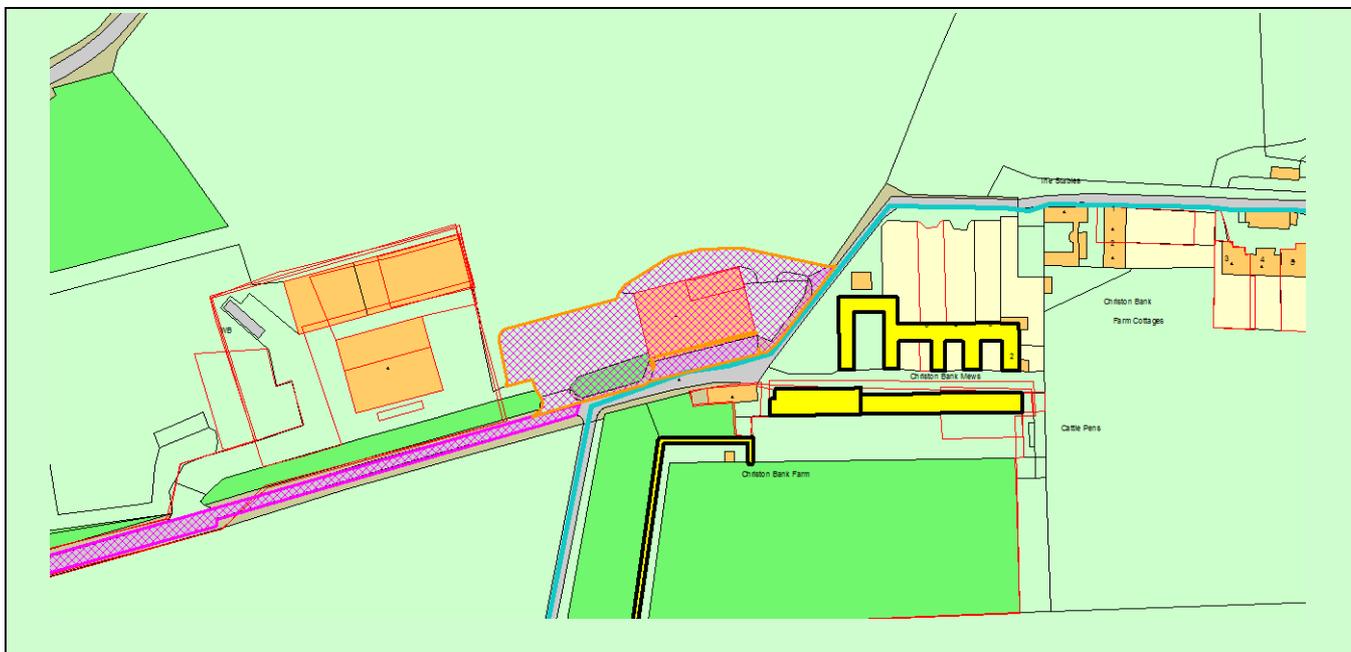


# Northumberland County Council

## North Northumberland Local Area Council 18th April 2019

<b>Application No:</b>	18/02965/OUT		
<b>Proposal:</b>	Outline application with all matters reserved for the demolition of an existing building and redevelopment with up to 5 no. residential properties		
<b>Site Address</b>	Christon Bank Farm, Christon Bank, Alnwick, Northumberland NE66 3EZ		
<b>Applicant:</b>	Mr R Jeffreys C / O George F White	<b>Agent:</b>	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL,
<b>Ward</b>	Longhoughton	<b>Parish</b>	Embleton
<b>Valid Date:</b>	22 October 2018	<b>Expiry Date:</b>	31 January 2019
<b>Case Officer Details:</b>	Name: Mrs Hannah Nilsson Job Title: Planning Officer Tel No: 01670 620332 Email: hannah.nilsson@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



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## **1. Introduction**

1.1 Under the provisions of the Council's current Scheme of Delegation, where applications raise significant planning issues and/or contrary views from a Town or Parish Council, they are referred to the Head of Planning Services and Planning Committee Chairs for consideration to be given as to whether the application should be referred to a Committee for determination. Due to a valid support from the Parish Council, the matter has been duly considered under these provisions at which time it was confirmed that the application should be determined by the North Area Planning Committee (NNLAC).

1.2 This application was presented to members at the committee meeting of the 21st March 2019, where it was resolved to defer determination of such until a site visit by Members had been undertaken. A site visit was duly completed on the 15th April 2019.

## **2. Description of the Proposals**

2.1 The application seeks outline planning permission with all matters reserved for the demolition of an existing building and redevelopment with up to 5 no. residential properties at Christon Bank Farm, Christon Bank.

2.2 The application site comprises an existing agricultural style building used for equestrian uses (stabling and small riding area) and a compacted hardcore standing which is used for storing cars. It is located in open countryside approximately 400m south of Christon Bank.

2.3 The site is bound to the north by agricultural fields, to the south by a private access road beyond which is a building recently converted to a residence. To the east is an access road beyond which is an open grassed area and residential properties and their curtilages and to the west are buildings and land associated with a business known as Pringles Garage.

2.4 Since this application was previously presented to NNLAC a letter has been received from the agent which sets out their position in response to the seven reasons for refusal. In summary, the agent considers that there is only one principle issue, which is the principle of development, and if they had been able to resolve this there would be no other reasons for refusal as the agent would have been willing to fulfil the requirements of the consultees to resolve the technical concerns and allow a positive recommendation.

2.5 A response to these issues is given in section 7 of this report.

## **3. Planning History**

**Reference Number:** 11/00292/VARYCO

**Description:** Application to vary condition 3 of A/2010/0283 to allow a material minor amendment to roof and materials

**Status:** PER

**Reference Number:** 18/03956/VARYCO

**Description:** Variation of Conditions 9 (provision of holiday accommodation) and 10 (commercial holiday accommodation) pursuant to planning permission 14/03994/varyco in order to allow use for either holiday or residential use

**Status:** PER

**Reference Number:** A/89/A/645

**Description:** Convert Farm Buildings to Dwellings/Some Demolition Work,

**Status:** REF

**Reference Number:** A/2010/0283

**Description:** Steel portal framed general purpose building

**Status:** PER

**Reference Number:** A/2010/0537

**Description:** Extension to existing hard standing for mixed use agricultural, vehicle maintenance / repair & commercial haulage (B2)

**Status:** PER

**Reference Number:** A/2008/0550

**Description:** Planning permission for change of use from agricultural yard to a mixed use of agricultural yard, haulage storage & parking and associated junction improvements

**Status:** PER

**Reference Number:** A/2008/0553

**Description:** Planning permission for the change of use from agricultural workshop (274.32sqm) to agricultural & general vehicle maintenance & repair (use class B2) plus associated parking & junction improvements

**Status:** PER

**Reference Number:** A/2007/0704

**Description:** Change of use from agricultural workshop to agricultural and general vehicle maintenance and repair plus associated parking and change of use of agricultural yard to mixed use of agricultural and commercial haulage vehicle storage and parking

**Status:** REF

**Reference Number:** A/2007/0317

**Description:** Installation of weighbridge for agricultural use

**Status:** PER

**Reference Number:** A/2007/0413

**Description:** Change of use from agricultural workshop to agricultural and general vehicle maintenance and repair plus associated parking

**Status:** REF

## **Appeals**

**Reference Number:** A/2007/0704/A

**Description:** Development Appeal

**Status:** VALID

## 4. Consultee Responses

Embleton Parish Council	Approval - No comments to add.
Highways	No objection subject to conditions and informatives.
Countryside/ Rights Of Way	No objection to the application on the condition that Public Footpath No.12 is protected throughout
Building Conservation	There is insufficient information for Building Conservation to properly assess impact on the setting of the listed buildings.
County Ecologist	No objection subject to condition. Contribution required.
Housing Department	No response received.
Waste Management - North	No response received.
Education - Schools	Given the small scale nature of this development, Education would not seek a contribution in respect of School places in relation to this application.
Northumbrian Water Ltd	At this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents.
Public Protection	Object on the grounds of:  No assessment of noise from the already permitted commercial activities adjacent and to the west of the development site upon the residents of the proposed dwellings.  No assessment of land contamination and any risks upon the future residents of the proposed dwellings and wider site (ie gardens/soft landscaping).
Lead Local Flood Authority (LLFA)	The site is near areas that are known to have flooded historically. Therefore a full drainage statement will be required.  Object on the following grounds: No drainage strategy or proposals have been submitted. No consideration has been given for flood risk to or from the site. Drainage proposals should use vegetated surface water attenuation preferentially to provide water quality improvement alongside drainage function.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	2
Number of Support	0
Number of General Comments	0

### Notices

Site Notice - Affecting LBC and PROW, 30th October 2018

Summary of Responses:

Two representations have been received, objecting to the proposed development on the following summarised grounds:

- Risk to residents from asbestos.
- Impact on listed buildings.
- Concerns regarding highways safety and access.

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=PDK1LVQSIJ700>

## **6. Planning Policy**

### 6.1 Development Plan Policy

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

S2 The sequential approach to development - Alnwick LDF Core Strategy

S3 Sustainability criteria - Alnwick LDF Core Strategy

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

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

S12 Protecting and enhancing biodiversity and geodiversity - Alnwick LDF Core Strategy

S13 Landscape character - Alnwick LDF Core Strategy

S14 Development in the open countryside - Alnwick LDF Core Strategy

S15 Protecting the built and historic environment - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

BE8 Design in new residential developments and extensions (and Appendix A and B) - Alnwick District Wide Local Plan

APPENDIX A Design and layout of new dwellings - Alnwick District Wide Local Plan

TT5 Controlling car parking provision (and Appendix E) - Alnwick District Wide Local Plan

## APPENDIX E Car parking standards for development - Alnwick District Wide Local Plan

### 6.2 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019)

STP1 - Spatial strategy

STP2 - Presumption in favour of sustainable development

STP3 - Principles of sustainable development

STP4 - Climate change mitigation and adaptation

STP5 - Health and wellbeing

HOU2 - Provision of new residential development

HOU3 - Housing requirements for neighbourhood plan areas

HOU9 - Residential development management

QOP1 - Design Principles

QOP 2 - Good design and amenity

TRA1 - Promoting sustainable connections

TRA2 - The effects of development on the transport network

ENV1 - Approaches to assessing the impact of development on the natural, historic and built environment

ENV2 - Biodiversity and geodiversity

ENV 3 - Landscape

ENV7 - Historic environment and heritage assets

POL1 - Unstable and contaminated land

POL2 - Pollution and air, soil and water quality

Embleton Neighbourhood Plan Pre-Submission Version - January 2019 Regulation 14 Consultation

POLICY 1: SUSTAINABLE DEVELOPMENT

POLICY 2: LANDSCAPES AND SEASCAPES IN THE NEIGHBOURHOOD AREA

POLICY 3: HABITATS AND SPECIES

POLICY 4: DESIGN IN NEW DEVELOPMENT

POLICY 5: SETTLEMENT BOUNDARIES FOR CHRISTON BANK AND EMBLETON VILLAGE

POLICY 10: PRINCIPAL RESIDENCE HOUSING

National Planning Policy Framework (2019)

National Planning Practice Guidance (2018, as updated)

## **7. Appraisal**

7.1 In terms of assessing the proposal account will be given to the National Planning Policy Framework (NPPF) and those policies which are considered consistent with the NPPF from the Alnwick District Wide Local Plan (ADLP) and the current Alnwick District Core Strategy (ADCS). The NPPF does not change the statutory status of the development plan as the starting point for decision making. Therefore proposed development that accords with an up to date Local Plan should be approved unless other material considerations indicate otherwise.

7.2 In accordance with paragraph 48 of the NPPF weight may 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 Northumberland Local Plan Publication Draft Plan (Regulation 19) (January 2019) was published for consultation on 30/01/19. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry some weight in the appraisal of planning applications.

7.3 In assessing this application the key considerations are;

- Principle of development
- Siting, Scale, Design, Amenity
- Landscape Character and Visual Impact
- Impact on Heritage Assets
- Ecology
- Noise and Contamination
- Access and highways safety
- Drainage
- Other Matters

#### Principle of development

7.4 Policy S1 of the Alnwick District Core Strategy (ADCS) sets out a settlement hierarchy for the location and scale of new development. Christon Bank Farm is not identified amongst the sustainable village centres or local needs centres, and is therefore classed as the countryside. It has no basic services or public transport options. Policy S1 identifies that development in the countryside will generally be limited to the reuse of existing buildings. As the proposed development would not involve the reuse of existing buildings, it is considered that the proposal would be contrary to Policy S1 of the ADCS.

7.5 Policy S2 of the ADCS sets out a sequential approach for new development. The main consideration having regard to the NPPF is whether the proposal would result in a sustainable form of development on a suitable site. As the NPPF does not promote a sequential approach, Policy S2 is considered not to be in accordance with the NPPF and therefore the weight afforded to this policy is limited.

7.6 Policy S3 of the ADCS outlines sustainability criteria that generally need to be satisfied before permission is granted for new development. These include 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; any physical and environmental constraints can be mitigated; potential implications of flood risk have been assessed; there would be no significant adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets of the district; and the new development 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. Having regard to the sustainability criteria of Policy S3, this is not considered to be an entirely suitable or sustainable location for the construction of new dwellings particularly as there is a lack of accessibility by means other than the private car and the proposal would therefore be contrary to this policy.

7.7 Policy S4 of the Core Strategy seeks to manage the supply of dwellings throughout the former Alnwick district by identifying broad areas of development. In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

7.8 As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.

7.9 This supply position updates that presented in the Council's 'Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.

7.10 Consistent with the presumption in favour of sustainable development, the housing figures are a minimum and not a maximum. The key consideration is whether the proposed development is considered sustainable development, in line with Policy S3 and the NPPF. It is considered that the development would add to an existing oversupply and in a location that is not considered to be sustainable or in accordance with the locational strategy of the Core Strategy, therefore also being contrary to Policy S4.

7.11 Furthermore, policy S14 of the ADCS refers to development in the open countryside stating that applications will only be permitted where the development is likely to be sustainable in the context of S3 and where the development is essential to support farming and other countryside-based enterprise and activity, promote recreation and supports the retention of sustainable communities or supports the conservation and enhancement of the countryside. Policy S11 of the ADCS also sets out accessibility principles seeking to ensure that development should be located in settlements where there is good accessibility to education, shops, healthcare and other services and work opportunities; should be well related to the highway network and public transport; and should be accessible to cyclists and pedestrians. It is considered that the application does not provide any evidence to demonstrate that these policies would be satisfied or to justify dwellings in the open countryside in an unsustainable location.

7.12 The introduction of the NPPF is not considered to have any material change in how officers have considered the principle of development as the sustainability principles of the ADCS are considered to be in line with the presumption in favour of sustainable development set out in the NPPF.

7.13 In line with paragraph 78 of the NPPF which seeks to promote sustainable development in rural areas, consideration must also be given to whether housing in this location would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.14 Whilst it may be considered that policies S1, S2, S3 and S14 of the ADCS do not completely accord with Paragraph 78 of the NPPF, it is also considered that new development in this location would not accord with Paragraph 78 insofar as the small number of dwellings at Christon Bank Farm would not represent a "smaller settlement" for the purposes of the NPPF.

7.15 Furthermore, any contribution to economic and social sustainability would be limited due to the number of units involved and it remains the case that the site lies in a location that has no services. It is considered that the possibility of a person cycling or walking to any nearby village in order to access services is unlikely to be realised with the lack of any dedicated footpath for pedestrians or street lighting on the country roads. It is evident therefore that access to day-to-day services would by necessity be by way of private car. Also, it should be noted that the speed limits on roads in and around the application site are 60 mph.

7.16 Christon Bank Farm is located approximately 400m south of Christon Bank (which is identified as a Local Needs Centre in Policy S1 of the ADCS) along an unlit private access road accessed off an unrestricted highway. Policy S1 states that development within Local Needs Centres will be restricted to that which satisfies local needs only.

7.17 In a recent appeal decision in Old Swarland (APP/P2935/W/18/3192595) the Planning Inspector, in dismissing the appeal, considered that the proposed development, which was in open countryside approximately 1km south of Swarland (a Sustainable Village Centre for the purposes of ACS Policy S1), conflicted with Policies S1, S3 and S14 of the ACS and the NPPF in regard to it being a suitable location for housing.

7.18 It should be noted that on the application form the agent has stated that the application site is not vacant and is currently an equestrian building. However, in the planning statement submitted with the application, the agent states that "The use of the building is identified as 'mixed' taking into account agriculture and also vehicle maintenance. As such the agent states that the building and the site must be considered to be previously developed land.' It was clear from the case officer's site visit that the building is currently used as stabling/riding area (equestrian). In any event, regardless of whether or not the site is classified as previously developed land (or not), this would not trump the locational policies as set out within the ADCS or the economic, social and environmental considerations of the NPPF.

7.19 It is also asserted in the planning statement that the site is '...served and connected by the surrounding settlements making up a sustainable coastal cluster.'

Whilst there is a public footpath from the site to Embleton, this is the only link to any of the nearby villages/settlements. Even with the link to Embleton via this footpath, this is some considerable distance at some 1.9km and not a convenient distance for walking on a day to day basis.

7.20 It is acknowledged that sustainability in the NPPF consists of the three strands, however it is considered that in this case any possible economic, social and environmental benefits would not significantly and demonstrably outweigh the adverse impacts, particularly given the site's location and lack of access to services and facilities. Consequently, it is considered that the proposal does not properly reflect a sustainable form of development.

7.21 The proposed development would also set an unnecessary precedent, making it more difficult for the Council to resist similar residential development proposals, the cumulative impact of which would be to further undermine the objectives of not only the Council's adopted rural settlement policies but core planning principles of the NPPF. Consequently, there is a soundly based policy objection to the proposal. The proposals would not be a way to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling nor would it focus development in a location that currently is, or is likely to be made more sustainable.

7.22 On the basis of the above and having regards to the recent appeal decision, it is considered that the proposal would be contrary to Policies S1, S2, S3, S11 and S14 of the ADCS and the NPPF and should be refused on these grounds.

#### Siting, Scale, Design, Amenity

7.23 Under Policy S16 of the ADCS all new development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional or contemporary design and materials. Under this policy, proposals should have regard to their layout, scale, appearance, access and landscaping.

7.24 Whilst the reserved matters application would provide more detail on the layout, scale, appearance and landscaping of the proposed dwellings and no indicative layouts have been provided, it can be seen that the plot size is likely to be acceptable and it is considered that the proposal wouldn't result in the overdevelopment of the land in question. The proposed dwellings could be designed to negate any overlooking or amenity issues with the nearest properties.

7.25 It is considered that the proposal would not have a detrimental impact on the site itself, the street scene or on neighbouring properties and is therefore in accordance with the NPPF and Policies S16 of the ADCS and policy BE8 of the ADLP.

7.26 It is considered that the proposal is in accordance with Policy S16 of the ADCS, Policy BE8 of the ADLP and the NPPF.

#### Landscape Character and Visual Impact

7.27 Policy S13 of the ADCS 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.

7.28 There are no local or national landscape designations on the site or wider area.

7.29 Christon Bank Farm is characterised by the built form consisting of dwellings that are closely related to each other consisting of former farm buildings that have been converted over time.

7.30 It is acknowledged that there is an existing agricultural style building on part of the application site which is currently used for equestrian uses (stabling and small riding area) that as part of this application would be demolished. Whilst the reserved matters application would provide more detail on the layout, scale, appearance and landscaping of the proposed dwellings, the proposal would result in the extension of the built form of the current cluster of dwellings further into the open countryside which brings with it a greater visual impact than the existing building on the site.

7.31 This would in itself affect the landscape character, which is rural in nature in the area by introducing a discordant and anomalous form of development which by its very nature (residential urban/suburban) would fail to integrate into the surrounding area and undermine the protection afforded to the natural landscape. This would be compounded by domestic paraphernalia that is associated with dwellings (sheds, boundary treatments etc).

7.32 It is also considered that the number of proposed dwellings would also have a detrimental impact on the character of the cluster of existing dwellings as it would represent a disproportionate increase in dwellings. In light of this it is considered that the proposal would have an unacceptable adverse impact upon the landscape and character.

7.33 It is therefore considered that the proposal would be contrary to policy S13 of the ADCS and the NPPF and should be refused on these grounds.

#### Impact on Heritage Assets

7.34 Policy S15 of the Alnwick District Core Strategy seeks to ensure the built and historic environment, particularly listed buildings, scheduled ancient monuments, conservation areas and the distinctive character of Alnwick, Amble, Rothbury and the villages is protected. Under Policy S15, all development involving built and historic assets or their settings will be required to preserve, and where appropriate, enhance the asset for the future.

7.35 Policy S3 of the ADCS is also of relevance as under part 5 of this policy, before granting planning permission for new development, the council has to be satisfied that there would be no significant adverse effects on cultural, historic and community assets.

7.36 The site is at its closest point, approximately 20m from a group of four grade II listed buildings comprising:

Garden Walls to the South West of Christon Bank Farmhouse  
Christon Bank Farmhouse

Attached Outbuilding Range to the East of Christon Bank Farmhouse  
Farmbuilding Group to the North of Christon Bank Farmhouse

7.37 Notwithstanding that the removal of the existing building has the potential to improve the setting of the listed buildings, as the application is outline with all matters reserved, and no indicative drawings have been submitted with this application, it is not possible to fully assess any impact on the setting of these listed buildings.

7.38 Given that the principle of the development cannot be established in this case, further information/details in order to be able to fully assess any impact on the setting of the listed buildings has not been requested by the council.

7.39 It is therefore considered that the proposal would be contrary to Policies S3 and S15 of the ADCS and the NPPF and should be refused on these grounds.

### Ecology

7.40 Under policy S12 of the ADCS all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district, especially those areas designated as of international, national and local importance. Policy S12 of the ADCS also sets out that all proposals will be assessed in terms of their impact on the interests of the site and on habitats and species present.

7.41 Policy S3 of the ADCS is also of relevance as under part 5 of this policy, before granting planning permission for new development, the council has to be satisfied that there would be no significant adverse effects on biodiversity and geodiversity.

7.42 As part of this application, the council's ecology officer has been consulted and has raised no objection, subject to the applicant entering into an agreement to pay a contribution towards the coastal mitigation service. This enables the council to reach a conclusion that there would be no adverse effect on site integrity as well as a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.43 The agent has confirmed that the applicant is willing to enter into an agreement to pay the contribution. It is therefore considered that the proposal would accord with Policies S3 and S12 of the ADCS and the NPPF.

### Noise and Contamination

7.44 Under Policy CD32 of the Alnwick District Wide Local Plan (ADWLP), planning permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or the environment generally as a result of releases to water, land or air, or of noise, dust, vibration, light or heat.

7.45 Policy S3 of the ADCS is also of relevance as under part 3 of this policy, before granting planning permission for new development, the council has to be satisfied that any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated.

7.46 As part of this application, the council's public protection team have been consulted and have objected to the proposal on the grounds that there has been no

assessment of noise from the already permitted commercial activities adjacent and to the west of the development site upon the residents of the proposed dwellings. They have also objected as there has been no assessment of land contamination and any risks upon the future residents of the proposed dwellings and wider site (i.e. gardens/soft landscaping).

7.47 Given that the principle of the development cannot be established in this case, further information/details in order to address this issue has not been requested by the council.

7.48 It is therefore considered that the proposal would be contrary to policy S3 of the ADCS, policy CD32 of the ADWLP and the NPPF and should be refused on these grounds.

#### Access and Highways Safety

7.49 As part of this application the Highway Authority has assessed the impact of the proposed development on the highway network. The aim is to ensure the highway network in the area can accommodate the anticipated trip generation; that adequate manoeuvring/parking space is provided and that safe access can be achieved; that the highway remains unobstructed for the safe passage of all users of the highway and that any development does not have an adverse impact on the safety of all users of the highway.

7.50 In response to the consultation on this application, the highways advisor has raised no objection subject to conditions and informatives, which would have been attached to any permission should planning permission have been recommended. It is considered therefore that the proposal is in accordance with Policy S11 of the ADCS and the NPPF.

#### Drainage

7.51 Under part 4 of Policy S3 of the ADCS, before granting planning permission for new development the council should be satisfied that the potential implications of flood risk have been assessed having regard to the relevant flood zones. Policy S16 of the ADCS is also of relevance as it requires the principles of sustainable urban drainage and sustainable water supply to be applied.

7.52 As part of the consultation on this application, the LLFA have been consulted and have objected for the reasons set out above.

7.53 Given that the principle of the development cannot be established in this case, further information/details in order to address this issue has not been requested by the council.

7.54 It is therefore considered that the proposal would be contrary to policies S3 and S16 of the ADCS and the NPPF and should be refused on these grounds.

#### Other Matters

7.55 In relation to the objection on the grounds of impact on heritage assets, this is addressed in paragraphs 7.34 to 7.39 above.

7.56 In relation to the objection on the grounds of concerns relating to asbestos and its removal, this is a matter that would be dealt with under separate legislation outwith planning and is therefore is not a material consideration in the determination of this application.

7.57 In response to the representation received objecting on highway safety and access grounds, as part of the consultation on this application the Highways Advisor has undertaken consideration of safety and access and has confirmed that they raise no objection subject to conditions and informatives which would have been attached should planning permission have been recommended for approval. This is detailed further above in paragraph 7.50 to 7.51 above.

### Equality Duty

7.58 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

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

### Human Rights Act Implications

7.60 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.

7.61 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.

7.62 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 site lies outside of a defined settlement in relation to Policy S1 of the ADCS and is therefore considered to be an open countryside location. There are no basic services within reasonable walking distance of the site and there is no public transport options. New housing in this location would fail to deliver a sustainable form of development and would therefore be contrary to the NPPF and relevant policies of the ADCS in this respect.

8.2 The proposal would have an unacceptable impact on landscape character and quality.

8.3 The agent has confirmed that the applicant is willing to enter into an agreement to pay the contribution. It is therefore considered that the proposal would accord with Policies S3 and S12 of the ADCS and the NPPF.

8.4 Insufficient information has been submitted to assess the impact of the proposal on designated heritage assets, noise and contamination and drainage.

8.5 The proposal could be considered to be acceptable in relation to scale, design and appearance under a separate reserved matters application.

8.6 The proposal would be acceptable in relation to highways safety and access subject to conditions and informatives.

8.7 The development is contrary to the policies of the Development Plan and the National Planning Policy Framework.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Conditions/Reason

1. The proposal by virtue of its location in the open countryside, would result in the construction of new unrestricted dwellings in an unsustainable location and outside of any settlement identified within the Alnwick District LDF Core Strategy. 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 Policies S1, S2, S3 and S14 of the Alnwick LDF Core Strategy and the National Planning Policy Framework.
2. The application has been submitted with insufficient information to assess the potential risk of contamination upon the future residential occupiers of the proposed dwellings and wider site in order to determine whether the site is suitable for residential use, and would therefore be contrary to Policy S3 of the

Alnwick District Core Strategy, policy CD32 of the Alnwick District Wide Local Plan and the National Planning Policy Framework.

3. The application has been submitted with insufficient information to assess the potential impact from noise from the commercial activities adjacent and to the west of the development site upon the future residents of the proposed dwellings in order to protect their amenity, and would therefore be contrary to policy S3 of the Alnwick District Core Strategy, policy CD32 of the Alnwick District Wide Local Plan and the National Planning Policy Framework.
4. Insufficient information has been provided to fully assess the impact of the proposed development on the setting of the listed buildings, contrary to Policies S3 and Policy S15 of the Alnwick District Core Strategy and the National Planning Policy Framework.
5. Insufficient information has been provided to fully demonstrate that the principle of appropriate surface water drainage of the site can be successfully achieved for the proposed development to ensure that the proposed development does not increase the risk of flooding elsewhere contrary to paragraph 163 of the NPPF, section 16 paragraph 45 of the Planning Practice Guidance - Flood Risk and Coastal Change, Section 21 paragraphs 50, 79, 80 and 82 of the Planning Practice Guidance - Flood Risk and Coastal Change, Objective 2 measure 2.2 of Northumberland County Council Local Flood Risk Management Strategy, Sections 3.1 and 3.3.2 of the Environment Agency National Flood and Coastal Erosion Risk Management Strategy and Policies S3 and S16 of the Alnwick District Core Strategy Development Plan Document.
6. The proposed development would have an unacceptable impact on the landscape and character of the immediate and wider area and would result in an obtrusive development in the rural landscape, which would adversely affect the rural setting fundamentally altering the visual relationship between Christon Bank Farm and its wider countryside setting. The proposed development would also represent a disproportionate increase in the number of dwellings in the cluster of dwellings. This would be contrary to Alnwick Core Strategy Policies S13, S14 and S16 and the provisions and intentions of the National Planning Policy Framework.

**Background Papers:** Planning application file(s) 18/02965/OUT