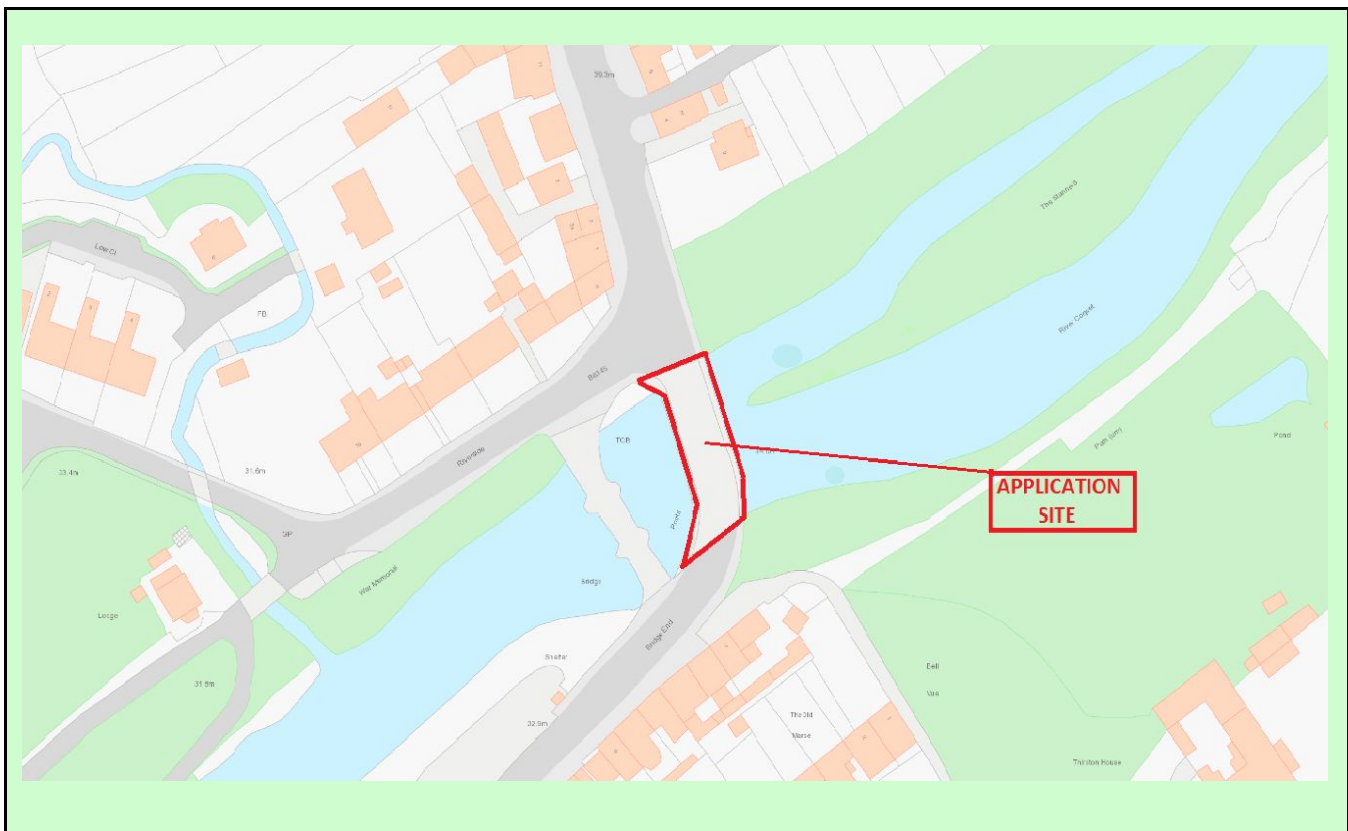


# Northumberland County Council

## Strategic Planning Committee 02 October 2018

<b>Application No:</b>	18/02714/LBC		
<b>Proposal:</b>	Listed Building Consent for the removal, refurbishment and reinstatement of the parapets as supplemented by Construction Method Statement and accompanying plan received 24/08/18.		
<b>Site Address</b>	Felton New Bridge, Felton, West Thirston, Northumberland		
<b>Applicant:</b>	Northumberland County Council Highways Directorate C/o Mrs Chrysa Rokana, County Hall, Morpeth, Northumberland NE61 2EF	<b>Agent:</b>	None
<b>Ward</b>	Longhorsley	<b>Parish</b>	Thirston
<b>Valid Date:</b>	2 August 2018	<b>Expiry Date:</b>	27 September 2018
<b>Case Officer Details:</b>	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		



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# **RECOMMENDATION: THAT MEMBERS BE MINDED TO GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS.**

## **1. Introduction**

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Strategic Planning Committee as it would involve a County Council development on Council-owned land.

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

2.1 The application has been submitted by the County Council's Highways Directorate and seeks Listed Building Consent for refurbishment works to Felton New Bridge which crosses the River Coquet and which separates the villages of Felton and West Thirston.

2.2 The proposal was the subject of informal pre-application discussions in 2017 between the applicant and the Buildings Conservation Officer and the County Ecologist. However and despite repeated requests by officers, a subsequent application for Listed Building Consent (ref: 17/04077/LBC) was refused due to the lack of necessary supporting information so as to facilitate full and appropriate consideration given the potential impact in terms the heritage asset and on protected species. This application is a re-submission of the above but with the required supporting information provided.

2.3 The bridge is a Grade II listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended in recognition of its special architectural and historic interest. It dates to the early 20th century and is constructed in reinforced concrete with cast and wrought iron and comprises 3 spans extending approximately 42 metres in total length. The bridge consists of beams and platforms with abutments supported by trestles. The railings are wrought iron having cast-iron balusters and sections of parapet rising above each of the five bridge piers. These are art deco in style with a 1920s swag design in relief. The special significance of the listed bridge derives from its architectural, illustrative and associative values as one of the earliest surviving bridges by the bridge engineers Considered Constructions Ltd. who pioneered the construction design in the pre and inter-war period. The innovative design and construction technique was designed to give the appearance of a masonry-built, multi-span, shallow arch bridge while actually being a continuous, reinforced, concrete beam bridge, with the superstructure resting on roller bearings. The bridge's carriageway is surfaced with bituminous macadam.

2.4 The proposed works are described in the submitted details as being the removal, refurbishment, and reinstatement of the parapets on the bridge. The works include cutting through the top of the lower circular section of the parapet. In order to remove the cast iron standards it may be necessary to break out a portion of the concrete plinth to expose fixings. The freed section of the parapet will be removed and the process repeated until the entire parapet is removed. Once removed, the opportunity will be taken to undertake appropriate repairs to the parapet plinth. Where wrought iron sections are removed, care will be taken so as to ensure they are replaced with mild steel of matching dimensions. Once repairs have been undertaken, a suitable new protective system will be installed following appropriate consultation with the Buildings Conservation Officer. Temporary traffic management

will be installed throughout the works period. Additionally, temporary fencing will be installed within the carriageway both to provide sufficient working space as well as preventing unauthorised access throughout the period.

### 3. Planning History

**Reference Number:** 17/04077/LBC

**Description:** Listed Building Consent for the removal, refurbishment and reinstatement of the parapets on Felton New Bridge.

**Status:** Refused

### 4. Consultee Responses

Natural England	No objection. The proposal is considered unlikely to have significant impacts on the natural environment as offered in the previous proposal.
Building Conservation	Support - conditions offered.
Thirston Parish Council	Fully support proposal.
Highways	No objections. Condition offered requiring submission of Construction Method Statement.
County Archaeologist	No detailed historic building recording required.
County Ecologist	No objection – conditions offered.
Felton Parish Council	Fully support proposal.
Historic England	Defer to in-house specialist.
Highways	No objections.

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	0
Number of Support	0
Number of General Comments	0

#### Notices

Site notice - Listed Building Consent, 3rd August 2018

Morpeth Herald 9th August 2018

#### Summary of Responses:

None received.

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=PCOF7PQS0K400>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Castle Morpeth Local Plan - 2003

C29 - Design Considerations within Conservation Areas

WTC1 - Settlement Boundary

WTC2 - Area of High Landscape Value

WTC3 - Site of Special Scientific Interest

WTC4 - Wildlife Corridor

Alnwick District Wide Local Plan - 1997 (Saved Policies)

RE6 - Protection of Sites of Nature Conservation Importance

RE13 - Protecting Wildlife Habitats

RE17 Protection of Areas of High Landscape Value

BE2 - Regional and Local Archaeological Significance

BE7 - Design and New Development

TT4 - Ensuring the effects of additional traffic can be accommodated on the Network

Alnwick District Council Core Strategy - DPD - Adopted October 2007

S3 - Sustainability Criteria

S11 - Accessibility and Impact from Travel

S12 - Protecting and Enhancing Biodiversity and Geodiversity

S15 - Protecting the Built and Historic Environment

S16 - General Design Principles

### 6.2 National Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework 2018 (NPPF)

Wildlife & Countryside Act (1981)

## **7. Appraisal**

7.1 The main considerations in assessing this proposal are:

- principle of development;
- impact upon historic fabric;
- archaeology;
- effect on protected species;, and
- highway safety.

Principle of development

7.2 The principle of altering and/or undertaking repairs to a listed building are considered to be established provided that the essential character of the building is retained and its special features of interest remain intact and unimpaired. in line with policy C29 of the Castle Morpeth Local Plan and policy S15 of the Alnwick Core Strategy. The boundary between Castle Morpeth and Alnwick runs directly through the centre of the river with the proposed bridge straddling either side. For this reason, the relevant policies of both the Castle Morpeth Local Plan and the Alnwick Core Strategy will be considered in the appraisal of this proposal.

## Impact on Historic Fabric

7.3 Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (PLBCAA) and the guidance offered in the NPPF require the local authority to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses. Chapter 16 of the National Planning Policy Framework (NPPF) "Conserving and Enhancing the Historic Environment" is a significant material consideration.

7.4 From a review of the submitted documents which include annotated plans and elevations, condition survey with detailed photographs a pre-specification painting survey and Heritage Statement and which outlines the proposed works and their impact on the significance of the listed building, the Buildings Conservation Officer considers that the application is appropriately supported in line with paragraph 189 of the NPPF. The Heritage Statement includes a detailed condition survey of the listed structure and annotated defect drawings which has identified a number of defects to include; corrosion of parapet, corrosion of cast iron pilasters, corrosion of corrugated barrier and deterioration of timbers, spalling to intermediate pier crosshead beams and steel bearings. The application seeks to undertake a tailored programme of works to the listed structure comprising the removal and reinstatement of the parapets and concrete plinth repairs. It is acknowledged that the statement notes 'a check has been made to locate a supplier'.

7.5 From a review of the submissions the Buildings Conservation Officer considers that the proposed works have been informed by an understanding of the listed bridge and its condition. It is to be welcomed that paint analysis has been undertaken as a means of identifying the paint type and the number of applications. This has determined that the existing paint finish has layers of lead paint. From the outline methodology provided in the Heritage Statement it is considered that its removal to be acceptable. The Heritage Statement demonstrates that options have been considered - and discounted with the presented option seeking consent for the blast cleaning, repair and repainting of the parapets. This attests that the proposal would extend the lifespan of the elements and enable the safe removal of lead paint. Further, the proposals seek to utilise skilled metal work craftspeople to treat and repair the wrought iron parapets and this will be undertaken offsite. Whilst it is noted that elements which are deemed beyond repair will be replacement, it is considered that the proposal to replace utilising the appropriate material (wrought iron) matching the historic design and form of the elements to be acceptable and in accordance with best conservation practice.

7.6 Having due regard to Sections 16 and 72 of the PLBCAA and the policies set out in the NPPF, it is considered that the application preserves the listed building, its setting and its architectural and historic interest. Further, when the application is assessed in accordance with the NPPF it is considered that the proposals sustain and enhance the heritage asset in a manner consistent with its conservation. The Building Conservation Officer supports the application and recommends appropriate conditions be imposed requiring the following:

- the submission of details in respect of the cleaning and repainting (including the provision of a sample panel);
- that the wrought iron parapet matches the original in terms of material, height, form, decoration, and method of fixing; and
- the submission of details in respect of a labelling exercise identifying those

elements of the structure to be repaired/replaced.

## Archaeology

7.7 Council records indicate that there are several features of archaeological interest in the surrounding area, not least the adjacent "Old Bridge" which is a scheduled monument. The County Archaeologist has been formally consulted on the proposal and in response it has been offered that the proposed development is unlikely to adversely affect significant archaeological remains and as such there are no objections to the proposed development from an archaeological perspective i.e. no archaeological work will be required.

## Ecology

7.8 As mentioned above, the site lies within a Site of Special Scientific Interest (SSSI) and is bordered by a Wildlife Corridor. Accordingly, and in addition to formal consultation with the County Ecologist, the views of Natural England were sought. In response to formal consultation Natural England has repeated the response given in respect of the earlier application in that they raise no objection to the proposal. However, they have requested that in the event of consent being granted, an appropriate condition requiring appropriate mitigation measures be imposed along with an informative with regards to SSSI's.

7.9 Under the provision of the Wildlife & Countryside Act (1981) local authorities have a duty to take such steps as they consider expedient to bring to the attention of others the provisions of Part I of the Wildlife & Countryside Act, which includes measures to conserve protected species. The Natural Environment and Rural Communities Act (2006) places a Statutory Biodiversity Duty on public authorities to take such measures as they consider expedient for the purposes of conserving biodiversity, including restoring or enhancing a population or habitat. The National Planning Policy Framework 2018 (NPPF) requires that the planning system minimizes impacts on biodiversity and provides net gains where possible. In particular, policies and planning decisions should be based upon up-to-date information about the natural environment (paragraph 170). When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused. (paragraph 175).

7.10 Upon receipt of the earlier application, the County Ecologist was formally consulted on the proposal when it was noted that although the submitted Bat Risk Assessment stated:

*"It is therefore recommended that one nocturnal survey be carried out on the bridge during the bat activity season (May - September), in order to gain a satisfactory understanding of how the bridge is being utilised by bats and their importance to local bat populations".*

This activity survey had not been submitted and no mitigation for bats had been provided. In the absence of such, the Local Planning Authority was unable to

appropriately assess/consider and subsequently determine the application in a favourable manner.

7.11 The County Ecologist has once again been formally consulted on this re-submitted application and in response offers that that the bridge crosses the River Coquet, which is part of the River Coquet and Coquet Valley Woodland SSSI, the special interest features of which are entirely reliant on water quality. Accordingly, the pollution control measures highlighted in the ecology report accompanying the application in order to avoid polluting the river are to be welcomed. In the event of listed building consent being granted, these measures should be implemented as a requirement of the consent and an appropriate condition is offered. The County Ecologist concurs with the opinion of Natural England in their response that pollution protection measures must be secured by condition in order to make the proposal acceptable given the proximity to the River Coquet and Coquet Valley Woodland SSSI. In the event of listed building consent being granted, these measures should be implemented as a requirement of the consent and an appropriate condition is offered.

7.12 A survey has been undertaken in order to assess the potential to support roosting bats. The survey has been undertaken in accordance with the BCT guidance and there was general bat activity recorded. However, critically no bats were noted to be emerging from the bridge, though an earlier survey had confirmed the present of roosting bats at the adjacent Old Felton Bridge adjacent. The provision of good quality 'woodcrete' boxes is proposed and this is considered acceptable and appropriate to the scale of the works for which listed building consent is being sought. Signs of otter were noted around the site though no sign of otter holts or resting places were observed. Otter are likely to pass through the site during the hours of darkness and this is unlikely to be impacted by the proposal. There are invasive weeds present in the area, including Japanese knotweed and Himalayan balsam, however because the works are not proposed within the river or on the bank itself, invasive weeds are unlikely to be spread or effected due to the works. There are also records of badger and red squirrel in the vicinity of the site although once again, due to the nature of the proposal and the scale it is unlikely to impact upon these species. Additionally, there are records of hare, hedgehog and toad in the local area which are priority species and a potential material consideration. However and once again due to the nature of the proposal and the immediate habitat, it is considered that these species are unlikely to be present and affected. Accordingly, and subject to the imposition of suggested conditions in the event that listed building consent is granted, the raises no objection to this revised proposal.

#### Highway Safety

7.13 The County Council's Highways Officer has been formally consulted on the proposal and in response notes that there are connections to existing infrastructure that runs across the bridge. These facilities may be closed during the works period and signage should be temporarily installed directing pedestrians to use the old bridge whilst works proceed. Various sections of the highway may be closed during the proposed works period which will see parts being closed off with traffic lights and diversions in place if needed.

7.14 After having assessed the proposal in conjunction with the National Planning Policy Framework, the Highways Officer considers the proposal to be acceptable in

highway terms and had no objections subject to a "pre-commencement" condition requiring the submission and approval of a Construction Method Statement (CMS) and plan in the best interests of highway and pedestrian safety. These have since been provided and in response to re-consultation the Highways Officer once again raises no objections subject to a condition requiring adherence to the afore-mentioned CMS and accompanying plan. All necessary licences will be required for any partial road closures and diversions and reference to such is provided in informatives to be included within any consent granted.

## **Other matters**

### Equality Duty

7.15 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

7.16 These proposals have no implications in relation to crime and disorder.  
Human Rights Act Implications

7.17 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 well-being 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.

7.18 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.

7.19 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 main considerations in determining this application have been set out and considered above whilst having regard to the appropriate local plan policies. The application has also been considered against the relevant sections within the Castle Morpeth District Local Plan, the Alnwick Local Plan, and the National Planning Policy Framework 2018 (NPPF), and there is not considered to be any conflict on the matters of relevance in this case. The proposed development would secure the long term use of these vacant buildings and in doing so, offer protection to a heritage asset.

8.2 It is concluded from the assessment above that the development proposals preserve the listed building and its setting in accordance with Sections 16 and 72 of the PLBCAA. When the application is evaluated having regard to the Castle Morpeth District Local Plan, the Alnwick Local Plan, and the NPPF it is considered that the application will safeguard the listed building and sustain the significance of the heritage asset in a manner consistent with its conservation. It is considered that this revised application provides the necessary 'clear and convincing justification' for the loss of historic fabric.

8.3 Material considerations which are relevant to the application include the effect of the development proposals on the listed buildings and their setting; Statutory Legislation (PLBCAA), Government policy (NPPF) and Guidance - 'The Setting of Heritage Assets'. Building Conservation supports the proposal as the alterations and additions proposed are considered to retain the most significant original elements of the listed structure, and would preserve and enhance the character and appearance of the conservation area(s).

8.4 Given the above, officers are of the opinion that to withhold Listed Building Consent (albeit with appropriate conditions) would be unreasonable.

## **9. Recommendation**

That this application be GRANTED listed building consent subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. 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 Castle Morpeth policy C29, Alnwick policy S16, and the NPPF.

03. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown in the following drawings and specifications:

- B6345/05A/135 (Proposed General Arrangement) dated Apr.'18;
- B/B6345/05A/138 (Location Plan) dated Apr.'18;
- B6345/05A/1398 (Phase I Parapet Repairs - Public Utilities Plan) dated Apr.'18;
- B6345/05B/137 Rev. B (Phase I Parapet Repairs - Rail Repairs) dated July '18
- B6345/05A/140 (Stage 1 & 2 Traffic Management) dated Apr.'18; and
- Construction Method Statement received 24 August 2018.

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

04. Notwithstanding the approved plans, new sections of wrought iron parapet shall match the original in terms of material, height, form, decoration and method of fixing.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

05. Prior to the cleaning, treatment and repair of the wrought iron parapets a Schedule of Works to include a Method Statement with specifications detailing the methods of repair and repainting shall be submitted to and approved in writing by the local planning authority following appropriate consultation with the Buildings Conservation Officer. A sample panel shall be prepared for the inspection and written approval of the planning authority. No work shall be begun on this aspect of the works until these written approvals have been issued.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

06. Prior to commencement of any works in connection with those hereby granted Listed Building Consent, a programme of labelling using brass or aluminium tags that corresponds to a numbered drawing indicating all elements of the structure to be repaired and/or replaced shall be carried out, details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Buildings Conservation Officer. Thereafter, the works shall be carried out in complete accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

07. All works to be carried out in accordance with the recommendations of the reports, "Protected Species Surveys, Felton Old Bridge", by Total Ecology, dated

October 2016 and "Nocturnal Bat Survey Report, Felton Bridge", by Total Ecology, dated May 2018, including the following measures:

- No vehicles to enter the water course;
- Contractors should not enter the watercourse;
- Any scaffolding required throughout the entire development process should span the river from bank to bank without any feet within the watercourse;
- Any scaffolding to be used should be fitted with kick-boards, with debris netting, including below the scaffold, to prevent any debris falling into the watercourse;
- Any plant and wheel washing to be carried out in connection with the development shall be undertaken in a designated area of hard standing at least 10 metres from the watercourse or any surface water drain leading to it. It shall be ensured that run-off is collected in a sump and settled solids are removed regularly to maintain capacity;
- Any cleaning of stonework shall be undertaken without having to employ liquid chemicals such as caustic and acid solutions;
- All contractors should be fully briefed on the pollution control measures to be adopted on site, as described in the above document and the importance of not allowing waste materials or pollutants to enter the watercourse;
- If bats or otter are observed at the site works shall be stopped and the project ecologist shall be informed immediately; and
- Two Schwegler 2F bat boxes shall be placed on a suitable tree at a height of 4-6m on the south or west elevations of the tree.

Reason: To prevent harm to a nationally important nature conservation site and prevent harm to protected species in accordance with the NPPF and Castle Morpeth policy WTC4 and Alnwick Local Plan policy RE13.

08. No works shall be undertaken between 1 March and 31 August unless an ecologist has first confirmed that no bird's 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 in accordance with the NPPF.

### **Informatives**

1. The developer is advised to contact the Council's Traffic Management Section at: [highwaysprogramme@northumberland.gov.uk](mailto:highwaysprogramme@northumberland.gov.uk) before and during the construction period.
2. Building materials or equipment shall not be stored on the highway unless otherwise agreed. The developer is advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
3. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

**Date of Report:** 13<sup>th</sup> September 2018

**Background Papers:** Planning application file(s) 18/02714/LBC

