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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Rebecca Little

Email: Rebecca.Little@northumberland.gov.uk

Tel direct: 01670 622611

Date: Wednesday, 15 March 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **NORTH NORTHUMBERLAND LOCAL AREA COUNCIL** to be held in **MEETING ROOM 1, BERWICK LEISURE CENTRE, NORTHUMBERLAND RD, TWEEDMOUTH, BERWICK-UPON-TWEED TD15 2AS** on **THURSDAY, 23 MARCH 2023 at 2.00 PM.**

Yours faithfully

Dr Helen Paterson
Chief Executive

To North Northumberland Local Area Council members as follows:-

G Castle (Chair), S Bridgett (Vice-Chair), T Thorne, T Clark, G Hill, W Pattison, G Renner-Thompson, C Seymour, J Watson, C Hardy (Vice-Chair (Planning)), I Hunter, M Mather and M Swinbank



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
www.northumberland.gov.uk



AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 1
- 22)

Minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 19 January 2023 and Thursday, 23 February 2023 as circulated, to be confirmed as a true record and signed by the Chair.

3. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other

Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

4. POLICING UPDATE

Inspector J Swan, Sergeant D Budge and Sergeant Stapleton will be in attendance to provide an update on policing issues in the North Northumberland area.

5. DETERMINATION OF PLANNING APPLICATIONS

(Pages
23 - 26)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>

6. 21/02292/FUL

(Pages
27 - 68)

**Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)
5 Palace Street East, Berwick Upon Tweed, Northumberland, TD15 1HT**

7. 21/02293/LBC

(Pages
69 - 90)

**Listed Building Consent: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)
5 Palace Street East, Berwick Upon Tweed, Northumberland, TD15 1HT**

8. 22/02968/VARYCO

(Pages
91 - 104)

**Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 19/02209/FUL
Longhoughton Hall, North End, Longhoughton, Alnwick, Northumberland, ND66 3AG**

9. **22/03383/VARYCO** (Pages 105 - 114)
Proposed alternation/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 18/03212/LBC Barn B, Longhoughton Hall, North End, Longhoughton, Alnwick, Northumberland, ND66 3AG
10. **22/03112/FUL** (Pages 115 - 124)
Retrospective: Instillation of Air Handling Unit within supermarket service yard. (note: the AHU has been reprogrammed to not operate between 22.00 and 07.00 hours unless the internal temperatures in the store drops below 10 degrees which will only occur under exception winter circumstances).
Asda, Main Street, Tweedmouth, Berwick Upon Tweed, Northumberland TD15 2DB
11. **APPEALS UPDATE** (Pages 125 - 136)
For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.
12. **SECTION 106** (Pages 137 - 140)
For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and related to agreements throughout Northumberland during the previous 2 months.
13. **PUBLIC QUESTION TIME**
To reply to any questions received from members of the public which have been submitted in writing in advance of the meeting. Questions can be asked about issues for which the Council has a responsibility. (Public question times take place on a bimonthly basis at Local Area Council meetings: in January, March, May, July, September and November each year.)

As agreed by the County Council in February 2012, the management of local public question times is at the discretion of the chair of the committee.

Please note however that a question may possibly be rejected if it requires the disclosure of any categories of confidential or exempt information, namely information:
1. Relating to any individual;

2. Which is likely to reveal the identity of an individual;
3. Relating to the financial or business affairs of any particular person ;
4. Relating to any labour relations matters/negotiations;
5. Restricted to legal proceedings
6. About enforcement/enacting legal orders
7. Relating to the prevention, investigation of prosecution of crime.

And/or:

- Is defamatory, frivolous or offensive;
- It is substantially the same as a question which has been put at a meeting of this or another County Council committee in the past six months;
- The request repeats an identical or very similar question from the same person;
- The cost of providing an answer is disproportionate;
- It is being separately addressed through the Council's complaints process;
- It is not about a matter for which the Council has a responsibility or which affects the county;
- It relates to planning, licensing and/or other regulatory applications
- It is a question that town/parish councils would normally be expected to raise through other channels.

If the Chair is of the opinion that a question is one which for whatever reason, cannot properly be asked in an area meeting, he/she will disallow it and inform the resident of his/her decision.

Copies of any written answers (without individuals' personal contact details) will be provided for members after the meeting and also be publicly available.

Democratic Services will confirm the status of the progress on any previously requested written answers and follow up any related actions requested by the Local Area Council.

14. PETITIONS

This item is to:

(a) Receive any new petitions: to receive any new petitions. The lead petitioner is entitled to briefly introduce their petition and a response to any petitions received will then be organised for a future meeting.

(b) Consider reports on petitions previously received - None

(c) Receive any updates on petitions for which a report was previously considered: any updates will be verbally reported at the meeting.

15. LOCAL SERVICES ISSUES

To receive a verbal update from the Area Managers from Technical Services and Neighbourhood Services in attendance about any key recent, ongoing and/or future planned Local Services work for the attention of members of the Local Area Council, who will also then have the opportunity to raise issues with the Area Managers.

The Area Managers have principal responsibility for highway services and environmental services, such as refuse collection, street cleansing and grounds maintenance, within the geographic boundaries of the Local Area Council.

16. LOCAL AREA COUNCIL WORK PROGRAMME

(Pages
141 -
148)

To note the latest version of agreed items for future Local Area Council meetings (any suggestions for new agenda items will require confirmation by the Business Chair after the meeting).

17. DATE OF NEXT MEETING

The next meeting of the North Northumberland Local Area Council is scheduled for Thursday, 20 April 2023 at St James URC, Pottergate, Alnwick, NE66 1JW

18. URGENT BUSINESS

To consider such other business, as in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)—

	<p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Agenda Item 2

NORTHUMBERLAND COUNTY COUNCIL

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

At the meeting of the **North Northumberland Local Area Council** held at Main Hall - St James's URC, Pottergate, Alnwick, NE66 1JW on Thursday, 19 January 2023 at 2.00 pm.

PRESENT

G Castle (Chair) (in the Chair)

MEMBERS

S Bridgett
T Clark
W Pattison
C Seymour
M Mather

T Thorne
G Hill
G Renner-Thompson
J Watson
M Swinbank

OTHER COUNCILLORS

Cllr G Sanderson

OFFICERS

J Blenkinsopp
H Booker

G Bucknall
B Hodgson
P Jones
R Little
E Scott
J Sharp

Solicitor
Principal Highways Development
Management Officer
Highways Delivery Area Manager
Neighbourhood Services Area Manager
Service Director - Local Services
Assistant Democratic Services Officer
Built Heritage and Design Officer
Senior Planning Officer

Around 30 members of the press and public were present.

98 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Hardy and Hunter.

99 **MINUTES**

RESOLVED that the minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 24 November 2022, as circulated, were confirmed as a true record and were signed by the Chair.

RESOLVED that the minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 22 December 2022, as circulated, were confirmed as a true record and were signed by the Chair.

100 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Hill stated that she was a member of the Berwick Civic Society but did not sit on the planning committee and therefore had a personal but non-prejudicial interest in planning applications 21/02292/FUL and 21/02293/LBC, she had also spoken to all parties regarding planning application 22/01098/FUL but had expressed no public view and had an open mind.

Councillor Seymour stated that she was also a member of the Berwick Civic Society and had a personal but non-prejudicial interest in planning applications 21/02292/FUL and 21/02293/LBC

Councillor Castle declared that he had a personal and prejudicial interest in planning applications 22/03343/FUL and 22/03344/LBC and would leave the room while the items were discussed and voted on.

101 **BUDGET 2023-24 AND MEDIUM-TERM FINANCIAL PLAN**

A presentation was provided by Councillor Sanderson, Leader which gave information on the State of the County reflecting on the work the Council were undertaking based on the Council's priorities of providing value for money, tackling inequalities and delivering growth and jobs. A copy of the presentation would be filed with the signed minutes of the meeting and uploaded to the Committee papers on the Council's website.

Following consultation with residents a number of park commemoration schemes had been announced to form a countywide celebration of the life of the late Queen Elizabeth II. Information on what the Council was doing to help address inequalities in health and education, with the belief that all children should be offered the same opportunity in life to flourish, and the financial support being offered to those people most in need were outlined. The response by residents and communities to an appeal for donations to support Ukrainian nationals had been tremendous. The Council's current Capital Programme included over £806m investment in 2022-2026 to ensure that the infrastructure and facilities

were provided to drive future growth and job creation within the County along with further investments through the Borderlands Partnership and North of Tyne Combined Authority.

The Council was continuing to invest in education and skills with a number of capital projects coming forward to in relation to schools within the Coquet, Berwick and Seaton Valley areas along with other educational facilities to grow the skills needed by local employers and industries. At the last focussed visit held in July 2022 in relation to children's social work Ofsted had found many positives in the Council's practice and procedures and in April 2022 88% of the County's schools were judged to be good or better.

The commitment to maintain frontline services had remained with increased funding for highway maintenance in 2022-23, however the recent bad weather had impacted on the number of defects on the road network being reported. The Council had been praised for its work in supporting people requiring care packages after being discharged from hospital and was grateful for staff who provided this service. There was always a need to attract more care workers and travel allowances had been increased to try to encourage more people into this sector.

A new Chief Executive was due to start at the Council on 8 February 2023 and recruitment was also underway for a new Executive Team. The Corporate Plan was to be refreshed to drive improvements in all services and a Strategic Change Programme developed to deliver the things that were most important to residents in a cost-effective way. It was hoped that compulsory redundancies could be avoided, but this could not be guaranteed. The recently announced Government settlement had been better than expected and new legislation would give the Council more power to address issues related to second or vacant homes and the pressure this put on some communities. There would still be inflationary pressures on the budget going forward in relation to pay and other factors. Details of the proposed budget would be released at the beginning of February and all Members would be invited to the Corporate Services and Economic Growth Overview and Scrutiny Committee on 13 February 2023.

RESOLVED that this was noted.

102 **DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

Members noted that in Councillor Hardy's absence, Councillor Castle would chair the planning business of the meeting as well as the local area business. Councillor Castle proposed that Councillor Thorne would chair planning applications 22/03343/FUL and 22/03344/LBC as he had a personal and prejudicial interest in these matters, this was agreed by the committee.

RESOLVED that this was noted.

103 **21/02292/FUL**

Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended) 5 Palace Street East, Berwick-Upon-Tweed, Northumberland, TD15 1HT

J. Sharp – Senior Planning Officer, introduced the application to members with the aid of a PowerPoint presentation and gave the following updates:

- There had been a late representation from the Victorian Society objecting to the demolition of the Spier & Co. of the Glasgow hut, this had been circulated to members prior to the meeting.
- There had also been a late representation from the Twentieth Century Society objecting to the demolition of the Armstrong hut, this had been circulated to members prior to the meeting.

E. Convey spoke in objection to the application and gave the committee the following information:

- There had been strong objections to the gross overdevelopment of a sensitive conservation area planned for the grounds at the back.
- The proposed garage was 72ft long and both new builds were 21ft high and would be an eyesore, projecting over the town walls.
- The site would tower over the neighbouring properties and invade privacy to the homes on the opposite side.
- The Armstrong hut and the Spiers classroom were important listed buildings.
- The new builds would detract from the long-established open landscape and would not be a positive contribution to the local character and distinctiveness of the area.
- The plans had included a motorcycle workshop, which would produce overwhelming noise, dirt and fumes. The applicant had removed the motorcycle workshop but that did not exclude the possible establishment for one at a later time.
- A condition should be added that no motorbike workshop should be allowed on the site, on the grounds that the noise and fumes would be extremely detrimental to the mental health and well-being of anyone living in the area.
- The suggested hours for any workshop noise of 8am-6pm every weekday was hardly any restriction and needed to be considerably reduced.
- The development, the overshadowing, the invasion of privacy and the likelihood of intrusive noise would interfere with the enjoyment of neighbouring properties and should not be allowed.

G. Davies spoke on behalf of Berwick Town Council and gave the committee the following information:

- In the absence of a user or developer willing to take the building on, it would not stay preserved and would rot away.
- The building had been subject to weather, vermin and to vandals which no listed building consent could prevent.
- The residents of Berwick agreed that something must be done with the building, but the options were limited.

Ch.'s Initials.....

- There was a suggestion of donating the listed buildings.
- There would be no conservation without some form of development.
- The potential for nuisance noise was a statutory matter which would be addressed under the existing laws relating to nuisance.
- The public benefit would arise from the accommodation that would be provided by the development.
- Berwick Town Council were in support of the application.

J. Bell spoke in support of the application and gave the committee the following information:

- Berwick Youth Project was an important part of the Northumberland County Councils youth service and delivered the county's service in Berwick under and SLA agreement between 2006 to 2021.
- Over the last twelve years, over £1,000,000 had been lost from funding in the Berwick and Boulmer area.
- Since 1997, the service had given over 270 young persons a chance to become responsible householders and understand what was needed for independent living.
- The condition of the building was poor and had sustained substantial damage and theft of materials.
- The project had only been able to be developed so far due to donations from the Architectural Heritage Fund and the Community Red Housing Fund.
- The spend so far had been £71,000 with little to show for it.
- Northumberland County Council should waive the Section 106 contribution condition.
- There had been an exaggeration of the motorcycle workshop.

Following members questions to the planning officer, the following information was provided:

- The proposed development would project over slightly but would blend in with the roof lines.
- The roof lights of the development would be at an angle.
- The listed buildings were curtilage listed and there was a condition placed on the application that those buildings were to be recorded if they were unable to be saved and relocated.
- Planning conditions had to be necessary to make a development acceptable and had to be directly related to the development and reasonable in scale and kind to the development.
- Covenants were not a material consideration.
- A condition could be added to phase the works to the development.

Councillor Seymour proposed to defer the application on the grounds that there were late objectors and that in her opinion the application needed to be split into two separate applications. Following legal advice that Councillor Seymour needed to consider the applications as they were before her and that deferrals are usually for further information or site visits not to seek alternative planning applications, Councillor Seymour withdrew her proposal to defer the application and made a proposal to refuse the application on potential harm to a Grade II listed building, visual impact and removal of heritage assets, with exact wording delegated to officers. This was not seconded and the motion to refuse failed.

Councillor Bridgett proposed to accept the recommendation with an additional condition to phase the building works and that works to the huts should not start until first occupancy of the main Georgian building, with exact wording of the condition to be delegated to the director of planning in consultation with the chair of planning, this was seconded by Councillor Thorne who stated that it was the right decision for Berwick and asked to add a note to the applicant to take reasonable steps to preserve the huts. The addition of a note to the applicant was agreed by Councillor Bridgett

A vote was taken as follows: FOR; 10, AGAINST; 0, ABSTAIN; 1.

RESOLVED that the application was **GRANTED** subject to a S106 legal agreement securing Coastal Mitigation (£6150) and Open Space contributions (£12,494.34) in line with the conditions set out in the report, and a further condition dealing with phasing the building works and that works to the huts should not start until first occupancy of the main Georgian building with the exact wording delegated to the director of planning in consultation with the chair of planning and a note to the applicant to take reasonable steps to preserve the hut.

A 5-minute comfort break was announced.

104 **21/02293/LBC**

Listed Building Consent: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)

5 Palace Street East, Berwick-Upon-Tweed, Northumberland, TD15 1HT

J. Sharp – Senior Planning Officer, introduced the application.

J Bell spoke in support of the application and gave the following information:

- The applicant had engaged with several historical museums about the relocation of the huts, and they had declined to accept the huts.
- The applicant would reuse and repair the huts as much as possible.
- The garage and workshop would be for a training room and would also be used for the storage of canoes and other equipment.

Councillor Bridgett proposed to accept the recommendation, this was seconded by Councillor Thorne.

A vote was taken as follows: FOR; 10, AGAINST; 0, ABSTAIN; 1.

RESOLVED that the application was **GRANTED** in line with the conditions set out in the report.

105 **22/01098/FUL**

Proposed new self/custom build dwelling and annexed accommodation. Horncliffe County First School, Tofts Lane, Horncliffe, Berwick-Upon-Tweed, Northumberland TD15 2XR

J. Sharp – Senior Planning Officer, introduced the application with the aid of a PowerPoint Presentation and gave the following updates:

- Additional six representations had been received in support of the proposals, these related to the removal of the old school building and some consider the design of the proposed dwelling acceptable.

P. Greenwood spoke in support of the application and gave the committee the following information:

- The site was a brownfield site where the applicant had already constructed six semi-detached affordable bungalows for rent.
- The applicant would utilise the current reinforced concrete floor, which would save hundreds of tons of concrete being dug up and transported.
- The application would use existing utility services already on site.
- The existing roadways would be maintained as well as hard standing parking with was on site with drainage.
- Materials were locally sourced from local firms with facing stone from the local quarry.
- The structure of the building would be utilised during the build negating the need to have additional portacabins for the site workers.
- Daylight would not be restricted due to the site orientation.
- There would be a low impact from street view due to the current mature trees in the existing garden.
- The application was for a family dwelling offering independent support for elderly relatives.

Following questions from members to the planning officer, the following information was provided:

- The separation distance to the neighbouring properties was 13m in some places and 6m at the nearest, whereas the industry standard was 21m.
- There was potential and concerns for overbearing and overlooking into the neighbouring properties.
- The planning officer believed a better design could be achieved.
- The desire to demolish the existing school building was not a material consideration.

Councillor Patterson proposed to grant the application saying that she did not believe the design was of poor standard, this was seconded by Councillor Hill.

Councillor Thorne stated that he was against the planning application and that the application was too close to the existing bungalows and that it did not fit in with the local surroundings, this was agreed by Councillors Watson, Swinbank and Castle.

A vote was taken as follows: FOR; 3, AGAINST; 7, ABSTAIN; 1.

The motion failed, Councillor Thorne proposed the accept the officer's recommendation to refuse the application, this was seconded by Councillor Watson.

A vote was taken as follows: FOR; 6, AGAINST; 3, ABSTAIN; 2.

RESOLVED that the application was **REFUSED** for the following reasons:

Ch.'s Initials.....

1. Design

By virtue of its design, massing and scale the proposal would result in an incongruous and inappropriate form of development that would not make a positive contribution to local character and distinctiveness and would not integrate well into the surrounding area. The proposal would therefore be contrary to Policy QOP 1 of the Northumberland Local Plan and the National Planning Policy Framework.

2. Impact on Amenity

By virtue of its scale, design and close location to existing properties at Hair Court, the proposed development would have a detrimental impact upon neighbouring amenity. The proposed development would therefore not accord with Policy QOP 2 of the Northumberland Local Plan or the National Planning Policy Framework.

106 **SUSPENSION OF STANDING ORDERS**

As the meeting approached the 3 hour limit Members were asked if they wished to suspend standing orders in order to continue the meeting. Upon being put to the vote it was:

RESOLVED that in accordance with the Council's constitution, standing orders be suspended and the meeting continue over the 3 hour limit.

*Councillor Castle left the meeting at this point.
Councillor Thorne took the chair.*

107 **22/03343/FUL**

**Alteration and refurbishment to accommodate Bailiffgate Museum. Install external access ramp. Remove escape stairs. New main entrance to North with new stair, new platform lift and glazed infills to enclose the arched openings. Installation of a Mezzanine including stair access and lift. Raising of chandeliers. Refurbishment of second floor to create meeting/storage area. Redecorate original entrance.
Northumberland Hall, Market Street, Alnwick, Northumberland, NE66 1SS**

J. Sharp – Senior Planning Officer, introduced the application with the aid of a PowerPoint Presentation and gave the following update:

- The removal of conditions 4 and 6 from the recommendation.

J. Humphrys spoke in support of the application and gave the committee the following information:

- The Bailiffgate Museum had around 10,000 visitors each year, they ran an education programme providing loan boxes and talks for schools and community groups from Berwick to Gateshead and had a strong outreach programme to capture the history and heritage of Alnwick and the districts

around the town.

- The museum had outgrown its current building.
- The ambition was to create a dynamic and inclusive cultural and creative hub in the heart of Alnwick, building on local skills, pride, and confidence and to provide a catalyst for the regeneration of the town.
- The aim was to retain the significant historical features of the building, ensuring that it complied with modern standards and take a sensitive approach to make minimum intervention.
- Ramps and lifts would make the building accessible to all.
- Refitting and glazing the “fish market portico” would give the building a highly visible entrance and a space in which to show museum exhibits.
- The inclusion of a lightweight mezzanine floor, which could be removed with minimal harm to the building.
- The applicant would re-use materials where possible and would keep the integrity of its Grade I listing.
- There would be a retail unit available on the ground floor and a meeting space to rent on the third floor to provide a regular income.
- The proposals provided the opportunity to give the building a long term, sustainable future through a new use that would bring more people into the building each day.
- The fabric of the building would be made good, and its energy efficiency improved.
- The application site would be flexible to allow for a range of purposes for the community and visitors.

Following questions from members to the planning officers, the following information was provided:

- The public were still able to access the public toilets on the other side of the building.

Councillor Watson proposed to accept the officers recommendation to grant the application including the removal of conditions 4 and 6, and the inclusion of an informative or condition in respect of the cover for the cycle rack not being required, with the exact wording to be delegated to the Director of Planning, this was seconded by Councillor Bridgett.

A vote was taken as follows: FOR; 9, AGAINST; 0, ABSTAIN; 1.

RESOLVED that the application was **GRANTED** subject to the conditions outlined in the report and the removal of conditions 4 and 6 and the inclusion of an informative in respect of the cover for the cycle rack not being required.

Councillor Bridgett left the meeting.

108

23/03344/LBC

Listed Building Consent for alteration and refurbishment to accommodate Bailiffgate Museum. Install external access ramp. Remove escape stairs. New main entrance to North with new stair, new platform lift and glazed infills to enclose the arched openings. Installation of a Mezzanine including stair access and lift. Raising of chandeliers. Refurbishment of second floor

Ch.'s Initials.....

Page 9

**to create meeting/storage area. Redecorate original entrance.
Northumberland Hall, Market Street, Alnwick, Northumberland, NE66 1SS**

J. Sharp introduced the application, there were no updates and no questions from members to the planning officer.

Councillor Watson proposed to accept the officers recommendation, this was seconded by Councillor Pattison.

A vote was taken as follows: FOR; 8, AGAINST; 0, ABSTAIN; 1.

RESOLVED that the application was **GRANTED** in line with the conditions set out in the report.

*Councillor Castle returned to the meeting.
Councillor Patterson left the meeting.*

Councillor Castle in the Chair.

109 **APPEALS UPDATE**

RESOLVED that this was noted.

110 **HIGHWAYS UPDATE**

H. Booker - Principal Highways Development Management Officer gave a presentation to the committee regarding sustainability in highways and transport terms, and included the following topics:

- What did the term “sustainable development” mean for NCC?
- Principles of Sustainable Development
- National Planning Policy Framework
- Highways Key Local Plan Policies
- Policy TRA 1: Promoting Sustainable Connections
- What sustainably means in terms of highways and transportation?
- Conclusions

Following the presentation members were invited to ask questions of the highways officer, the following information was then provided:

- When reviewing a planning application, the highways officers would look at several different things to judge on whether it would be sustainable, such as bus services, other regular public transport or whether the occupants of the application would be over reliant on cars.
- Transport requirements were being looked at more than they were in past planning applications, due to the updated policies in central government along with the NPPF and the new Northumberland Local Plan.
- Members were able to add conditions to a planning application that EV chargers must be present in the development, as well as bike connectivity in larger applications.
- The differing highways departments in Northumberland County Council

were aware that there were contradicting views on some aspects of sustainability and work was underway to provide a more joined up approach.

- New Local Plan policies were trying to initiate conversations with developers to encourage less reliance on this type of travel
- An objection from Highways on the ground of sustainability could be used to initiate a conversation with the applicant to encourage them to think about other sustainable mitigation such as EV chargers at new developments.

Members thanked Hannah for the presentation.

A copy of the presentation was included with the minutes.

A comfort break was announced to allow officers to change over.

111 PUBLIC QUESTION TIME

No questions had been received.

112 PETITIONS

- (a) No new petitions had been received.
- (b) There were no petition reports for members to discuss.
- (c) No updates on previous petitions.

Councillor Hill and Councillor Seymour left the meeting.

113 LOCAL SERVICES ISSUES

Highways

G. Bucknall – Highways Delivery Area Manager provided an update on highways.

Resurfacing

Due to the cold snap in December followed by the Christmas break, not many resurfacing schemes had been completed - Hilary Close, Longhoughton and a few roads in the Guyzance area had been completed.

The next schemes to complete were A6698 to New Bewick and the widening of the A697 to Branton Road.

The LPT programme in the North had Dene Drive, Berwick and A1 to Lucker outstanding alongside another three U and C roads.

Maintenance

The severe weather variations had caused a large spike in potholes, the

Highways inspectors and response gangs had been continually working to attend potholes, however due to the fluctuations in the weather more potholes were expected.

Winter Services

Gritters had constantly been out and treating routes, primary routes had been attended to twice daily and secondary routes once a day, as well as prioritising any areas on request.

Members thanked Graham and the team for their continued hard work.

Local Services

Waste Services

The refuse collection service had worked well over the Christmas period with no complaints received in relation to the dates of collection. Staff had worked with the organisation to ensure that some houses that had been given incorrect collection dates due to a printer error were informed of the correct revised dates via leaflets and a targeted social media campaign.

Dedicated refuse staff in the North collected over 163 tonnes of recycling waste week commencing 26th December and also collected over 596 tonnes of residual waste week commencing 2nd January.

Grounds Maintenance

The team were continuing with the winter works programme and were confident that they would be able to complete all outstanding works. Progress through the programme had been impacted due to the team being deployed to the winter gritting services to support Highways colleagues during the recent prolonged period of ice/snow.

Leaf clearance was close to being completed but had slowed due to weather.

Glass Trial Update

The glass trial was continuing as per November's update and the team were assessing the frequency of the collections in some areas.

Food Trial Update

The food trial started week commencing 21st November with a 10-month trial in the central area with a weekly collection of 4,800 properties in the trial areas. The trial was operating from Morpeth depot only due to the cost of dedicated vehicles and staffing, during the trial rates and average weights would be monitored with a report on the findings of the trial provided for members at the end of the trial period.

Members thanked Bob and the Local Services team for their continued hard work.

RESOLVED that this was noted.

Councillor Mather left the meeting.

114 **COASTAL SUMMIT FEEDBACK - SUMMER 2022**

P. Jones – Service Director - Local Services gave a presentation to the committee around the feedback given from the Visitor Management Arrangements in Summer 2022, and included the following topics:

- Background and Context
- Key Objectives
- “Love it Like It’s Yours” – Community Campaign
- Parking and Transport
- Street Cleansing and Public Toilet Provision
- Fly Camping and Motorcaravans
- Destination Management Plan

Following the presentation members were invited to ask questions regarding the presentation, the following information was then provided:

- Changes were made during the trial in response to concerns raised by some users, which resulted in the space between motorhomes being increased to 3m. This change had been accommodated within Beadnell and Bamburgh but had affected the capacity at Amble.
- A planning application would be submitted in due course to enable the motorhome pilot scheme to become a permanent arrangement at the three car parks.

Members thanked Paul for the presentation.

A copy of the presentation was included with the minutes.

RESOLVED that this was noted.

115 **LOCAL AREA COUNCIL WORK PROGRAMME**

RESOLVED that this was noted.

116 **DATE OF NEXT MEETING**

The next meeting of the North Northumberland Local Area Council was scheduled for Thursday, 23 February 2023 at St James URC, Pottergate, Alnwick, NE66 1JW

RESOLVED that this was noted.

CHAIR.....

DATE.....

Public Document Pack

NORTHUMBERLAND COUNTY COUNCIL

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

At the meeting of the **North Northumberland Local Area Council** held at Main Hall - St James's URC, Pottergate, Alnwick, NE66 1JW on Thursday, 23 February 2023 at 2.00 pm.

PRESENT

G Castle (Chair)
(in the Chair)

MEMBERS

T Clark
G Hill
M Mather
G Renner-Thompson
M Swinbank

C Hardy
I Hunter
W Pattison
C Seymour
T Thorne

OFFICERS

M Bulman
V Cartmell
R Little
D Love
T Lowe
R McCartney

Solicitor
Planning Area Manager
Assistant Democratic Services Officer
Senior Planning Officer
Principal Planning Officer
Highways Infrastructure Manager

Around 15 members of the press and public were present.

117 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bridgett and Watson.

118 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Hunter disclosed that she was a Parish Clerk for Beadnell Parish Council and had a personal, but non prejudicial interest in item 5 of the agenda. Planning application 21/04346/FUL.

Councillor Hill disclosed that she sat on the executive board for Berwick Civic Society however did not sit on the planning committee and had a personal but non-prejudicial interest in item 8 of the agenda. Planning application 22/00494/FUL.

Councillor Seymour disclosed that she was a member of Berwick Civic Society and had a personal but non-prejudicial interest in item 8 of the agenda. Planning application 22/00494/FUL.

119 **LOCAL TRANSPORT PLAN PROGRAMME 2023-24**

A Craig - Programme Officer (Highways Maintenance) and R McCartney - Infrastructure Manager introduced the report to the committee, giving a brief overview of the draft Local Transport Plan programme for 2023-24.

Following the overview, members were invited to comment or ask questions of the officers. The following information was provided:

- A record of requests from members was stored and used to develop future LTPs.
- The LTP list was determined by area of priority.

Members thanked A Craig and R McCartney for attending.

120 **DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

Members were informed that the following planning application was withdrawn from the agenda:

- 21/03496/FUL
Proposed new detached dwelling. Westlea Bed and Breakfast, 29 Riverside Road, Alnmouth, NE66 2SD

21/04346/FUL**Replace Existing Building (3no Flats/14 No Bed Sits Space) With 3no Detached Houses With 18 Bed Spaces.
On The Beach, Harbour Road, Beadnell, NE67 5AN**

D Love – Senior Planning Officer introduced the application with the aid of a PowerPoint presentation and gave members the following updates:

- An addendum report had been circulated to members prior to the meeting which provided details of the consultee response from Highways.
- There had been a late comment from Beadnell Parish Council questioning the consultation process with Highways, a response from Highways was provided and read: “When approaching from the north there are essentially two ways you can get into Beadnell, one of which is the road in question. From a highway safety perspective, on approach to where the development perspective is located when you are coming from the north, drivers have good visibility of the cluster of buildings, with the development in question one of the first ones you can see. The speed limit signage is also clearly visible where it changes to 30mph meaning vehicles should not be getting up to high speeds. There is already an existing access and existing access(es) to the cluster of buildings on this road where vehicles currently manoeuvre out onto the highway and no record of road safety incidents in the last 5 years and so there is no evidence that would suggest there would be an unacceptable impact on highway safety in this instance.”
- Members had received direct communication from Beadnell Parish Council prior to the meeting questioning the description of the development by the case officer in terms of unit numbers and accommodation capacity and the description of the access road to the site by the case officer and the highways comments in relation to turning and parking. D. Love confirmed that they had queried the description with the applicant, the offering was advertised as 14, but the potential was there without planning permission for 18.
- D Love confirmed to members that the existing unit was not residential. As per the use classes order, it was a sui generis use and not residential C3. For the purposes of the assessment, it was a commercial operation.

G. Martindale spoke on behalf of Beadnell Parish Council and gave members the following information:

- The current building did not present an attractive entrance to the village and the Parish Council were generally supportive of the intention to demolish and replace it.
- This was an overdevelopment of the site, with one building replaced by three.
- The height and uniformity of the buildings did not respond to local character within the Beadnell Conservation area in which the site was situated.
- The site was boarded by the main road into and out of Beadnell to the North. The Parish Council were concerned that the reduction in parking provision from 25% to 15% of the site area would result in cars backing onto the highway and across a well-used pedestrian path.
- Parking was a major concern in all areas with high concentrations of Holiday-lets. Policy 8 of the north Northumberland Coast Neighbourhood Plan sought to ensure sufficient car parking space was provided within the

curtilage of the proposed development to ensure no additional on-street parking on nearby streets. The application contravened that policy due to the over-development of the site.

- The AONB stated that new defences were required to protect the site. The Local Flood Authority did not agree but asked for a £10,000 contribution towards coastal erosion defence works.
- The Parish Council objected to the application but would be open to considering a smaller development in keeping with the size of the site.

N Allan spoke in support of the application and gave members the following information:

- The application site as it stood was not attractive and was an eyesore.
- There were no technical objections.
- New sea defences were not part of the proposal.
- The main issue was the impact on local character.
- The height of the application would be the same as neighbouring properties.
- Beadnell had a mixed character of buildings, traditional and modern.
- The application would bring quality design and uniformity to the entrance of the village and was the best scheme for the site.
- The application was adjacent to a conservation area.

Following the public speakers, members were invited to ask questions of the planning officer. The following information was then provided:

- The design was acceptable in the planning balance and the planning officer did not think the application was an overdevelopment of the site.
- The proposal allowed for two parking spaces per unit.
- The lifetime of the development would be at least 100 years.
- There were conflicting views on whether the application site was in the conservation area.

Councillor Castle proposed to defer the application to allow officers to clarify whether the application site was in the Beadnell Conservation Area and for a conservation officer and highways officer to attend. This was seconded by Councillor Hardy.

A vote was taken, and it was unanimously

RESOLVED that the application be **DEFERRED** to allow planning officers to clarify whether the application site was in the Beadnell Conservation area and to ensure a conservation officer and highways officer to attend the meeting when the application was next discussed.

122 **22/03896/FUL**

Conversion of existing garages to form 4 bungalows.

Mouldshaugh Lane Garages, Mouldshaugh Lane, Felton, Northumberland

T Lowe – Principal Planning Officer introduced the application with a PowerPoint presentation and gave members the following updates:

- Condition 15 should read “No building shall be brought into use or occupied until a verification report to the approved methodology in Condition 14 has

- been submitted to and approved in writing by the Local Planning Authority.”
- Since the publication of the report, a number of additional objections had been received and had been uploaded to public access and members had had the opportunity to view them. Objections included; loss of current use of garages for household and other storage, need for the bungalows, loss of parking and design of the bungalows.
- The Housing Delivery Manager had confirmed that the garages were allocated/contracted for the storage of motor cars. All occupiers who identified their need to garage cars, could be accommodated in the remaining garages in Block C.
- The Housing Enabler Officer had confirmed the local ‘Need’ for the size/type of accommodation.

A Culprit spoke on behalf of Felton Parish Council and gave members the following information:

- Felton Parish Council supported the values of the application and were in favour of regenerating brownfield sites however opposed to the scheme on behalf of residents.
- The garages were said to be disused however they were used for vehicle parking and tool storage.
- Felton lacked garages and off-street parking.
- There was a waiting list for the garages, and the Parish Council were shocked to find out that some were empty.
- There was no need for additional housing.
- The development was not appropriate.

R Edwards spoke in support of the application and gave members the following information:

- The application was for 100% affordable housing.
- There was an increasingly aging population in Felton.
- The construction method would be sustainable as the development would be made from pre-manufactured panels.
- The bungalows were all accessible, energy efficient, two bed properties.

Following questions from members to the planning officer, the following information was then provided:

- The garages were contracted to be used as a car garage, across all three blocks, all who responded to the Housing consultation to garage cars could be accommodated in Block C.
- There would be five dedicated parking spaces for the bungalows as well as visitor parking.
- Parking, access, and the road widths were all acceptable.
- No compensation would be offered to residents.
- The garages were owned by Northumberland County Council.
- The bungalows would meet all current building standards including domestic EV chargers.

Councillor Pattison joined the meeting midway through questions to the planning officer from members. It was noted that although she was in attendance, she would not take part in any debate or vote in the application.

Councillor Thorne proposed to refuse the application on the basis of loss of parking amenity with the exact wording to be delegated to officers. This was seconded by Councillor Mather.

Councillor Thorne expressed that whilst he supported the principle of converting garages to low cost, energy efficient properties, he felt that Felton already had a critical car parking situation, and the garages were needed for not only parking but for residents to use as storage. Councillor Mather voiced to members that the Parish Council and the Local Councillor knew what was happening on the ground and urged members to support the voice of the local people.

Members noted that they had a duty to promote social housing and whilst it was a fine balance there was no planning reason to refuse the application, with Councillor Clark stating that he would welcome this type of application in his ward.

A vote was taken on the motion to refuse as follows: FOR; 2, AGAINST; 8, ABSTAIN; 0

The motion failed and Councillor Castle proposed to accept the officer's recommendation, this was seconded by Councillor Hill.

A vote a taken as follows: FOR; 8, AGAINST; 2, ABSTAIN; 0

RESOLVED that the application be **GRANTED** subject to the conditions in the report.

123 **22/00494/FUL**
Proposed change of use to dental clinic (E) and 2no residential apartments (C3). External changes including additional windows and rood lights. 90-92 Marygate, Berwick Upon Tweed, Northumberland, TD15 1BA

T Lowe – Principal Planning Officer introduced the application with the aid of a PowerPoint presentation, there were no updates.

Dr S C Chohan spoke in support of the application and provided members with the following information:

- The planning application had been previously approved in 2015.
- The property was in a Conservation Area and had a prominent position, however it had not been in use since 2015.
- The applicant had accepted the additional window condition and would ensure the wooden windows were in place before commencing business.
- Tweedmouth Dental Clinic was a 2-surgery NHS dental practice that was the sole remaining NHS dental practice in Berwick.
- There was no space available in the existing practice building to allow the practice manager to be seated at work.
- Tweedmouth Dental Clinic moving to Marygate would bring 4500 patients to the high street, which would help to stimulate footfall and bring business back onto Marygate and help to support other businesses on the street.

Following questions from members to the planning officer, the following

information was then provided:

- The application site was not a listed building.

Councillor Seymour proposed to accept the officer's recommendation to grant permission subject to the conditions set out in the report and a Unilateral Undertaking securing a financial contribution of £1,230 towards the Council's Coastal Mitigation Service. This was seconded by Councillor Thorne.

A vote was taken, and it was unanimously

RESOLVED that the application was **GRANTED** subject to the conditions set out in the report and a Unilateral Undertaking securing a financial contribution of £1,230 towards the Council's Coastal Mitigation Service.

124 **APPEALS UPDATE**

RESOLVED that this was noted.

125 **SECTION 106**

RESOLVED that this was noted.

126 **DATE OF NEXT MEETING**

The next meeting of the North Northumberland Local Area Council was scheduled for Thursday, 23 March 2023 at Meeting Room 1, Berwick Leisure Centre, Tweedmouth, Berwick Upon Tweed, TD15 2AS

RESOLVED that this was noted.

CHAIR.....

DATE.....

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Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

23 MARCH 2023

DETERMINATION OF PLANNING APPLICATIONS

Report of the Interim Executive Director of Planning and Local Services

Cabinet Member: Councillor C Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the North Northumberland Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:

- Decision makers are to have regard to the development plan, so far as it is material to the application
 - Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
 - Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

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BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for Money:	None unless stated
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

Report author : Rob Murfin
Interim Executive Director of Planning and Local Services
01670 622542
Rob.Murfin@northumberland.gov.uk

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 10 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

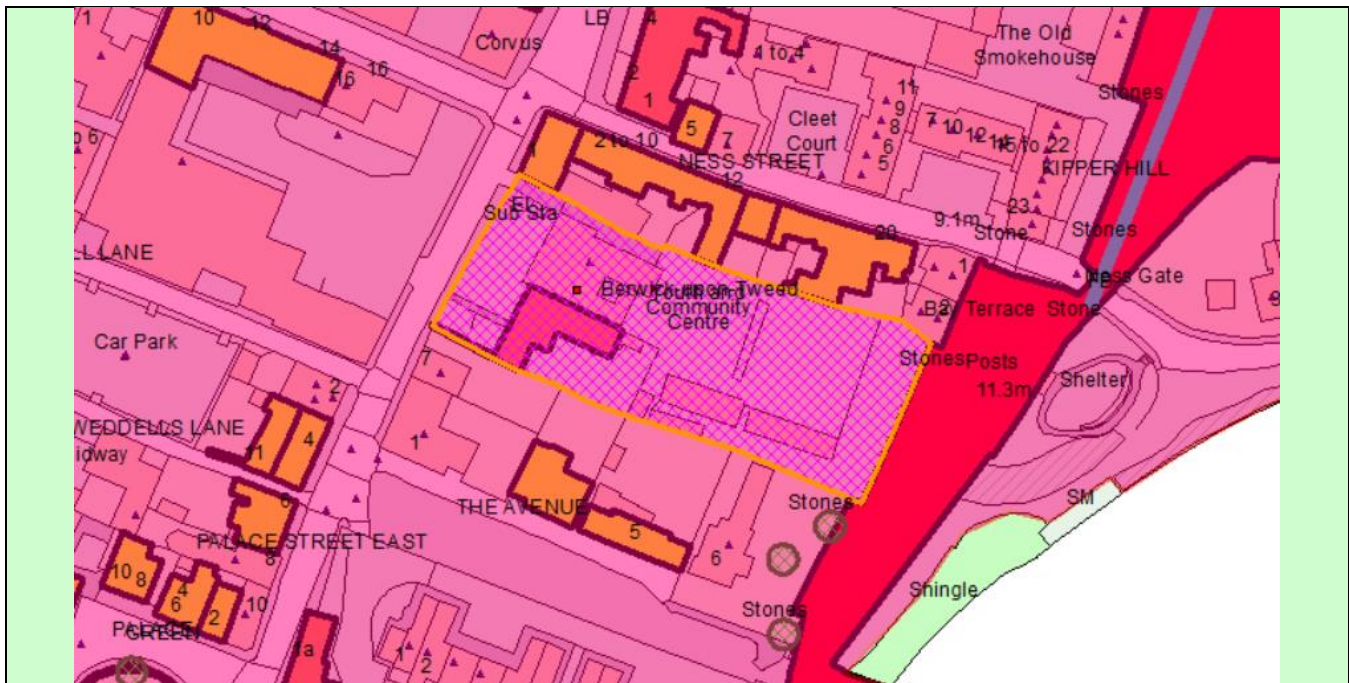


Northumberland
County Council

North Northumberland Local Area Council Planning Committee
23rd March 2023

Application No:	21/02292/FUL		
Proposal:	Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)		
Site Address	5 Palace Street East, Berwick-Upon-Tweed, Northumberland, TD15 1HT		
Applicant:	John Bell 9-12 Golden Square, Berwick Upon Tweed, TD15 1BG,	Agent:	Ninette Edwards 12 Alnside, Whittingham, Alnwick, NE66 4SJ
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	8 July 2021	Expiry Date:	31 May 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a S106 legal agreement securing Coastal Mitigation (£6150) and Open Space contributions (£12,494.34).



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised regarding the impact of the proposals upon designated heritage assets and neighbouring amenity.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

1.3 The application was discussed by Councillors at NNLAC Planning Committee in January 2023 and it was determined that it be approved subject to additional conditions securing the phasing of the development and completion of the aforementioned S106 agreement.

1.4 Following this, a Solicitor's letter was received on behalf of one of the neighbours who had objected to the proposals. The letter noted that the officer report had failed to explicitly mention paragraph 204 of the NPPF.

1.5 The Paragraph states that

“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

1.6 The letter contends that as a result no consideration appeared to have been given to the duty under said paragraph to take “all reasonable steps” to secure the development (and the associated benefits relied on by the Council in permitting the applications) when justifying the loss of the curtilage-listed heritage assets on site.

1.7 Whilst a condition was recommended to record details of the curtilage listed huts, it is suggested that the risk remains that these heritage assets could be lost without the proposed development subsequently being carried out, leaving their loss without reason and without any steps having been taken to avoid this. It is argued that this omission leaves any permission granted on the basis of the report presented to January committee open to challenge by Judicial Review.

1.8 Accordingly the application has been brought back to committee to address the issues raised and to allow the committee members to further debate the proposals.

2. Description of the Proposals

2.1 The application seeks planning permission for the conversion of a former community building to create 9no. flats (8no units of 'supported accommodation' plus a caretaker's flat.), with construction of 1no. new house and garage block to rear (as amended) at 5 Palace Street East, Berwick-Upon-Tweed.

2.2 The proposals include the renovation and conversion of the former Georgian Townhouse and associated Victorian school buildings to habitable accommodation, the cantilevering of the north gable wall of the school hall and removal of a stone arch to improve access to the rear of the site and the removal of 2no prefabricated outbuildings within the rear yard to facilitate the construction of a new dwelling and garage block. The refurbishment works include the drylining and thermal insulation of the building, replacement and/or refurbishment of windows and repairs to stonework. Initial proposals to render the front of the building have been removed and the proposed new build elements to the rear yard have been reduced in scale and massing.

2.3 The proposed dwelling would be single storey and would have an L-shaped plan form with accommodation consisting of 2no ensuite bedrooms, living, kitchen/dinner,

study, garage and WC/utility room. The footprint of the dwelling would be approximately 205sqm and it would have a maximum height of approximately 6.5 metres. Facing materials would include stone and render under a slate tiled roof.

2.4 The proposed garage block would have a simple plan form with a footprint of approximately 186sqm and a maximum height of 6.4 metres. It would include 4no garage spaces at ground level together with a shower room and kitchenette with stairs providing access to a meeting room and storage space in the roof space. Materials would match those of the house. The proposed use of the garage space has been confirmed by the applicant as being operated by the Berwick Youth Project for community use in line with the charity's objectives.

2.5 The application site is located within the built-up area of Berwick to the south east of the town centre. It is bound to the north and south by residential dwellings, to the east by the historic town walls and ramparts and to the west by public highway from which the site is accessed, with mixed commercial and residential development opposite.

2.6 Site constraints include,

Archaeological Site Centre Point
Article 4 Direction
Coal Advice Low Risk Area
Conservation Area
Coastal Mitigation Zone
Impact Risk Zone - SSSI
Listed Buildings (and Scheduled Monument)
NCC Land

3. Planning History

Reference Number: C/00/00204/CCD

Description: Change of use of first and second floor flat from residential to office use

Status: PER

Reference Number: N/84/B/LB07

Description: Construction of a garage and conservatory

Status: PER

Reference Number: C/84/B/127

Description: Construction of garage

Status: PER

Reference Number: C/89/B/069

Description: Renewal of 84/B/127 for garage

Status: REPLY

Reference Number: C/89/B/009 LBC

Description: Listed Building Consent for the renewal of 84/B/7 for garage

Status: REPLY

Reference Number: C/E/B/072

Description: Conversion of toilets in to shower block and provision of conservatory

Status: REPLY

Reference Number: N/84/B/0127/P

Description: Construction of garage

Status: PER

Reference Number: N/89/B/LB09

Description: Renewal of permission for garage.

Status: WDN

Reference Number: N/89/B/0069/P

Description: Renewal of permission on garage.

Status: WDN

Reference Number: N/00/B/0617

Description: Change of use of first and second floor flat from residential to office use

Status: NOOBJ

Reference Number: 18/04107/TREECA

Description: Trees in a conservation area: Fell Rowan (T1), Cherry (T2), WHitebeam (T3), Sycamore (T4), and Oak (T5).

Status: NOOBJ

Reference Number: 19/04114/LBC

Description: Listed Building Consent: Installation of perma steel boarding to protect building from further break-ins and eradication of dry rot

Status: PER

Reference Number: N/83/B/0179/P

Description: Conversion of outside toilet into shower block & provision of conservatory.

Status: PD

Reference Number: 21/02293/LBC

Description: Listed Building Consent: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)

Status: PDE

Reference Number: N/84/B/127

Description: Detailed application for construction of garage

Status: PER

4. Consultee Responses

Advance Northumberland	No response received.
Affordable Housing	Advice provided
Berwick-upon-Tweed Town Council	Members had no objections and would like to see the application progress. However, they expressed the wish that the application be considered by the Northumberland County Council Local Area Council due to the technicalities involved.
Berwick-upon-Tweed Town Council (2)	Berwick-upon-Tweed Town Council would like to make the following comments on the amended plans for Planning Applications 21/02292/FUL and 21/02293/LBC:

	<p>Members offered the following observations:</p> <p>Loss of public visual amenity, impact on outlook, concern that listed buildings are being demolished and concern that Conservation Officer has not commented and would draw their attention to the size of the garage and noise.</p> <p>The view was also expressed that the application should be adopted because:</p> <p>The buildings needs to be renovated due to their condition, the view from the walls will not be as bad as feared, the application is for a good cause and the noise will be bearable.</p>
<p>Building Conservation</p>	<p>The proposed conversion scheme would not preserve the special interest of the Grade II* listed building. It would result in less than substantial harm to its significance. We would welcome a revised proposal with a lighter touch to the reuse of this important listed building.</p> <p>Likewise, the proposed new build element to the rear of the site would cause less than substantial harm to significance as the scale and design of development does not preserve the open setting of the Grade II* listed building, scheduled ramparts and Conservation Area. The applicant has not put forward an Enabling Development case to justify that the new build element is required to finance the conversion of the listed building.</p> <p>We consider the proposal in its entirety would give rise to less than substantial harm to heritage assets of the highest designations within the terms of paragraph 199 of the Framework. Cumulatively, we consider the degree of this harm to be towards the upper end of the scale of less than substantial harm.</p> <p>Built Heritage and Design suggest that the applicant omits the new build element of this proposal to avoid a recommendation for refusal due to the number of concerns we have about the development. This would allow for proactive discussions between applicant and the Council on how to bring the Grade II* listed building back into use as a priority.</p>
<p>Building Conservation (2)</p>	<p>In our previous comments submitted 12th November 2021 we raised concerns regarding the following aspects of the proposed development that have not been addressed by the amended plans:</p> <ul style="list-style-type: none"> o Dry lining, noise attenuation and insulation throughout building - cross sections required showing how this related to internal features such as cornices, architraves, panelling and shutters o Replacing Georgian and Victorian timber sliding sashed windows with double glazed sash windows - awaiting window schedule and condition report

	<p>o Demolition of wall extending from 1836 extension of Georgian house - clear and convincing justification is required for the loss of this early 19th century wall</p>
<p>Building Conservation (3)</p>	<p>Subject to the above amendments/ conditions, we consider the amended proposals for the Grade II* listed building to be acceptable to bring it back into use and preserve its special interest in the long term.</p> <p>The proposed development to the rear of the site is much improved and would enhance the setting of the listed building. Its traditional built form and use of local materials would contribute positively to the character and appearance of Berwick Conservation Area.</p> <p>While its scale and design are much more appropriate within the setting of the scheduled ramparts, the development would still present 'less than substantial harm' as it would diminish the site's open character that enhances the setting of the ramparts and views along the promenade. This harm should be weighed against the public benefits of the development.</p>
<p>County Archaeologist</p>	<p>Insufficient information has been submitted to enable this application to be determined. A programme of archaeological assessment should be undertaken and submitted to the LPA prior to the determination of this application.</p>
<p>County Archaeologist (2)</p>	<p>The scope of an appropriate phased programme of archaeological assessment was set out in my memo response of 05/08/21. To date, the applicant has completed the first stage of the identified assessment process. In order inform an assessment of the significance of the archaeological resource and the impact of the development on that significance, it will be necessary for the applicant to undertake the remaining phases of work. It will also be essential for the applicant to provide clarity regarding the type and depth of foundations proposed and of any other proposed groundworks. Without this information it will not be possible to provide updated mitigation advice consistent with the tests and objectives of paragraphs 56 and 205 of the NPPF.</p>
<p>County Archaeologist (3)</p>	<p>The proposed development site has been subject to a programme of archaeological assessment including evaluation trenching. The evaluation exercise was limited to a depth of 1.25m below the present ground surface. This was on safety grounds and on the basis that the impact of development was not anticipated to exceed 1.25m below the present ground surface. The development has potential to damage or disturb archaeological deposits within the uppermost 1.25 m of the site (the anticipated maximum impact depth of the development). This risk can be mitigated via a programme of archaeological monitoring (watching brief). This work can be secured by condition.</p> <p>Should the impact of the proposed development exceed 1.25m, a more robust archaeological response may be required.</p>

County Ecologist	No objection subject to conditions and contribution to CMS
Environment Agency	No response received.
Fire & Rescue Service	No objection
Highways	Further to HDM's response dated 27th July 2021, the applicant has provided a supporting statement which states the access plan for the proposed works to the side access is on the existing and proposed floor plans BYP/101 and 201B, which is considered acceptable. The applicant has also submitted a revised block plan of the proposed access showing visibility splays of 2.4 x 43 metres however, the visibility sightline is obstructed by the stone pillars and part wall adjacent. The applicant is required to provide a revised block plan showing an unobstructed visibility splay from the site access. Further info also required re number of volunteers, whether use of garages can be restricted and a Stage 1 RSA is also required.
Highways (2)	<p>The following information will be required to inform a response within a statutory reconsultation period:</p> <p>A revised block plan is required giving details of the proposed widening works to the access.</p> <p>A revised block plan demonstrating visibility splays of 2.4 x 43 metres can be achieved from the proposed site access</p> <p>Further details of the expected numbers including staff and frequency of use of the proposed garages are required.</p> <p>If the amended / additional materials cannot be provided we would recommend the submission is withdrawn and that a revised application is submitted with the information required at a later date.</p>
Highways (3)	<p>Following HDM's previous comment on the application, the applicant has provided additional documentation and plans. On the basis of the evidence presented, HDM have major concerns over highway safety implications regarding the width of the access road which would be unable to allow 2-vehicle passage leading to vehicles waiting on the highway and restricting the space allowing for vehicles to egress from the junction. Furthermore, HDM have major concerns regarding vehicle manoeuvrability into and out of the access as demonstrated on the submitted drawings. There is very limited scope for improvements to fix this issue.</p> <p>HDM wishes to object to the development based on TRA 1 and TRA 2 of the Northumberland Local Plan (2022) and the NPPF Paragraphs 110 and 112 (2021).</p>
Highways (4)	<p>No objection subject to conditions and informatives and a Road Safety Audit, which will address concerns with the proposed development. All works to the access to the proposed development site must be constructed strictly in accordance with NCC's Specification for Highway Works.</p> <p>It is recognised that the access route is tight, however this is an existing vehicular access and whilst there may be occasions where vehicles may have to wait on the highway for a vehicle to egress the site onto Palace Street East, given the scale of</p>

	development and number of vehicle flows, which are spread throughout the day, there is unlikely to be a significant impact on highway safety. It is also noted that similar movements will have occurred from previous uses of the site. A Road Safety Audit will ensure a safety check to ensure there are no inherent issues.
Historic England	Bringing this important set of buildings back into use is a considerable benefit and as such we are supportive of the proposals in principle. However, in its present form, the proposals contain elements which would cause harm to the significance of this highly graded heritage asset and the character of this part of the conservation area, as discussed above. In that regard, we ask that alternative arrangements or further justification for the proposed solutions is requested from the applicant. These should be discussed and agreed to the satisfaction of your in-house conservation advisers, who will also be able to advise you of any necessary conditions.
Lead Local Flood Authority (LLFA)	The FCERM team at Northumberland County Council as the Coastal Protection Authority object to this application on Coastal Erosion Grounds. A Coastal Vulnerability Assessment is required to ensure that the development is appropriate and will be safe for the lifetime of development.
Lead Local Flood Authority (LLFA) (2)	A Coastal Vulnerability Assessment is required when a scheme is in a CCMA (Coastal Management Change Area) (Local Plan Policy WAT 5). Our Policy map shows Palace Street to be in a CCMA area. This requirement may be secured by conditions prior to the first occupation of the development.
Natural England	No objection subject to appropriate mitigation
Northumbria Ambulance Service	No response received.
Northumbrian Water Ltd	No response received.
Police Architectural Liaison Officer	<p>We always encourage the refurbishment and re-use of old and derelict buildings and whilst we have no objections for this planning application from a crime prevention viewpoint, there is little information provided with regards to security measures, such as access control for the main building and general physical security measures for the building.</p> <p>All of these measures should be considered with appropriate written policies in place. Please contact us if you require any advice or information in relation to security of the building.</p>
Public Protection	<p>The Environmental Protection Team object to the proposed development for the following reasons:</p> <p>No assessment of risks from land contamination as required by paragraphs 183 and 184 of the NPPF.</p> <p>No information submitted to indicate how the required ground gas / radon gas protection will be designed and fitted to the existing buildings to be retained.</p> <p>No information submitted of the potential impacts from the proposed "workshops" upon the residential elements of the proposed development or residential dwellings beyond the site.</p>

	Without further information about these issues, the Environmental Protection Team will be unable to remove these objections and being in a position to recommend appropriate conditions to the LPA.
Public Protection (2)	<p>No objection subject to conditions.</p> <p>The applicant has now submitted a Phase 1 Desk Top Study. Whilst it is acknowledged that the site has been historically a townhouse then school with associated gardens, we would concur with the Phase 1 that the lack of contemporary site investigations and the end use of residential (presumably without homegrown produce) would indicate that further site investigations were required, particularly sampling and testing of the soils in the area where the two new houses are proposed.</p> <p>Therefore, conditions have been recommended to the LPA to secure these further site investigations and for the applicant to address contamination should it be discovered during development.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	27
Number of Objections	25
Number of Support	1
Number of General Comments	0

Notices

Site Notice - Stat pub & affect listed building & con, 16th July 2021

Press Notice - Berwick Advertiser, 22nd July 2021

Summary of Responses:

25no objections and 1no letter of support have been registered against the full planning application. A number of interested parties have submitted multiple submissions as plans have been amended/additional information added.

Concerns have been raised in respect of the proposed new build elements and their visual impact upon surrounding heritage assets and neighbouring amenity, particularly with regard to the proposed "motorcycle workshop" and the impact on views into and through the site. Concerns also around the proposed rendering of the front elevation of the old school building, wholesale replacement of windows and other works proposed to facilitate the proposed change of use.

The letter of support was submitted by the Berwick Civic Society which qualified its support for the reuse of the building with concerns echoing those made by others regarding the impact of the proposals upon the designated heritage assets.

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=QU6NC7QSGY500>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

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 1 - Making the best use of existing buildings (Strategic Policy)

HOU 2 - Provision of new residential development (Strategic Policy)

HOU 5 - Housing types and mix

HOU 6 - Affordable housing provision

HOU 9 - Residential development management

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

TRA 4 - Parking provision in new development

ICT 2 - New developments

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

WAT 2 - Water supply and sewerage

WAT 3 - Flooding

WAT 5 - Coastal erosion and coastal change management

POL 1 - Unstable and contaminated land

POL 2 - Pollution and air, soil and water quality

INF 6 - Planning obligations

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

Planning Practice Guidance (2021, as updated)

National Design Guide (2021)

National Model Design Code (2021)

Historic Environment Good Practice Advice in Planning Note 4: Enabling Development and Heritage Assets (2020)

Listed Buildings and Curtilage - Historic England Advice Note 10 (2018)

Historic England - Traditional Windows Their Care, Repair and Upgrading (2017)

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

Historic England - Understanding Historic Buildings: A Guide to Good Recording Practice (2016)

Berwick Upon Tweed Conservation Area Character Appraisal

Design matters: Berwick-upon-Tweed, Spittal and Tweedmouth Doors and windows in the historic environment

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 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 policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,
Housing Need,
Design,
Amenity,
Heritage Assets,
Highways,
Ecology,
Environmental Protection,
Water Management,
Sustainable Construction,
ICT,
Healthy Planning,
Planning Obligations,
Coastal Mitigation,
Open Space, and

Procedural Matters.

Principle

7.4 Policy STP 1 of the 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 sets out a settlement hierarchy which identifies Berwick as a "Main Town" which will be the main focus for employment, housing, retail and services within the county.

7.5 Policy STP 2 sets out the presumption in favour of sustainable development, whilst STP 3 defines the principles that development proposals will be expected to adhere to in order to deliver against the economic, social and environmental objectives of sustainable development.

7.6 Policy HOU 2 of the NLP encourages the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations and the redevelopment of suitable previously-developed 'brownfield' sites wherever possible and viable to do so.

7.7 The site is in a highly sustainable location in terms of accessibility to local amenities, services and transport links, it would provide a type and mix of homes to meet local housing need whilst supporting and providing opportunities to improve health, social and cultural wellbeing. It would also contribute to the conservation and enhancement of Northumberland's natural, historic and built environment assets.

7.8 On the basis of the above policy context the proposals are acceptable in principle.

Housing Need

7.9 Policy HOU 5 of the NLP seeks to ensure the provision of a range of good quality, energy-efficient and affordable homes, including supported specialist housing for vulnerable people, as part of delivering a more balanced mix of tenures, housing types and sizes to meet identified housing needs.

7.10 Together with HOU 5, policy HOU 6 requires development proposals to be assessed in terms of how well they meet the housing needs and aspirations identified in the most up-to-date Strategic Housing Market Assessment (SHMA) or local housing needs assessment.

7.11 The proposed development would provide for 10no dwellings, 80% (8no) of which would be affordable homes. This comfortably meets the requirements of Policy HOU 6 which requires 10% (1no) affordable provision in low value areas. However, as the application is for less than 30 dwellings there is no requirement for affordable housing to be provided or secured by S106 legal agreement in this instance.

7.12 A housing needs survey was carried out in 2020. While it showed no evidence of need for affordable rented tenure over the next 5 years, it did qualify this by saying small amounts of affordable rented housing may need to be built to help social landlords meet individual tenants' specific needs or replace stock with regeneration schemes. This application will provide homes for both a specific need and assists regeneration.

7.13 The Council's Housing Enabler has confirmed that the applicant has made a bid for s106 funding and summarised the proposals (prior to the reduction in numbers) as follows,

"To repair and develop a grade 2 listed former school and community centre to create 8 no. new units of housing for young people and one concierge flat. The 8 no. Units will be flats for affordable rent, the concierge flat will not be for affordable rent and will not be eligible for s106 funding.*

The project also involves the construction of one 2 bed market house and one 3 bed house for market sale, and these too are not eligible for grant funding but the proceeds from them will be used to cross subsidise the project.

The 8 flats will be a next step in the housing pathway for young people in BYP supported housing or by young people with fewer support needs."

7.14 The officer considers that BYP are both an experienced developer and provider of young persons housing with a good track record. BYP have developed similar accommodation previously and they currently own and manage 6 units of accommodation at Golden Square. They have not received funding from the Council's s106 or CHF funds previously.

7.15 The proposed housing mix and tenure breakdown is therefore broadly in line with the area and the county's identified needs and local and national policy requirements. The affordable homes provided together with the support offered by the applicant are a unique opportunity and a valuable steppingstone for young people who require affordable housing. There is strong support from the Housing Enablers. On this basis the proposals are acceptable in accordance with Policy HOU 6.

Impact on Character of Area

7.16 Policy QOP 1 of the NLP 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 and make provision for efficient use of resources, be adaptable to a changing climate and ensure the longevity of buildings and spaces.

7.17 It is clear that the context of the site is important. Leaving aside heritage considerations for the moment, this is a tight-knit location, characterised by a high-density buildings of various vintages within an essentially medieval street pattern. The town walls and ramparts surround this corner of Berwick on three sides, giving the site a 'closed-in feel' in spite of the Tweed estuary foreshore lying just beyond.

7.18 Paragraph 130 of the NPPF requires that developments function well and add to the overall quality of the area. They should be *"sympathetic to local character and history, including the surrounding built environment and landscape setting"* maintaining *"a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit"*.

7.19 The redevelopment proposed within the rear yard represents a more intensive use of the site, as well as adding greater scale and massing, as compared with the

current position, where the back part of the site could be seen as providing something of a 'breathing space' in a high-density area. Just because the nature of an area is one of high density, however, does not mean that infilling with additional structures would necessarily accord with the character.

7.20 It is noted that the proposed new buildings would be highly visible from the vantage point of the town wall and the tourist route along it. However, the reduction from the 2no bungalows originally proposed and the reduction in scale of the proposed garage/workshop building means that a reasonable level of openness is retained. Overlaying these townscape factors are the conservation considerations discussed in more detail below.

Design

7.21 This section considers the appearance of the proposed development independently and as part of the immediate street scene.

7.22 Policy HOU 9 of the NLP seeks to support residential developments where they contribute to a sense of place, provide functional space and facilities for refuse and recycling storage as appropriate for the development and are constructed to a high quality of design. Policy HOU 11 meanwhile supports the provision of housing that meets the changing needs of older and vulnerable people, including supported housing, as proposed through this application.

7.23 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.

7.24 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.

7.25 High quality design supports the creation of good places and has a positive impact on health, wellbeing, and happiness. The highest standards of design can be achieved to create new vibrant places which are distinctive, safe, and pleasant, easy to move around, welcoming, adaptable, and sustainable. Good design should:

- demonstrate an understanding of the unique characteristics of a place and the context within which it is located.
- demonstrate an understanding of the historical development of the site.
- reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape.
- provide appropriate densities depending on their existing characteristics; and,
- incorporate and use features worthy of retention, including natural features, buildings, and views.

7.26 The works proposed to the main buildings are acceptable in design terms. The repair and upgrading of stone frontages, windows, doors and roofing and the reinstatement of the railings and town garden to the front of the site are supported, whilst the sympathetic improvements to rear access and small extension to the rear are also acceptable.

7.27 The proposed new build elements to the rear have been amended to be more appropriate in the context of the setting of the surroundings. Scale, design and materials are considered to be acceptable in this respect and the proposed bungalow would provide the high standard of living and amenity that is expected in the current housing market. Conditions are recommended below to secure details of facing materials.

7.28 On the basis of the above the proposals are acceptable and in accordance with Policies QOP 1, QOP 2, QOP 3, HOU 9 and TRA 1 of the NLP and the NPPF.

Amenity

7.29 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

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

7.31 The site location is such that there would be no substantive concerns regarding neighbouring amenity. The proposal would not give rise to concerns in respect of overlooking, overbearing or loss of light and the comments of the neighbours notwithstanding, there are no significant concerns regarding privacy.

7.32 The comments from neighbours raising concerns about the impacts of noise from the proposed workshop are noted. The applicant has provided additional information in this regard and conditions are recommended below. The proposal is therefore in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

Heritage Assets

7.33 The legislative framework has regard to Sections 66(1) and 72(1) 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 and the desirability of preserving or enhancing the character or appearance of the conservation area.

7.34 Policy ENV 1 of the NLP pertains to the natural, historic and built environment and introduces the concept that great weight should be given to the conservation of designated heritage assets and that harm can be caused by development that affects the setting and significance of heritage assets.

7.35 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.36 This is echoed by Policies ENV 7 and ENV 9 of the NLP which state that development proposals will be assessed and decisions made that ensure

the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings and ensure that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance.

7.37 The NPPF (para 199) sets out the degrees of harm that can be caused by development affecting the setting and significance of heritage assets. These are 'total loss', 'substantial harm', or 'less than substantial harm' and the need to balance any harm against the benefits of the development is stated.

7.38 The Council's Built Heritage and Design Officer has provided comments raising concerns regarding the proposals and noting that a level of harm would be caused to the listed buildings. The individual elements of the scheme are discussed below, however the overall level of harm identified is "less than substantial" for the purposes of the NPPF.

Conversion of Grammar School Buildings

7.39 The works required to convert the existing building to habitable accommodation include the installation of new partition walls to subdivide the space to create self-contained apartments. The surviving plan form of the 18th century house has considerable historic interest and whilst new partition walls are acceptable to the Victorian rear block, it is important that the historic plan form of the Georgian house is retained as much as possible. To this end the applicant has agreed to the retention of the original internal plan form in the Georgian house. The proposed dry lining and thermal insulation of the building would result in the covering over of some historic features. Original cornicing would be retained and concealed with a new cornice matching its profile installed over the insulation. As there are different cornice mouldings throughout the listed building it is recommended that large scale drawings of the proposed cornicing, together with materials, be secured by condition. Following receipt of comments from the Georgian Group, the applicant has agreed to remove the dry lining from the Georgian parts of the building.

Cantilevering of north gable of school hall, removal and relocation of stone arch

7.40 It is understood that this part of the proposals has been put forward to minimise the impact on historic fabric while providing sensible and safe vehicular access to the rear. The stone arch is proposed to be removed and relocated to a resident's garden behind the house. The Built Heritage Officer considers the stone arch and the north elevation of the 19th century school extension to have moderate historic and architectural interest. On balance however, if required to provide safe access, the loss of historic fabric would not harm the overall significance of the building.

Replacement of Windows

7.41 The application originally proposed the wholesale removal and replacement of historic windows from building with the exception of the large round headed window to the rear elevation which would be repaired as required. The Built Heritage Officer found this to be harmful to the significance of the building and asked the applicant to submit further justification together with a window schedule prepared by a suitably qualified specialist. Following receipt of this information and negotiations with the applicant, it has been accepted that a number of windows are beyond repair and may be replaced, whilst the remainder of the windows should be repaired/refurbished as required.

Rendering of Front Elevation

7.42 The proposals originally included the rendering of the principal elevation of the building in order to address defects to the existing stonework and to cover holes caused by the historic insertion of flues. The conservation officer considered that this would cause harm to its significance of the building and would neither preserve nor enhance the special interest of Berwick Conservation Area. Following negotiation with the applicant it has been agreed that this element of the proposals should be removed in favour of localised repairs thereby preserving the listed building and preserving or enhancing the character and appearance of the conservation area.

Spiers & Armstrong Huts

7.43 The proposal would result in the 'total loss' of the Armstrong hut and Spiers & Co hut located to the rear of the principal Grade II* listed building. The huts are listed by virtue of being in the curtilage of the principal listed building. The heritage significance of the huts came to light due to the submission of the wider proposals for this site, which include their demolition to facilitate development to the rear of the principal listed building being considered under application ref 21/02292/FUL.

7.44 The Berwick Civic Society has carried out research into the history and assessed the significance of the two huts. The Victorian Society & 20th Century Society have also responded to consultation and have clarified why they consider the huts to have significance.

7.45 The Authority acknowledges the huts have some significance and requested further information to demonstrate whether the buildings could be retained and refurbished either in situ or elsewhere within the site, which would provide justification for the proposed demolition as required by paragraph 200 of the NPPF. The applicant declined to convert the huts as set out in the amended Heritage Statement and confirmed that efforts have been made to relocate them, with enquiries having been made with organisations such as Beamish Museum, Blyth Battery and Eden Camp Modern History Museum to no avail.

7.46 Taking into account the overall significance of the heritage assets on the site, and the scale of 'loss' that would result from the demolition, the cumulative degree of harm to the significance of the heritage assets combined (ie the Grade II* listed building and the curtilage listed buildings and structures) would be 'less than substantial'.

7.47 The Local Plan seeks to conserve and sustain the significance of heritage assets and at Policy ENV 7(4) states that development proposals that would result in substantial harm to or total loss of the significance of designated heritage assets will not be supported unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that would outweigh that harm or loss. This mirrors paragraph 201 of the Framework and given the finding of "less than substantial" harm overall, would not be relevant in this case. The decision maker is therefore directed to paragraph 202 of the Framework.

7.48 Policy ENV 7(5) of the NLP mirrors paragraph 202 of the NPPF. This requires less than substantial harm to significance to be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The public benefits arising are discussed further below.

7.49 In circumstances where a local planning authority judges the redevelopment of an existing heritage asset to be acceptable, a decision which requires account to be taken of both the contribution of the existing building(s) and the qualities of the proposed replacement, paragraph 204 of the Framework emphasises that the loss of the whole or part of a heritage asset should not be permitted without all reasonable steps being taken to ensure the new development will proceed after the loss has occurred. The appropriate mechanisms for securing this would be planning conditions or a legally binding planning obligation. It is common practice to apply a condition to ensure that demolition does not occur until a contract for the carrying out of the redevelopment works has been made.

7.50 Relevant to this is the *Richmond-upon-Thames LB v SOS 1979* court case, where it was held that where demolition is a prelude to proposed redevelopment, consent should normally only be given where there are acceptable and detailed plans for that redevelopment. Detailed plans have been submitted for the proposed bungalow and garage/workshop block with this application. However, in order that the proposals are also seen to accord with paragraph 204 and in addition to the recording condition previously recommended, a further condition is recommended below to ensure that any demolition of the curtilage listed buildings does not commence until a legally binding contract for the redevelopment of the site has been entered into.

New build bungalow and garage/workshop

7.51 The proposed bungalow and workshop building sit within the immediate setting of the grade II* listed buildings as well as the Berwick Conservation Area and the Scheduled Ramparts and Town Wall. As noted above these elements would be highly visible from the vantage point of the town wall and would introduce permanent structures into a site which has historically been open space and which, for the last hundred years, has only been host to obviously subservient “temporary” structures.

7.52 The erection of the proposed buildings in this location would increase the density and permanence of built form and would have a commensurate impact upon the setting of the surrounding heritage assets. The council’s Built Heritage Officer has welcomed the reduction in the number of bungalows and the reduction in scale of the workshop building and finds that the proposed buildings would cause a level of harm to the setting of the designated assets of “less than substantial”. Whilst the harm to the heritage assets would be less than substantial, this does not diminish the great weight that should be given to that harm and the conservation of the designated heritage assets.

Impact on Conservation Area

7.53 It is noted that the Berwick Conservation Area appears on the Heritage at Risk Register where it is described as ‘very bad’, although this observation is tempered by an assessment of ‘low vulnerability’, suggesting that further significant deterioration is not a great danger.

7.54 The Grade II* listing of the former Grammar School building must give the asset a significant status within the conservation area. However, despite deterioration recorded in statements accompanying the application, the building itself is not on the Heritage at Risk Register. Notwithstanding this somewhat paradoxical situation, it can be surmised that allowing the further deterioration of the building would lead to a spiral of decline – something that could contribute to the conservation area

remaining on the Register, or even bring the Grade II* building itself onto the Register.

7.55 Paragraph 190 of the NPPF promotes a positive strategy for the conservation of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The Council has sought to set out such a strategy in part 8 of Policy ENV 7. Under this policy, if the development will demonstrably help halt the decline of an asset at risk, then it can receive support. The asset itself, as stated, is not on the 'at risk' Register. Nonetheless, bringing it back into beneficial reuse in a manner consistent with its conservation, would undoubtedly help with efforts towards taking the Conservation Area off the 'at risk' Register.

7.56 Paragraph 206 of the NPPF states that "*local planning authorities should look for opportunities for new development within Conservation Areas ... to enhance or better reveal their significance.*" Whilst the reuse of the main building, preserving its external features, would undoubtedly help with this aim, the overall scheme, including the new build elements, ought to do so as well.

Public Benefits

7.57 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.58 On balance, whilst some harm is caused to the significance of the listed buildings (and in the case of the C20th outbuildings would amount to total loss), the works proposed enable the reuse of the heritage asset, thereby helping to secure its future. A secure, appropriate use for the listed buildings will help ensure the continued use, retention and protection of this asset. Concerns with regard to the external finishes and the proposed wholesale replacement of historic windows have been addressed through negotiation with the applicant, who has agreed to remove or amend those elements as noted above.

7.59 The applicant has submitted a statement setting out the benefits arising from the new build elements. In essence the sale of the bungalow would finance the building of the workshop, which would allow the Youth Project to consolidate operations on this site. This is noted and whilst the proposals would not amount to an enabling development in respect of the listed buildings, they would cross subsidise the work of the Youth Project and therefore amount to a public benefit for the purposes of the NPPF.

7.60 Subject to appropriate conditions the proposal is considered to accord with local plan policies QOP 1, ENV 7 and ENV 9 of the NLP and the provisions and intentions of the NPPF.

Highways

7.61 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

7.62 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.

7.63 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.

7.64 The Local Highway Authority responded to initial consultation raising concerns about access and visibility and requested additional information including a Road Safety Audit. Following receipt of additional information, no objections are raised subject to conditions and informatives as set out below. On this basis that proposals are acceptable in highways policy terms.

Ecology

7.65 Policy ENV 2 of the 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. The proposal is in accordance with this policy which is a material consideration in the assessment of the application.

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

7.67 The County Ecologist has responded to consultation noting that the buildings are generally in a poor state of repair and the former landscaping appears to have become overgrown and dilapidated and it is unlikely any habitats of value are present. The building has been assessed as being of low risk for bats. The risk of any impact to void roosting bats has been ruled out completely but there is a low risk of crevice dwelling species such as common or soprano pipistrelle bats being present and being impacted by the development. The few available potential roost features (prfs) would only support occasional sporadic day roosting bats, in common with almost all buildings and the dampness of the building, the recent dry rot treatment and the lack of heating in the buildings means the chance of encountering bats is negligible. In addition, the prfs can be surveyed with an endoscope to ensure no bats are present prior to the works being undertaken. A condition is included below to ensure any bats present are fully protected.

7.68 Currently this planning application will result in a net loss for biodiversity, including the loss of some trees to the front aspect (including a cherry tree) and some overgrown formal garden habitats. The landscape plan is lacking in detail to assess whether any enhancements are planned. It is therefore appropriate to secure a landscape and ecological management plan by condition in order to ensure the development results in a net gain for biodiversity.

Environmental Protection

7.69 Policy POL 1 of the 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.

7.70 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.

7.71 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.

7.72 The Council's Environmental Protection team have raised no objections to the proposals in respect of contamination or ground gas, subject to the conditions set out below, which are required to ensure the risks arising are minimised and are not prejudicial to health and amenity.

7.73 The applicant has provided further details on the proposed use of the workshops. It is noted that the proposed use by a hobbyist motorcycle group has caused concern among neighbouring residents and the applicant has subsequently confirmed that the garages will be operated by the Berwick Youth Project for community use in line with the charity's objectives. It would appear therefore that the use is not intended to be a commercial one and the site itself would not appear to be impacted by any particular sources of noise which would require assessment or mitigation. The Environmental Protection Team make recommendations to ensure the proposed use of the workshops is not, or does not become, incompatible with the existing and proposed residential receptors nearby. It is recommended that there should be no introduction of an overly intrusive noise in the area affecting residential receptors created by the proposed development outside of normally accepted periods. This may be achieved by restricting the days and times which the workshops can be used with the agreement of the applicant/users of the workshops and a condition is included below in this respect.

7.74 This does not mean that the workshops/garages and storage space could not be used outside these times, but that any noise generated could result in action by the LPA in respect of breach of a planning condition. This would provide a more expedient route to action than could be achieved through "statutory nuisance", although this could still be actioned through this legislation. It is also recommended that the LPA ensure that any planning use class assigned to the proposed workshops would not allow an automatic route to the use of the workshops for a commercial activity (ie "permitted development" or any simplified change of use) and a condition is also recommended in this respect.

7.75 On this basis the proposals are acceptable in accordance with policies POL 1 and POL 2 of the NLP and the NPPF.

Water Management

7.76 Policy WAT 3 of the NLP relates to flooding and states that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Policy WAT 4 relates to Sustainable Drainage Systems (SuDS) and states that water sensitive urban design, including SuDS will be incorporated into developments whenever necessary, in order to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance. Policy WAT 5 sets out requirements for development sites located within Coastal Change Management Areas.

7.77 Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

7.78 The LLFA and Flooding and Coastal Erosion Risk Management team responded to initial consultation requesting further information regarding the potential for coastal erosion to impact upon the proposed development. A Coastal Vulnerability Assessment was requested to inform potential mitigation however it was implied that this could be secured by condition. Following further discussions with the FCERM team it is understood that the CVA should have been submitted prior to determination, however, in the circumstances it has been agreed that this may be secured by condition prior to first occupation of the development, as set out below. On this basis the proposals are acceptable in accordance with policies WAT 3 WAT 4 and WAT 5 of the NLP and the NPPF.

Sustainable Construction

7.79 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.80 Policy QOP 1 of the NLP sets out a number of design principles stating that proposals will be supported where, amongst other criteria buildings are functional for future uses, incorporates green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.81 Policy QOP 5 relates to sustainable design and construction and states that In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.82 The documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to any granting of permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP 1 and QOP 5.

ICT

7.83 Policy ICT 2 of the NLP requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.84 Paragraph 114 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

7.85 The current application does not state whether full-fibre broadband connections are proposed. It is therefore appropriate that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT 2 of the NLP and Paragraph 114 of the NPPF.

Healthy Planning

7.86 Policy STP 5 of the NLP addresses health and wellbeing and recognises the value of ensuring development has access to a range of facilities. The policy requires that a Healthy Planning Checklist is completed for all major development proposals, to determine whether the potential impact on health resulting from the development warrants any further assessment. The applicant has submitted the required checklist and it is considered that no further assessment is required. The proposals are therefore in accordance with Policy STP 5 of the NLP.

Planning Obligations

7.87 Policy INF 6 of the NLP states that where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable. Planning obligations may be used to secure the timely provision, and/or improvement and maintenance of any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms.

Coastal Mitigation

7.88 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.

7.89 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.

7.90 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.91 The contribution per residential unit in this location would be £615 giving a total for the proposed development of £6,150.

Open Space

7.92 Policy INF 5 of the NLP sets out requirements for open space, sports and recreational land and buildings created as part of a development. Where appropriate open space should:

- be of an appropriate standard and fit for purpose in accordance with relevant recognised standard
- be accessible by sustainable travel;
- maximise multifunctional use, and allow wide community use;
- be designed to include appropriate landscaping and to be safe and secure in accordance with relevant recognised standards;
- take opportunities to improve the Strategic Green Infrastructure Network, including the accessibility and connectivity of the network; and
- include a suitable long-term management and maintenance arrangement.

7.93 The development does not propose any public open space within the site. Having regard to the requirements set out in Appendix H1 of the NLP, it is considered appropriate to seek a contribution towards the young peoples, amenity green space and parks and gardens elements of the open space requirements.

7.94 The table below sets out the expected contribution.

Young People £4,428

Amenity green space £3,505.50

Parks and gardens £4,560.84

Total £12,494.34

7.95 On this basis the proposals would be acceptable in accordance with Policy INF 5 and Appendix H1 of the NLP.

Procedural Matters

Equality Duty

7.96 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 proposals would potentially have a material impact on individuals or identifiable groups with protected characteristics. Accordingly, changes have been made to the proposals in order to make it acceptable in this regard. Changes include the tightening up of conditions prohibiting noisy working, so they are in line with those recommended during the construction phase. Reference to the specific use of one of the garages as a motorcycle workshop has also been removed from the proposed plans.

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.98 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.

7.99 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.

7.100 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 planning considerations in determining this application have been set out above, stating accordance with the relevant Development Plan Policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the NLP and the NPPF on the matters of relevance in this case.

8.2 The proposed refurbishment and conversion of the former Berwick Grammar School buildings is supported and the less than substantial harm identified to the listed building is considered to be outweighed by the public benefits of providing much needed sheltered accommodation for vulnerable young people as well as helping to secure an appropriate and viable use for the listed building into the future.

8.3 The proposed removal of the existing early C20th outbuildings is regrettable but will enable the charity to relocate existing activities from elsewhere in the town to a new purpose-built storage and workshop facility, helping to reduce overheads for this well used charitable organisation. The proposed bungalow would facilitate the above and whilst this element of the scheme is less palatable it is recognised that this would contribute towards the ongoing sustainability of the charitable works that the applicant carries out in the area. The design and scale of both the bungalow and the storage/workshop building have been reduced through negotiation with the applicant and it is considered that, on balance, these elements of the scheme may also be supported.

8.4 The proposal has addressed the main considerations, accords with relevant planning policies and legislation and is considered to be acceptable on balance.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following conditions and a S106 legal agreement securing the following:

- A financial contribution of £6,150 towards the Council's Coastal Mitigation Service,
- A financial contribution of £12,494.34 towards Open Space Provision.

Conditions/Reason

Development Management

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 91 of the Town and Country Planning Act 1990 (as amended)

02. Approved Plans

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

1. Location Plan
2. Drawing No 201 Rev F - Proposed Floor Plans
3. Drawing No 202 Rev D - Proposed Elevations
4. Drawing No 203 Rev E - Proposed Site Plan
5. Drawing No 204 Rev F - Proposed New Build Floor Plans
6. Drawing No 205 Rev E - Proposed New Build Elevations

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

03. Materials

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) and including windows and doors have been submitted to, and approved in writing by,

the Local Planning Authority. All roofing and / or external facing materials including windows and doors used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development to ensure works are carried out in a manner consistent with the character and setting of the building, in accordance with the provisions of Development Plan policy ENV 7 and the provisions and intention of the NPPF

04. Restriction of use (Use Class)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (England) Order 2015 (or any other re-enacting or revoking Order with or without modification), the garage/workshop/storage building within the rear yard shall only be used as a garage/workshop/storage facility ancillary to the main use of the site as supported residential accommodation and for no other purpose. For the purposes of the Use Classes Order the building shall be considered to fall within the Sui Generis Use Class.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and Policies QOP 2 and TRA 2 of the Local Plan.

05. Restriction of use (Hours)

Any noisy use of the garage/workshop building shall not occur outside the following hours:

Mon to Fri – 0800 to 1800hrs

Sat – 0800 to 1600hrs

Sun & Bank Holidays – none permitted

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and Policy QOP 2 of the Local Plan.

06. Site/Finished Floor Levels

Notwithstanding the approved plans the new build elements of the development shall not commence until details of existing and proposed site and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

07. Sustainable Construction

Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

08. Broadband Connections

Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection to each property shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order to discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

Highways

09. Demolition/ Construction Method Statement - PRE-COMMENCEMENT

Development shall not commence until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition/ construction period and shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials; iv. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

10. Details of car parking to be submitted

The development shall not be occupied until details of the car parking area to accord to NCC parking standards with required dimensions have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

11. Boundary treatment

The development shall not be occupied until details of the proposed boundary treatment, including the height of the boundary wall and new stone pillars have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

12. External lighting

The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

13. Surface water drainage (Private Land)

Prior to occupation, details of surface water drainage to manage run off from private land shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

14. Implementation of Electric Vehicle Charging

Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented in accordance with the approved plans. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan

15. Implementation of cycle parking

The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

Built Heritage

16. Historic Building Recording - PRE-COMMENCEMENT

No development shall commence on site until a Written Scheme of Investigation (WSI) for archaeological work (historic building recording) has been submitted to and approved in writing by the Local Planning Authority and their archaeological advisors. The programme of archaeological (historic building recording) work should be in line with 'Level 2' of Historic England's 2016 Guidance document 'Understanding Historic Buildings: A Guide to Good Recording Practice'. The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

This requirement shall apply to all buildings within the site, including outbuildings and timber buildings.

- a) No development or archaeological mitigation (historic building recording) shall commence on site until a Written Scheme of Investigation (WSI) based on 'Level 2' of Historic England's 'Understanding Historic Buildings' guidance has been submitted to and approved in writing by the Local Planning Authority.
- b) The agreed archaeological recording scheme must be completed in accordance with the approved Written Scheme of Investigation.
- c) The programme of analysis, reporting, publication and archiving must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological and historic interest and the development shall result in the loss of a heritage asset, and a reduction in significance so a historic building record is required in accordance with Policy ENV 7 of Northumberland Local Plan.

17. Structural survey - PRE-COMMENCEMENT

Prior to commencement of development, a structural survey of the listed buildings shall be carried out by a conservation accredited structural engineer, and a report, including details of any structural repair works required to the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any required works shall be carried out in strict accordance with the details as approved.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

18. Joinery

Notwithstanding the approved plans, prior to the commencement of works to windows and doors full details of existing and proposed windows and doors, including drawings 1:20 scale and cross sections 1:5 scale, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter all windows and doors shall be installed in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

19. Stone cornice

Prior to the partial demolition of the north east gable wall of the school hall, large scale drawings of the new stone cornice in 1:20 scale and sections 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved detail.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

20. Demolition by hand

The partial demolition of the north east gable wall of the former school hall hereby authorised shall be carried out by hand (or by hand-held tools) only.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

21. Stone arch

The stone archway attached to the gable end wall of the listed building shall be retained and relocated to the resident's garden.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

22. Stonework

Prior to the commencement of works to stonework, a detailed method statement identifying the extent of repair and replacement, including details of proposed natural stone type, sizes, colour, pointing mortar mix, joint thickness and finish profile, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details. For the avoidance of doubt, the use of Lithomex, or other lime based restoration mortars, is not approved and shall not be used.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

23. Repointing

Prior to repointing works being undertaken to any elevation, a method statement, including lime mortar specification, shall be submitted to and approved in writing by the Local Planning Authority. A 1sqm sample panel showing the proposed repointing shall then be prepared in situ for the written approval of the Local Planning Authority. Repointing shall then be carried out in the manner shown on the approved sample panel and in accordance with the approved scheme.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

24. Roof slates

Replacement slates shall be indigenous natural slate matching the dimensions, colour and texture of the slates on the existing building and shall remain as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

25. Rooflights

The rooflights hereby approved shall be of 'conservation' design, metal framed with structural glass and central vertical glazing bar and shall be installed flush to the roof and shall thereafter be so retained. Any subsequent replacement rooflight shall be to the same specification and design.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

26. Roofing material

Prior to the construction of the flat roofed single storey extension, specification details of the roofing material and method of connection with the listed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the extension shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

27. Metal windows

Prior to installation of the lancet windows in the school hall, large scale drawings in 1:20 scale and sections 1:5 scale, including details of the metal and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

28. Services

Prior to installation of any new services, detailed service plans shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

29. Rainwater goods and pipes

New rainwater goods and soil pipes shall be of cast iron construction, painted black painted and fixed directly to the walls without fascia boards. Prior to installation, specification details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

30. Cornices

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of new cornices to match the profiles of existing cornices, and details of material and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

31. Internal joinery

Prior to removal of window panelling, shutters and surrounds, a method statement for their removal and refixing in front of insulation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

32. Staircase

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of the new timber handrail, posts and spindles, and details of materials and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve and enhance the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

33. Boundary treatments

Prior to installation, full details of the new railings and stone pillars to the front of the listed building, including large scale drawings, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the setting of the listed building and the character and appearance of the conservation area and in accordance with Policy ENV7 and ENV 9 of the Northumberland Local Plan

34. New Build Materials

No development shall commence above damp proof course level until precise details, to include samples, of the materials to be used in the construction of the external walls and roof have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

35. New Build Stonework

Prior to the commencement of stonework, a sample panel shall be made available on site for inspection and approved in writing with the Local Planning Authority and carried out accordingly.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

36. New Build PV tiles

Prior to installation, the specification details of the photo voltaic tiles for the garage roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the panels shall be installed in accordance with the approved details. Any replacement units shall be to the same specification and design.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

37. New Build Rainwater goods

New rainwater goods shall be black painted cast iron fixed directly to the walls without fascia boards.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

38. New Build External joinery

Prior to commencement of external joinery work, large scale drawings and sections of windows, doors and garage doors in 1:20 scale and sections 1:5 scale including details of the timber and painted finish, shall be submitted to, and approved in writing by the Local Planning Authority .

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

39. New Build Rooflights

The rooflights indicated on the approved plans shall be of "conservation" design, metal framed with structural glass and central vertical glazing bar and shall be installed flush to the roof and shall thereafter be so retained. Any subsequent replacement rooflight shall be to the same specification and design.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

40. Hard Landscaping

Prior to commencement of landscaping works, full details of boundary treatments and other areas of hard landscaping, including large scale drawings, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the hard landscaping shall be carried out in accordance with the approved plans.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan.

Ecology

41. Landscape and Ecological Management Plan (LEMP) - PRE-COMMENCEMENT

Notwithstanding the approved plans a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed including bird and bat boxes, native to Northumberland trees, shrubs and other habitats.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

42. Bat Mitigation

The development hereby approved shall be carried out in accordance with the following method statement

A toolbox talk will be undertaken before works commence. All contractors will be informed of the potential presence of bats and will be made aware of the actions they are required to take if bats are found at any time during works on site. The contact numbers for the ecologist, Natural England (0845 6014523) and the Bat Advice Line (0345 1300228) will be left with the contractors on site.

The ecologist will be on site when the roof of the school hall is stripped. The roof covering will be removed under ecological supervision. The removal of ridge tiles, hip ridges, slates and verges will be undertaken carefully by hand, being aware that a bat may be roosting underneath. The ridge tiles/slates will be lifted directly up and will not be slid along the roof line to avoid any harm to any bats that may be roosting under the slates. The slates will be removed by hand, and turned over before they are slid down the roof slope. Any lead flashing or mortar fillets which need to be removed will be removed under ecological supervision. Any bat access points identified will be noted and reinstated when the roof covering is replaced.

Works to remove the wooden window frames will be undertaken by hand, with care, being aware that a bat may be roosting around the wooden frames

Works to repair the movement cracks will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope.

Any essential pointing/mortaring will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope. Any non-essential pointing will not be undertaken.

All structural work will be undertaken by hand, being aware that bats may be present on wall tops, within walls and between loose stones.

Any timber treatments used in the development work will be preparations approved for use where bats may be present. Remedial timber treatments that are toxic to mammals will be avoided. Both pre-treated timbers and timber treatments will use chemicals classed as safe for use where bats may be present, see Timber treatment table 1 of the ecological survey report (Tina Wiffen 2021).

If roosting bats become evident during work, the ecologist will be contacted immediately. Work will stop in the vicinity of the bat and if applicable the cavity the bat is within will be covered over for the safety of the animal. The ecologist will attend site as quickly as possible to assess the situation and move the bat to safety. The bat will be carefully caught by hand or with a static hand net and will be placed in a bat tank and kept in the dark in a quiet place until it can be released at dusk near to where it was found.

All contractors shall be made aware of the potential presence of bats, of their legal protection and the requirement to contact the ecologist and Natural England if they are found during works.

If bats are found during the works, work should cease immediately in that area and the ecological consultant should be consulted for further advice. This contact number should be left with the contractors on site.

Reason: To protect bats and their roosts (whether occupied or not) which are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017

43. Nesting Birds

Notwithstanding the approved plans, work shall not be carried out during the breeding season, unless a checking survey is carried out within 5 days of the start of the works. If active nests are encountered during the check (including nest building) then works shall cease in that area until the young birds have fledged.

Reason: To avoid harm to breeding birds which are protected under the Wildlife and Countryside Act 1981 (as amended)

Environmental Protection

44. Ground Gas Protection Proposals

The development shall not commence until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the users/occupants of the proposed building

Validation and Verification of Ground Gas Protection

No building shall not be brought into use or occupied until the applicant has submitted validation and verification report to the approved methodology in Condition 1*, which has been approved in writing by the LPA. * In this list of conditions

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the users/occupants of the proposed building.

45. Potentially Contaminated Land

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing: a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters as indicated by the Phase 1 report (Desk Based Report, Produced by Intersoil Limited, Report Ref 21028x Issue 30 September 2021). It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

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

46. Contaminated Land Verification

The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

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

47. Contamination Not Previously Discovered

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

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

LLFA/FCERM

48. Coastal Vulnerability Assessment

Prior to commencement of the new build elements of the development a Coastal Vulnerability Assessment (CVA) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved CVA and the associated maintenance plan.

For the avoidance of doubt the CVA shall include the following details:

- the risk of erosion to the scheme and,
- any associated maintenance requirements for any coastal assets that could be impacted by erosion for the development's lifetime

Reason: To ensure coastal erosion is considered for the development's lifetime in accordance with Policy WAT 5 of the Northumberland Local Plan and the NPPF.

Additional Heritage Condition

49. No works of demolition shall begin before evidence of a binding contract for the full implementation of the comprehensive scheme of development (and

associated planning permission for which the contract provides) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved development takes place expeditiously and meets the requirements of paragraph 204 of the National Planning Policy Framework.

Informatives

1. Alterations to vehicle crossing point (widening driveway) (S184)

The applicant should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) please contact the Highways Area Office at: northernareahighways@northumberland.gov.uk.

2. Contact Traffic Management

The applicant is advised to contact the Council's Traffic Management Section at highwaysprogramme@northumberland.gov.uk before and during the construction period

3. Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

4. Contact Lighting Section

The applicant is advised to contact the Council's Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect to street lighting for the changes to any street lighting and to ensure sufficient illumination levels of the public highway.

5. Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

6. Road Safety Audits

The applicant is advised that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. Please contact highwaysplanning@northumberland.gov.uk or 01670 62297

7. Advisory note: engaging an archaeologist

Northumberland County Council (NCC) Conservation Team would be happy to discuss the scope of an appropriate assessment programme with the applicant or approve specifications for archaeological assessment as necessary. Please note that this may be a chargeable service. A copy of the

Conservation Team's charging policy is available to view on the Council's website at:

<https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-andBuilding/Conservation/Archaeology/Charging-Policy.pdf>

NCC Conservation Team is part of the Planning Service within Northumberland County Council. The role of the NCC Conservation Team is to advise the LPA regarding the need for and scope of archaeological work to inform the planning process and to mitigate development impacts to the historic environment. The NCC Conservation Team is an advisory service only and does not undertake archaeological fieldwork.

The Conservation Team does not retain or provide a list of approved archaeological contractors or consultants. Directories of archaeological contractors and consultants are hosted by independent organisations, including:

Chartered Institute for Archaeologists:

<http://www.archaeologists.net/regulation/organisations>

British Archaeological Jobs and Resources:

<http://www.bajr.org/RACSmapp/default.asp>

8. Noisy Working During the Construction Phase

During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or Bank Holidays or outside the hours of: Monday to Friday - 0800 to 1800. Saturday 0800 to 1600.

9. Deliveries and Collections During the Construction Phase

During the construction or demolition phase of the development there shall be no deliveries or collections from the site outside the hours of: Monday to Friday - 0800 to 1800. Saturday 0800 to 1600.

10. Ground Gas Protection

The first recommended gas protection condition sets out why gas protection is needed and what is proposed to meet this requirement submitted in the form of a "report": The gas protection proposed should meet a minimum of Characteristic Situation 2 (CS2) to the level required in BS 8485:2015+A1:2019.

Building Type is Type A - residential dwelling and Type B or C - workshops.

The British Standard requires achieving a score of 3.5 for Building Type A and either 3.5 for Building Type B or 2.5 for Building Type C.

This can be met by a:

- A gas membrane meeting the requirements of Table 7 of BS 8485:2015+A1:2019 (achieving 2.0 points) and a passively-ventilated, sub-floor void of at least good performance (1.5 points) OR well reinforced raft/slab (1.5 points).

- Any proposed gas membrane should also meet the maximum methane gas transmission limit in BS 8485 of 40ml/m²/day/atm and also be suitable to prevent radon as ingress.
- Where a suspended floor is not possible and a cast in situ raft/slab is proposed then this should be “well reinforced” (achieving 1.5 points)
- A technical brochure for the gas membrane to be used and any manufacturer's installation guidance (if available) and that the membrane will be installed following manufacturer guidance (if available).
- That the installation will be carried out by a suitably qualified and experienced installer.
- Proposing what verification of the installation will be; independent verifier, main contractor inspection etc.

SEE APPENDIX 2 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE FIRST GAS CONDITION (see link below)

For the second gas protection condition this demonstrates that the installation has met what was proposed in the submission for the first one and should be a "report" which should:

- Demonstrate that the floor was of the type required and sufficient air bricks (and telescopic vents if required) were included demonstration of at least good ventilation performance.
- Membrane was installed to a standard following manufacturer's instructions (if available).
- Membrane was installed by a suitably qualified and experienced installer (include any documentation which shows this is the case).
- Installer logs/records (proforma in Appendix 5 of our adopted guidance below).
- Verifier logs/records (proforma in Appendix 5 of our adopted guidance below).
- Any third party inspection(s) to verify installation.
- Details of Building Control inspections
- Photographs
- Plans showing location and number of ventilation bricks to meet very good ventilation performance.

SEE APPENDIX 3 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE SECOND GAS CONDITION (see link below).

Our adopted guidance YALPAG Technical Guidance Verification Requirements for Gas Protection Systems, is available under the related documents section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

The British Geomembrane Association lists approved installers and should be qualified to a minimum of NVQ qualification (NVQ Level 2 membrane installation). The British Geomembrane Association website is:

<http://www.britishgeomembraneassociation.co.uk/>

Guidance on the Design of Gas Protection in Building Conversions Guidance for incorporating gas protection in existing buildings is contained within CIRIA C795 Retrofitting Ground Gas Protection Measures in Existing or Refurbished Buildings, this can be found at:

<https://www.ciria.org/ItemDetail?iProductcode=C795&Category=BOOK>

Sealing of Service Ducts

The applicant should ensure that as well as any “top-hat” around the outside of service ducts being secured to the membrane (tape or weld) that also the internal annulus of the duct holding each of the service pipes and conduits (typically only water) should be filled with a recognised gastight sealant approved by the water supply companies, such as FILOseal+ or FILOseal+HD manufactured by Filoform UK Ltd:

<https://www.filoform.co.uk/catalog/category/view/s/re-enterable-duct-sealingsystems/id/9/>

Evidence of this will be required under the validation/verification of the gas protection.

Sub-Floor Void Ventilation Performance

Should a suspended floor be incorporated in the new dwellings, the specification for a good performance is partly contained within B.6 of BS 8485:2015+A1:2019 and specifies: "The volume flow-through rate is governed by the size and number of side vents; for small to medium width buildings (up to 15 m wide), the minimum area of side ventilation should be 1500 mm²/m run of wall on at least two opposite sides". Very good performance would equate to side ventilation should be 2000 mm²/m run of wall on at least two opposite sides. Also, the void should be at least 150mm deep and internal supporting walls or sleeper walls in the sub-floor area should be adequately cross-ventilated.

Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

Failure to address issues of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

Burning Materials Onsite

There shall be no burning of any material associated with the construction phase on the site.

Background Papers: Planning application file(s) 21/02292/FUL

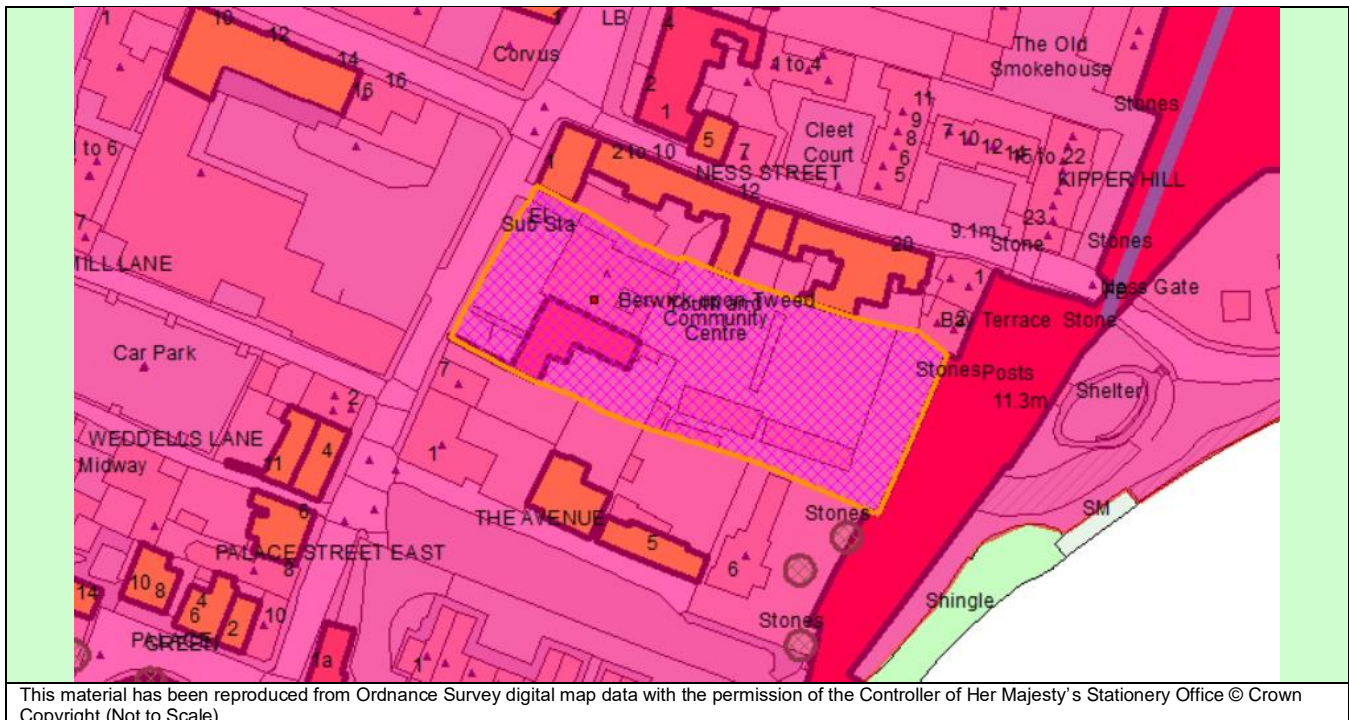


Northumberland
County Council

North Northumberland Local Area Council Planning Committee
23rd March 2023

Application No:	21/02293/LBC		
Proposal:	Listed Building Consent: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)		
Site Address	5 Palace Street East, Berwick-Upon-Tweed, Northumberland TD15 1HT		
Applicant:	John Bell 9-12 Golden Square, Berwick Upon Tweed, TD15 1BG,	Agent:	Ninette Edwards 12 Alnside, Whittingham, Alnwick, NE66 4SJ
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	28 June 2021	Expiry Date:	31 May 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED consent



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised regarding the impact of the proposals upon designated heritage assets and neighbouring amenity.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

1.3 The application was discussed by Councillors at NNLAC Planning Committee in January 2023 and it was determined that it be approved subject to additional conditions securing the phasing of the development and completion of the aforementioned S106 agreement.

1.4 Following this, a Solicitor's letter was received on behalf of one of the neighbours who had objected to the proposals. The letter noted that the officer report had failed to explicitly mention paragraph 204 of the NPPF.

1.5 The Paragraph states that

“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

1.6 The letter contends that as a result no consideration appeared to have been given to the duty under said paragraph to take “all reasonable steps” to secure the development (and the associated benefits relied on by the Council in permitting the applications) when justifying the loss of the curtilage-listed heritage assets on site.

1.7 Whilst a condition was recommended to record details of the curtilage listed huts, it is suggested that the risk remains that these heritage assets could be lost without the proposed development subsequently being carried out, leaving their loss without reason and without any steps having been taken to avoid this. It is argued that this omission leaves any permission granted on the basis of the report presented to January committee open to challenge by Judicial Review.

1.8 Accordingly the application has been brought back to committee to address the issues raised and to allow the committee members to further debate the proposals.

2. Description of the Proposals

2.1 The application seeks listed building consent for the conversion of a former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended) at 5 Palace Street East, Berwick-Upon-Tweed.

2.2 The proposals include the renovation and conversion of the former Georgian Townhouse and associated Victorian school buildings to habitable accommodation, the cantilevering of the north gable wall of the school hall and removal of a stone arch to improve access to the rear of the site and the removal of 2no prefabricated outbuildings within the rear yard to facilitate the construction of a new dwelling and garage block. The refurbishment works include the drylining and thermal insulation of the building, replacement and/or refurbishment of windows and repairs to stonework. Initial proposals to render the front of the building have been removed. The proposed

new build elements to the rear yard are considered in detail under the accompanying full planning application reference 21/02292/FUL.

2.3 The application site is located within the built-up area of Berwick to the south east of the town centre. It is bound to the north and south by residential dwellings, to the east by the historic town walls and ramparts and to the west by public highway from which the site is accessed, with mixed commercial and residential development opposite.

2.4 Site constraints include,

Archaeological Site Centre Point
Article 4 Direction
Coal Advice Low Risk Area
Conservation Area
Coastal Mitigation Zone
Impact Risk Zone - SSSI
Listed Buildings (and Scheduled Monument)
NCC Land

3. Planning History

Reference Number: C/00/00204/CCD

Description: Change of use of first and second floor flat from residential to office use

Status: PER

Reference Number: N/84/B/LB07

Description: Construction of a garage and conservatory

Status: PER

Reference Number: C/84/B/127

Description: Construction of garage

Status: PER

Reference Number: C/89/B/069

Description: Renewal of 84/B/127 for garage

Status: REPLY

Reference Number: C/89/B/009 LBC

Description: Listed Building Consent for the renewal of 84/B/7 for garage

Status: REPLY

Reference Number: C/E/B/072

Description: Conversion of toilets in to shower block and provision of conservatory

Status: REPLY

Reference Number: N/84/B/0127/P

Description: Construction of garage

Status: PER

Reference Number: N/89/B/LB09

Description: Renewal of permission for garage.

Status: WDN

Reference Number: N/89/B/0069/P

Description: Renewal of permission on garage.

Status: WDN

Reference Number: N/00/B/0617

Description: Change of use of first and second floor flat from residential to office use

Status: NOOBJ

Reference Number: 18/04107/TREECA

Description: Trees in a conservation area: Fell Rowan (T1), Cherry (T2), Whitebeam (T3), Sycamore (T4), and Oak (T5).

Status: NOOBJ

Reference Number: 19/04114/LBC

Description: Listed Building Consent: Installation of perma steel boarding to protect building from further break-ins and eradication of dry rot

Status: PER

Reference Number: N/83/B/0179/P

Description: Conversion of outside toilet into shower block & provision of conservatory.

Status: PD

Reference Number: 21/02292/FUL

Description: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)

Status: PCO

Reference Number: N/84/B/127

Description: Detailed application for construction of garage

Status: PER

4. Consultee Responses

Berwick-upon-Tweed Town Council	Members had no objections and would like to see the application progress. However, they expressed the wish that the application be considered by the Northumberland County Council Local Area Council due to the technicalities involved.
Berwick-upon-Tweed Town Council (2)	<p>Berwick-upon-Tweed Town Council would like to make the following comments on the amended plans for Planning Applications 21/02292/FUL and 21/02293/LBC:</p> <p>Members offered the following observations:</p> <p>Loss of public visual amenity, impact on outlook, concern that listed buildings are being demolished and concern that Conservation Officer has not commented and would draw their attention to the size of the garage and noise.</p> <p>The view was also expressed that the application should be adopted because:</p>

	<p>The buildings need to be renovated due to their condition, the view from the walls will not be as bad as feared, the application is for a good cause and the noise will be bearable.</p>
<p>Building Conservation</p>	<p>The proposed conversion scheme would not preserve the special interest of the Grade II* listed building. It would result in less than substantial harm to its significance. We would welcome a revised proposal with a lighter touch to the reuse of this important listed building.</p> <p>Likewise, the proposed new build element to the rear of the site would cause less than substantial harm to significance as the scale and design of development does not preserve the open setting of the Grade II* listed building, scheduled ramparts and Conservation Area. The applicant has not put forward an Enabling Development case to justify that the new build element is required to finance the conversion of the listed building.</p> <p>We consider the proposal in its entirety would give rise to less than substantial harm to heritage assets of the highest designations within the terms of paragraph 199 of the Framework. Cumulatively, we consider the degree of this harm to be towards the upper end of the scale of less than substantial harm.</p> <p>Built Heritage and Design suggest that the applicant omits the new build element of this proposal to avoid a recommendation for refusal due to the number of concerns we have about the development. This would allow for proactive discussions between applicant and the Council on how to bring the Grade II* listed building back into use as a priority.</p>
<p>Building Conservation (2)</p>	<p>Built Heritage and Design has reviewed the documents submitted. We welcome the retention of the original internal plan form in the Georgian house, and support amended plans for the caretakers flat with mezzanine level which will allow most of the roof structure to be appreciated.</p> <p>The submitted front elevation stone condition report fails to provide the clear and convincing justification required for us to support the rendering of the Grade II* listed building's principal elevation, which would harm its significance.</p> <p>Rendering the principal elevation of the building would cause harm to its significance and would neither preserve nor enhance the special interest of Berwick Conservation Area. The submitted report does not provide the clear and convincing justification for this harm so we cannot support this aspect of the proposed development.</p> <p>Further concerns regarding drylining, noise attenuation and insulation throughout the building, replacement of windows and</p>

	demolition of wall to rear of building have not been addressed by the amended plans.
Building Conservation (3)	<p>Subject to the above amendments/ conditions, we consider the amended proposals for the Grade II* listed building to be acceptable to bring it back into use and preserve its special interest in the long term.</p> <p>The proposed development to the rear of the site is much improved and would enhance the setting of the listed building. Its traditional built form and use of local materials would contribute positively to the character and appearance of Berwick Conservation Area.</p> <p>While its scale and design are much more appropriate within the setting of the scheduled ramparts, the development would still present 'less than substantial harm' as it would diminish the site's open character that enhances the setting of the ramparts and views along the promenade. This harm should be weighed against the public benefits of the development</p>
Historic England	Bringing this important set of buildings back into use is a considerable benefit and as such we are supportive of the proposals in principle. However, in its present form, the proposals contain elements which would cause harm to the significance of this highly graded heritage asset and the character of this part of the conservation area. In that regard, we ask that alternative arrangements or further justification for the proposed solutions is requested from the applicant. These should be discussed and agreed to the satisfaction of your in-house conservation advisers, who will also be able to advise you of any necessary conditions.
County Archaeologist	<p>The proposed development site has been subject to a programme of archaeological assessment including evaluation trenching. The evaluation exercise was limited to a depth of 1.25m below the present ground surface. This was on safety grounds and on the basis that the impact of development was not anticipated to exceed 1.25m below the present ground surface. The development has potential to damage or disturb archaeological deposits within the uppermost 1.25 m of the site (the anticipated maximum impact depth of the development). This risk can be mitigated via a programme of archaeological monitoring (watching brief). This work can be secured by condition.</p> <p>Should the impact of the proposed development exceed 1.25m, a more robust archaeological response may be required.</p>
National Amenity Societies	No responses received from The Ancient Monuments Society, The Council for British Archaeology or The Society for the Protection of Ancient Buildings.

Responses received from The Georgian Group, The Victorian Society and the Twentieth Century Society are as summarised below.

The Georgian Group

The Group raises no objection in principle to the proposed scheme to renovate the building and we recognise that there is a considerable benefit to be had in bringing it back into use as supported residential apartments. We further recognise that this scheme has already undergone several revisions in response to comments from consultees. The Group however registers significant concerns with the scheme. The Group must advise that the proposed works have the potential to cause harm. The works of particular concern to The Group include replacing historic windows, rendering the principal façade and drylining internal walls. The Group echoes and supports the concerns and objections already raised by Historic England and Northumberland CC Built Heritage and Design Officer. We would be happy to attend any site meetings with the applicant to discuss our objections further in the interest of developing a sustainable plan for the future of Grammar School, 5 Palace Street, East as a grade II* listed heritage asset within the Berwick-upon-Tweed Conservation Area. The Georgian Group therefore strongly recommends that the applicant withdraws this proposal and revises it to address the concerns raised.

The Victorian Society

We object to the proposed demolition of the Spier & Co. of Glasgow hut. Commissioned in 1908 by the Governors of the Grammar School, as technical classrooms and a bike store, this hut demonstrates the changing needs of the former school and makes a positive contribution to the Berwickupon- Tweed Conservation area. These types of educational prefabricated buildings are increasingly rare. By their nature, these types of buildings were supposed to be a temporary solution, which makes their survival worthy of note and therefore retention.

Although the Victorian Society is sympathetic towards the needs of the Berwick Youth Project, we believe that the Spier & Co. of Glasgow hut could be suitably adapted for use as a workshop. Emphasis needs to be put on the importance of reusing and recycling buildings such as this as per Historic England guidance <https://historicengland.org.uk/whats-new/news/recycle-buildings-tackleclimate-change/>.

The C20th Society.

We object to the proposal and recommend that the Council refuses planning permission.

	<p>The Armstrong Hut is an important piece of World War I engineering history and the example in the grounds of the former Berwick Grammar School is in good condition with many original features intact. It has remained in this location for more than 100 years, having been relocated from the nearby army camp at Blyth upon the cessation of war, and initially used as an extra classroom space.</p> <p>We would urge the applicant to reconsider the demolition of the historic hut and to pursue alternative arrangements which would preserve this important piece of early 20th century military and architectural history. There are increasingly few Armstrong huts that remain across the country, and this example is a particularly fine example in good condition.</p>
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	27
Number of Objections	22
Number of Support	1
Number of General Comments	0

Notices

Site Notice - Listed Building Consent, 16th July 2021

Press Notice - Berwick Advertiser, 15th July 2021

Summary of Responses:

22no objections and 1no letter of support have been registered against the Listed Building Consent application. A number of interested parties have submitted multiple submissions as plans have been amended/additional information added.

Concerns have been raised in respect of the proposed new build elements and their visual impact upon surrounding heritage assets and neighbouring amenity, particularly with regard to the proposed "motorcycle workshop" and the impact on views into and through the site. Concerns also around the proposed rendering of the front elevation of the old school building, wholesale replacement of windows and other works proposed to facilitate the proposed change of use.

The letter of support was submitted by the Berwick Civic Society which qualified its support for the reuse of the building with concerns echoing those made by others regarding the impact of the proposals upon the designated heritage assets.

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=QU6NCCQSGY600>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

QOP 1 - Design principles (Strategic Policy)

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

6.2 National Planning Policy

National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

Planning Practice Guidance (2021, as updated)

Listed Buildings and Curtilage - Historic England Advice Note 10 (2018)

Historic England - Traditional Windows Their Care, Repair and Upgrading (2017)

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

Historic England - Understanding Historic Buildings: A Guide to Good Recording Practice (2016)

Berwick Upon Tweed Conservation Area Character Appraisal

Design matters: Berwick-upon-Tweed, Spittal and Tweedmouth Doors and windows in the historic environment

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Principle of Development

Impact on Listed Buildings Ecology

Principle

7.2 The legislative framework has regard to Section 16(2) 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.

7.3 Policy ENV 1 of the NLP pertains to the natural, historic and built environment and introduces the concept that great weight should be given to the conservation of designated heritage assets and that harm can be caused by development that affects the setting and significance of heritage assets.

7.4 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.5 This is echoed by Policy ENV 7 of the NLP which states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.

7.6 The principle of the renovation and conversion of the property to bring it back into a viable use is supported. The proposal would therefore accord with local plan policy ENV 7 and the provisions and intentions of the NPPF.

Impact on the Listed Buildings

7.7 When assessing an application that seeks to alter, extend or demolish a listed building, the LPA must consider the impact of the proposed development on the significance of the designated heritage asset. The designated heritage asset includes the listed building together with its curtilage and attached buildings.

7.8 The NPPF sets out the degrees of harm that can be caused by development affecting the setting and significance of heritage assets. These are 'total loss', 'substantial harm', or 'less than substantial harm' and the need to balance any harm against the benefits of the development is stated.

7.9 The Council's Built Heritage and Design Officer has provided comments raising concerns regarding the proposals and noting that a level of harm would be caused to the listed buildings. The individual elements of the scheme are discussed below, however the overall level of harm identified is "less than substantial" for the purposes of the NPPF.

Conversion of Grammar School Buildings

7.10 The works required to convert the existing building to habitable accommodation include the installation of new partition walls to subdivide the space to create self-contained apartments. The surviving plan form of the 18th century house has considerable historic interest and whilst new partition walls are acceptable to the Victorian rear block, it is important that the historic plan form of the Georgian house is retained as much as possible. To this end the applicant has agreed to the retention of the original internal plan form in the Georgian house. The proposed dry lining and thermal insulation of the building would result in the covering over of some historic features. Original cornicing would be retained and concealed with a new cornice matching its profile installed over the insulation. As there are different cornice mouldings throughout the listed building it is recommended that large scale drawings of the proposed cornicing, together with materials, be secured by condition. Following receipt of comments from the Georgian Group, the applicant has agreed to remove the dry lining from the Georgian parts of the building.

Cantilevering of north gable of school hall, removal and relocation of stone arch

7.11 It is understood that this part of the proposals has been put forward to minimise the impact on historic fabric while providing sensible and safe vehicular access to the rear. The stone arch is proposed to be removed and relocated to a resident's garden behind the house. The Built Heritage Officer considers the stone arch and the north elevation of the 19th century school extension to have moderate historic and architectural interest. On balance however, if required to provide safe access, the loss of historic fabric would not harm the overall significance of the building.

Replacement of Windows

7.12 The application originally proposed the wholesale removal and replacement of historic windows from the building with the exception of the large round headed window to the rear elevation which would be repaired as required. The Built Heritage Officer found this to be harmful to the significance of the building and asked the applicant to submit further justification together with a window schedule prepared by a suitably qualified specialist. Following receipt of this information and negotiations with the applicant, it has been accepted that a number of windows are beyond repair and may be replaced, whilst the remainder of the windows should be repaired/refurbished as required.

Rendering of Front Elevation

7.13 The proposals originally included the rendering of the principal elevation of the building in order to address defects to the existing stonework and to cover holes caused by the historic insertion of flues. The conservation officer considered that this would cause harm to the significance of the building and would neither preserve nor enhance the special interest of Berwick Conservation Area. Following negotiation with the applicant it has been agreed that this element of the proposals should be removed in favour of localised repairs thereby preserving the listed building and preserving or enhancing the character and appearance of the conservation area.

Spiers & Armstrong Huts

7.14 The proposal would result in the 'total loss' of the Armstrong hut and Spiers & Co hut located to the rear of the principal Grade II* listed building. The huts are listed by virtue of being in the curtilage of the principal listed building. The heritage significance of the huts came to light due to the submission of the wider proposals for this site, which include their demolition to facilitate development to the rear of the principal listed building being considered under application ref 21/02292/FUL.

7.15 The Berwick Civic Society has carried out research into the history and assessed the significance of the two huts. The Victorian Society & 20th Century Society have also responded to consultation and have clarified why they consider the huts to have significance.

7.16 The Authority acknowledges the huts have some significance and requested further information to demonstrate whether the buildings could be retained and refurbished either in situ or elsewhere within the site, which would provide justification for the proposed demolition as required by paragraph 200 of the NPPF. The applicant declined to convert the huts as set out in the amended Heritage Statement and confirmed that efforts have been made to relocate them, with enquiries having been made with organisations such as Beamish Museum, Blyth Battery and Eden Camp Modern History Museum to no avail.

7.17 Taking into account the overall significance of the heritage assets on the site, and the scale of 'loss' that would result from the demolition, the cumulative degree of harm to the significance of the heritage assets combined (ie the Grade II* listed building and the curtilage listed buildings and structures) would be 'less than substantial'.

7.18 The Local Plan seeks to conserve and sustain the significance of heritage assets and at Policy ENV 7(4) states that development proposals that would result in substantial harm to or total loss of the significance of designated heritage assets will not be supported unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that would outweigh that harm or loss. This mirrors paragraph 201 of the Framework and given the finding of "less than substantial" harm overall, would not be relevant in this case. The decision maker is therefore directed to paragraph 202 of the Framework.

7.19 Policy ENV 7(5) of the NLP mirrors paragraph 202 of the NPPF. This requires less than substantial harm to significance to be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The public benefits arising are discussed further below.

7.20 In circumstances where a local planning authority judges the redevelopment of an existing heritage asset to be acceptable, a decision which requires account to be taken of both the contribution of the existing building(s) and the qualities of the proposed replacement, paragraph 204 of the Framework emphasises that the loss of the whole or part of a heritage asset should not be permitted without all reasonable steps being taken to ensure the new development will proceed after the loss has occurred. The appropriate mechanisms for securing this would be planning conditions or a legally binding planning obligation. It is common practice to apply a condition to ensure that demolition does not occur until a contract for the carrying out of the redevelopment works has been made.

7.21 Relevant to this is the *Richmond-upon-Thames LB v SOS 1979* court case,

where it was held that where demolition is a prelude to proposed redevelopment, consent should normally only be given where there are acceptable and detailed plans for that redevelopment. As noted above the replacement of the huts with the proposed bungalow and garage/workshop block is being considered under application ref 21/02292/FUL and detailed plans have been submitted with that application. However, in order that the proposals are also seen to accord with paragraph 204 and in addition to the recording condition previously recommended, a further condition is recommended below to ensure that any demolition of the curtilage listed buildings does not commence until a legally binding contract for the redevelopment of the site has been entered into.

Public Benefits

7.22 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.23 The works proposed would enable the reuse of the principal heritage asset, thereby helping to secure its future. A secure, appropriate use for the listed buildings will help ensure the continued use, retention and protection of this asset. Concerns with regard to the external finishes and the proposed wholesale replacement of historic windows have been addressed through negotiation with the applicant, who has agreed to remove or amend those elements as noted above. It is considered that the reuse of the heritage asset is an acceptable public benefit which will outweigh any harm caused.

7.24 The public benefits arising from the loss of the Spiers and Armstrong huts are more tangential as they are derived from the erection of the bungalow and workshop/garage building which would replace the huts and are being considered under the accompanying full planning application. In essence, the sale of the bungalow would finance the building of the workshop, which would allow the Youth Project to consolidate operations on this site. Whilst the proposals would not amount to an enabling development in respect of the listed buildings, they would cross subsidise the work of the Youth Project and therefore amount to a public benefit for the purposes of the NPPF.

7.25 On balance therefore and subject to appropriate conditions, the proposal is considered to accord with local plan policies QOP 1 and ENV 7 of the NLP and the provisions and intentions of the NPPF.

Ecology

7.26 Policy ENV 2 of the 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. The proposal is in accordance with this policy which is a material consideration in the assessment of the application.

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

7.28 The County Ecologist has responded to consultation noting that the buildings are generally in a poor state of repair and the former landscaping appears to have become overgrown and dilapidated and it is unlikely any habitats of value are present. The building has been assessed as being of low risk for bats. The risk of any impact to void roosting bats has been ruled out completely but there is a low risk of crevice dwelling species such as common or soprano pipistrelle bats being present and being impacted by the development. The few available potential roost features (prfs) would only support occasional sporadic day roosting bats, in common with almost all buildings and the dampness of the building, the recent dry rot treatment and the lack of heating in the buildings means the chance of encountering bats is negligible. In addition, the prfs can be surveyed with an endoscope to ensure no bats are present prior to the works being undertaken. A condition is included below to ensure any bats present are fully protected.

Equality Duty

7.29 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

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

Human Rights Act Implications

7.31 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.

7.32 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.

7.33 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 application has been considered against local development plan policies and the relevant sections of the NPPF. On balance, the less than substantial harm identified to the listed building is considered to be outweighed by the public benefit of helping to secure an appropriate and viable use for the listed building into the future.

9. Recommendation

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

Conditions/Reason

1. 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).

2. Approved Plans

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

1. Location Plan
2. Drawing No 201 Rev F - Proposed Floor Plans
3. Drawing No 202 Rev D - Proposed Elevations
4. Drawing No 203 Rev E - Proposed Site Plan

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

3. Materials

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) and including windows and doors have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials including windows and doors used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development to ensure works are carried out in a manner consistent with the character and setting of the building, in accordance with the provisions of Development Plan policy ENV 7 and the provisions and intention of the NPPF

4. Joinery

Notwithstanding the approved plans, prior to the commencement of the development full details of existing and proposed windows and doors, including drawings 1:20 scale and cross sections 1:5 scale, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter all windows and doors shall be installed in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

5. Historic Building Recording

No development shall commence on site until a Written Scheme of Investigation (WSI) for archaeological work (historic building recording) has been submitted to and approved in writing by the Local Planning Authority and their archaeological advisors. The programme of archaeological (historic building recording) work should be in line with 'Level 2' of Historic England's 2016 Guidance document '*Understanding Historic Buildings: A Guide to Good Recording Practice*'. The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged. This requirement shall apply to all buildings within the site, including outbuildings and timber buildings.

a) No development or archaeological mitigation (historic building recording) shall commence on site until a Written Scheme of Investigation (WSI) based on 'Level 2' of Historic England's 'Understanding Historic Buildings' guidance has been submitted to and approved in writing by the Local Planning Authority.

b) The agreed archaeological recording scheme must be completed in accordance with the approved Written Scheme of Investigation.

c) The programme of analysis, reporting, publication and archiving must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological and historic interest and the development shall result in the loss of a heritage asset, and a reduction in significance so a historic building record is required in accordance with Policy ENV 7 of Northumberland Local Plan.

6. Structural survey

Prior to commencement of development, a structural survey of the listed buildings shall be carried out by a conservation accredited structural engineer, and a report, including details of any structural repair works required to the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any required works shall be carried out in strict accordance with the details as approved.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

7. Stone cornice

Prior to the partial demolition of the north east gable wall of the school hall, large scale drawings of the new stone cornice in 1:20 scale and sections 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved detail.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

8. Demolition by hand

The partial demolition of the north east gable wall of the former school hall hereby authorised shall be carried out by hand (or by hand-held tools) only.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

9. Stone arch

The stone archway attached to the gable end wall of the listed building shall be retained and relocated to the resident's garden.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

10. Stonework

Prior to the commencement of stonework, a detailed method statement identifying the extent of repair and replacement, including details of proposed natural stone type, sizes, colour, pointing mortar mix, joint thickness and finish profile, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details. For the avoidance of doubt, the use of Lithomex, or other lime based restoration mortars, is not approved and shall not be used.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

11. Repointing

Prior to repointing works being undertaken to any elevation, a method statement, including lime mortar specification, shall be submitted to and approved in writing by the Local Planning Authority. A 1sqm sample panel showing the proposed repointing shall then be prepared in situ for the written approval of the Local Planning Authority. Repointing shall then be carried out

in the manner shown on the approved sample panel and in accordance with the approved scheme.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

12. Roof slates

Replacement slates shall be indigenous natural slate matching the dimensions, colour and texture of the slates on the existing building and shall remain as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

13. Rooflights

The rooflights hereby approved shall be of 'conservation' design, metal framed with structural glass and central vertical glazing bar and shall be installed flush to the roof and shall thereafter be so retained. Any subsequent replacement rooflight shall be to the same specification and design.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

14. Roofing material

Prior to the construction of the flat roofed single storey extension, specification details of the roofing material and method of connection with the listed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the extension shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

15. Metal windows

Prior to installation of the lancet windows in the school hall, large scale drawings in 1:20 scale and sections 1:5 scale, including details of the metal and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

16. Services

Prior to installation of any new services, detailed service plans shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

17. Rainwater goods and pipes

New rainwater goods and soil pipes shall be of cast iron construction, painted black painted and fixed directly to the walls without fascia boards. Prior to installation, specification details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

18. Cornices

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of new cornices to match the profiles of existing cornices, and details of material and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

19. Internal joinery

Prior to removal of window panelling, shutters and surrounds, a method statement for their removal and refixing in front of insulation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

20. Staircase

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of the new timber handrail, posts and spindles, and details of materials and finish shall be submitted to and approved in writing with the Local Planning

Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve and enhance the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

21. Boundary treatments

Prior to installation, full details of the new railings and stone pillars to the front of the listed building, including large scale drawings, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the setting of the listed building and the character and appearance of the conservation area and in accordance with Policy ENV7 and ENV 9 of the Northumberland Local Plan

22. Landscape and Ecological Management Plan (LEMP)

Notwithstanding the approved plans a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed including bird and bat boxes, native to Northumberland trees, shrubs and other habitats.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

23. Bat Mitigation

The development hereby approved shall be carried out in accordance with the following method statement

A toolbox talk will be undertaken before works commence. All contractors will be informed of the potential presence of bats and will be made aware of the

actions they are required to take if bats are found at any time during works on site. The contact numbers for the ecologist, Natural England (0845 6014523) and the Bat Advice Line (0345 1300228) will be left with the contractors on site.

The ecologist will be on site when the roof of the school hall is stripped. The roof covering will be removed under ecological supervision. The removal of ridge tiles, hip ridges, slates and verges will be undertaken carefully by hand, being aware that a bat may be roosting underneath. The ridge tiles/slates will be lifted directly up and will not be slid along the roof line to avoid any harm to any bats that may be roosting under the slates. The slates will be removed by hand, and turned over before they are slid down the roof slope. Any lead flashing or mortar fillets which need to be removed will be removed under ecological supervision. Any bat access points identified will be noted and reinstated when the roof covering is replaced.

Works to remove the wooden window frames will be undertaken by hand, with care, being aware that a bat may be roosting around the wooden frames

Works to repair the movement cracks will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope.

Any essential pointing/mortaring will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope. Any non-essential pointing will not be undertaken.

All structural work will be undertaken by hand, being aware that bats may be present on wall tops, within walls and between loose stones.

Any timber treatments used in the development work will be preparations approved for use where bats may be present. Remedial timber treatments that are toxic to mammals will be avoided. Both pre-treated timbers and timber treatments will use chemicals classed as safe for use where bats may be present, see Timber treatment table 1 of the ecological survey report (Tina Wiffen 2021).

If roosting bats become evident during work, the ecologist will be contacted immediately. Work will stop in the vicinity of the bat and if applicable the cavity the bat is within will be covered over for the safety of the animal. The ecologist will attend site as quickly as possible to assess the situation and move the bat to safety. The bat will be carefully caught by hand or with a static hand net and will be placed in a bat tank and kept in the dark in a quiet place until it can be released at dusk near to where it was found.

All contractors shall be made aware of the potential presence of bats, of their legal protection and the requirement to contact the ecologist and Natural England if they are found during works.

If bats are found during the works, work should cease immediately in that area and the ecological consultant should be consulted for further advice. This contact number should be left with the contractors on site.

Reason: To protect bats and their roosts (whether occupied or not) which are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017

24. Nesting Birds

Notwithstanding the approved plans, work shall not be carried out during the breeding season, unless a checking survey is carried out within 5 days of the start of the works. If active nests are encountered during the check (including nest building) then works shall cease in that area until the young birds have fledged.

Reason: To avoid harm to breeding birds which are protected under the Wildlife and Countryside Act 1981 (as amended).

25. No works of demolition shall begin before evidence of a binding contract for the full implementation of the comprehensive scheme of development (and associated planning permission for which the contract provides) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved development takes place expeditiously and meets the requirements of paragraph 204 of the National Planning Policy Framework.

Background Papers: Planning application file(s) 21/02293/LBC

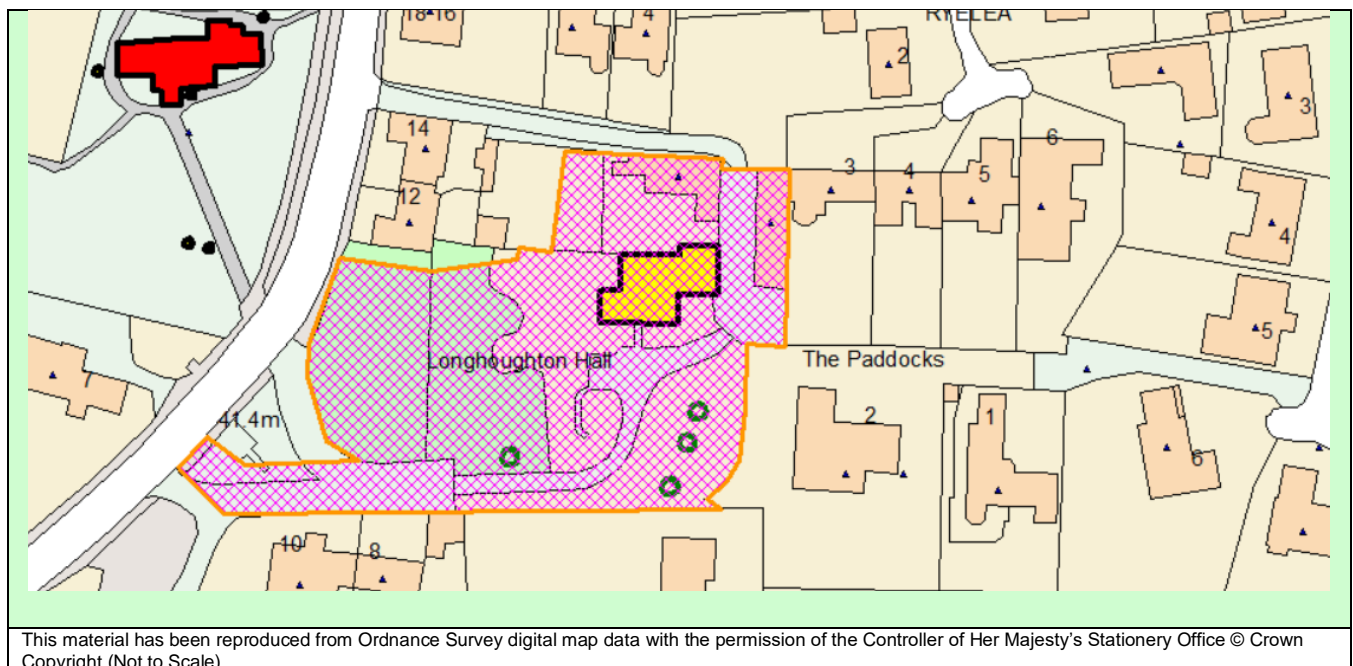


Northumberland County Council

North Northumberland Local Area Council Planning Committee 23rd March 2023

Application No:	22/02968/VARYCO		
Proposal:	Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 19/02209/FUL		
Site Address	Longhoughton Hall, North End, Longhoughton, Alwick Northumberland NE66 3AG		
Applicant:	Mr James Souter Longhoughton Hall, North End, Longhoughton, Alwick Northumberland NE66 3AG	Agent:	Mr David Fleming The Studio, The Coach House, Longhirst, Morpeth Northumberland NE61 3LU
Ward	Longhoughton	Parish	Longhoughton
Valid Date:	13 September 2022	Expiry Date:	8 November 2022
Case Officer Details:	Name: Miss Claire Simm Job Title: Planning Officer Tel No: 07592272955 Email: Claire.Simm@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee after it was called in by the Ward Member.

2. Description of the Proposals

2.1 The application seeks permission for the proposed conversion of 2no outbuildings into 2no holiday cottages on land within the curtilage of and to the rear of Longhoughton Hall, North End, Longhoughton. Planning permission is sought to vary condition 2 of application 19/02209/FUL. The variation to the plans includes the increase in height of the eaves and ridge height of the roof and the installation of a new roof structure using Trada roof trusses. The development also seeks to replace the existing glass slates with conservation style rooflights in the north, east and west elevations.

2.2 The application site is located within the built up area of Longhoughton and is within the Northumberland Coast AONB. Longhoughton Hall is Grade II listed under List ref no 1041774.

3. Planning History

Reference Number: 17/02180/OUT

Description: Outline permission for conversion of former stables and workshop to provide 2 self-contained 2 bedroom holiday cottages.

Status: APPRET

Reference Number: 18/03212/LBC

Description: Listed Building Consent - Proposed alterations/conversion of 2 outbuildings to 2 holiday lets.

Status: PER

Reference Number: 18/04211/FUL

Description: Proposed alteration of 2 outbuildings to the rear of Longhoughton Hall into 2 self-contained 2 holiday let cottages.

Status: APPRET

Reference Number: 19/02209/FUL

Description: Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages (as amended)

Status: PER

Reference Number: 20/01461/DISCON

Description: Discharge of Condition 3 (Protected Species Mitigation), 4 (Archaeological Report) and 5 (Flues, Vents, Pipes, Ducts) on approved planning application 19/02209/FUL

Status: PER

Reference Number: 21/04481/PRUTPO

Description: Tree Preservation Order Application - (Ref 1) Mature sycamore - proposal to reduce some of the branches by (___) so that the crown remains even and balanced

throughout; (REF 2/3) Three mature Beech tree's -proposed work to crown raise by (___) to the point of being safe for a bus to pass underneath without touching them

Status: APPRET

Reference Number: 22/03383/VARYCO

Description: Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 18/03212/LBC.

Status: PDE

Reference Number: A/90/A/550

Description: Create New Window.

Status: PER

Reference Number: A/2002/0112

Description: Tree felling (1 no beech tree)

Status: PER

Reference Number: A/2001/0069

Description: Internal and external works to repair fire damage

Status: WDN

4. Consultee Responses

Longhoughton Parish Council	No objection to the proposal,
Building Conservation	Objection to the scheme, the proposal would result in a less than substantial harm.
County Ecologist	No objection subject to conditions
Northumberland Coast AONB	The AONB partnership is supportive of the conclusions of the Built Heritage and Design officer and raises concerns over the impact of the development on the Grade II listed Longhoughton Hall.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	0
Number of Support	0
Number of General Comments	1

Notices

Affecting Listed Building, 30th September 2022

Northumberland Gazette 22nd September 2022

Summary of Responses:

A document has been submitted on behalf of the adjoining neighbour in regard to the inaccuracies on what was originally approved to what has been built.

The objection to this scheme relates to the insertion of the conservation rooflights, which are overly large giving a feeling of being overlooked and an increase in noise, and the increase in the roof height which has resulted in a loss of light.

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=RGPFYNQS0IS00>

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

ECN 15 - Tourism and visitor development

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

TRA 4 - Parking provision in new development

ICT 2 - New developments

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 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

WAT 2 - Water supply and sewerage

MIN 4 - Safeguarding mineral resources (Strategic Policy)

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

6.3 Neighbourhood Planning Policy

None relevant

6.4 Other Documents/Strategies

NDG - National Design Guide (2019)

7. Appraisal

7.1 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. In this case, the development plan comprises the Northumberland Local Plan, The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in determining this application.

7.2 The main considerations in the determination of this application are:

- Principle of the development
- Design and impact on the AONB
- Residential Amenity,
- Heritage Assets,
- Ecology and Coastal Mitigation Scheme
- Climate Change
- Broadband connections
- Minerals

Principle of the development

7.3 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for the permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue. The original planning consent was established by planning reference 19/02209/FUL. This consent remains extant, therefore the principle of an appropriate variation under s.73 of the Act is accepted.

7.4 Planning application 19/02209/FUL was subject to a s106 agreement where £682.80 was to be paid in regard to coastal mitigation. The ecology contribution of £682.80 was paid in November 2019 and therefore the fulfilment of the obligation has been discharged.

Impact on the heritage assets

7.5 Longhoughton Hall Farmhouse is a grade II listed building. The former stables and workshop are curtilage listed buildings and therefore listed building consent and planning permission is required for their conversion to holiday cottages.

7.6 The Council's Conservation Officer has been consulted on the proposed variation to barn B and has expressed concerns in regard to the development. It is the Conservation Officer's view that the unauthorised rooflights, by virtue of their frequency and dominance, detract from the simplicity of Barn B prior to its conversion. Also, while the loss of the existing roof structure was justified on structural grounds this would not extend to an increase in the roof height.

7.7 The Conservation Officer has assessed the harm on the revised scheme as less than substantial within the terms of the Framework.

7.8 Although there has been concerns raised from the neighbouring occupier in relation to the angle of the roof, the structure was agreed on the 2019 planning permission.

7.9 Information has been provided from both the applicant's agent and the neighbouring occupier regarding the increase in roof height. After reviewing all the details submitted from both parties, it is agreed that the ridge height and eaves height have increased.

7.10 The rooflights have been replaced from glass tiles to conservation style rooflights. The Conservation Officer has expressed concerns that "the rooflights by virtue of their frequency and dominance detract from the simplicity of barn B prior to its construction". The frequency of the rooflights has increased from 10 glass slates to 11 rooflights - six to the west elevation, four to the east elevation and two to the northern roof slope.

7.11 The proposed rooflights subject to this variation are in a similar position to the original glass slates, located in the middle third of the roof slope, evenly placed and set at a similar level, reflecting the original layout. The rooflights are slightly larger than the original glass slates and do protrude slightly from the roof slope, however, on balance it is considered that the conservation style rooflights result in less than substantial harm. The windows do not dominate the roof slope as most of the roof mass will remain slate.

7.12 Within the NPPF it states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable uses consistent with their conservation
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.13 This is reflected in policy ENV7 which states "Where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.

7.14 It is considered the conversion of the building has brought a disused stable back into a viable use which makes a positive contribution to the local character and distinctiveness of the area. The use of the development as a holiday let will have economic benefits for the service village of Longhoughton as it will support the provision and retention of local retail and other services in the village. Furthermore,

the renovation of a disused storage building, converting it for tourist accommodation will generate income securing an economically viable future for the building.

7.15 It is considered that the conversion of the building as shown on this variation has delivered a more efficient use for the existing building, ensuring it does not fall into disrepair. It should be accepted that some heritage benefit would be delivered, and this would outweigh any harm to the setting of the listed building, Longhoughton Hall. The proposal therefore complies with policy ENV7 of the Northumberland Local Plan and the NPPF.

Design and Visual Amenity

7.16 Policy QOP1 of the Northumberland Local Plan states development proposals should make a positive contribution to local character and distinctiveness and create or contribute to a strong sense of place and integrate the built form of the development with the site overall, it goes on to state the development should be visually attractive and incorporate high quality materials and detailing. In June 2021 new provisions were added to the NPPF in relation to design.

7.17 Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.18 Having assessed the proposal against local and national planning policy and the 10 characteristics outlined in the National Design Guide it is considered that proposal would bring the buildings back into a viable use and as a result will make a positive contribution to character and appearance of the listed building and surrounding area. The development is therefore in accordance with Policy QOP 1, Policy QOP2 and ENV1 of the NLP and the NPPF.

Impact on the Northumberland Coast Area of Outstanding Natural Beauty

7.19 The AONB partnership have been consulted on the proposal and state "The AONB Partnership is supportive of the conclusions of the Built Heritage and Design Officer and raises concerns over the impact of the development on the Grade II listed Longhoughton Hall".

7.20 Policy ENV5 seeks to ensure that development needs to sustain and, where appropriate enhance i)the significance of heritage assets, including any contribution made by their setting. The policy goes on to state, as far as possible, it will be recognised that the AONB is a living working area by allowing small scale development where it does not impact on the AONB's special qualities. In particular,

in assessing development proposals, consideration will be given to the extent to which the development c) supports the tourism aims set out in policy ECN15. It has been assessed within the heritage section that the proposal will result in less than substantial harm to the heritage asset.

7.21 As the development will sustain the significance of the heritage asset and seeks to convert the buildings to holiday lets which supports the tourism aims set out in policy ECN15, it is considered that the proposal complies with policy ENV5 of the NLP and the NPPF.

Residential Amenity

7.22 Policy QOP1 of the Northumberland Local Plan requires developments to ensure they do not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings. Policy QOP 2 requires developments to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in the local area.

7.23 Concerns have been raised by the adjoining neighbour of barn B that the new rooflights have resulted in an increase in visual intrusion and loss of privacy. Given the height of the rooflights, which are located in excess of 2m above the finished floor level in the barn, it is considered that there will be no opportunity for the occupiers of the barn to be able to look out of these windows directly into the adjoining neighbours dwelling or garden. The rooflights within the eastern roof slope serve the access corridor to the main living spaces and therefore are provided for light only.

7.24 To prevent any opportunity for future overlooking, however, it is considered necessary to impose a condition that no mezzanine or first floors be erected within the barn without planning consent. Although the heritage statement states the rooflights are obscurely glazed and fixed, this is not correct. In order to protect the neighbouring occupiers from any increase in noise and disturbance from the conversion/use of a holiday let, it is considered necessary to impose a condition that the rooflights on the eastern elevation be fixed shut.

7.25 The adjoining neighbour has expressed significant concerns that the increase in roof height has resulted in a significant loss of light and overshadowing to their rear garden. The varied scheme has increased the eaves and roof height of the building and it is accepted that the increase will have resulted in some additional loss of light in the afternoon through to the early evening, however, it is not considered that the increase in height will result in such a harmful loss of amenity in terms of loss of light and overshadowing to warrant refusal.

7.26 It is considered that the proposed variations to the original planning application are acceptable with regard to the impact on residential amenity. As such the application is considered to be in accordance with Policies QOP1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Ecology and Coastal Mitigation Scheme

7.27 The Council's Ecologist has been consulted on the scheme and has no objection to the variation of the scheme subject to conditions.

7.28 The work carried out under the previous consent had led to the destruction of a bat roost, an alternative roost has been created under ecological advice. The mitigation agreed and the alternative roost is detailed in the report Longhoughton Hall, Longhoughton, Development, Addendum To Ecology and Bat Report- Summer 2019 (Ruth Hadden, November 2022). The mitigation roost (with some modification) is acceptable and is an improved situation to that previously on the site. Therefore, on balance, there is no objection to the proposed variation. This mitigation is to be secured by condition.

7.29 A maternity roost has also been identified elsewhere on the site. Bat licences may not be granted retrospectively, but for completeness the three tests enshrined in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), have been considered below.

7.30 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS).

7.31 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
2. that there is no satisfactory alternative; and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

7.32 This application is to restore a disused storage building, converting it for tourist accommodation which will generate income therefore securing an economically viable future for the building, therefore test 1 is met. In terms of test 2, as the development has already occurred it is difficult to assess this test.

7.33 With regards to test 3, the building supported a small number of roosting brown long eared bats (maximum of 1-2 in a day roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The replacement roost recommended by the ecologist is acceptable and will maintain the roost potential of the site. Therefore, the third test for maintenance of favourable conservation status is met.

7.34 Subject to conditions, the application is considered to comply with policy ENV2 of the Northumberland Local Plan and the NPPF.

Climate change

7.35 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.36 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.37 Local Plan Policy QOP 5 relates to sustainable design and construction. In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.38 Given the development has been constructed using salvaged materials it is considered that the proposal is accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband connections

7.39 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.40 The applicant has provided details to show that full-fibre broadband connections are proposed and a timescale for their installation, the proposal therefore complies with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Minerals

7.41 The site is located within a minerals safeguarding area as identified on the Polices Map, relating specifically to carboniferous limestone. Although Policy MIN4 states that applications for a non-mineral related development in a Mineral Safeguarding Area are required to include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development, it is considered, as the proposal is within an existing settlement boundary the proposal is unlikely to sterilise any resource by virtue of its location.

Equality Duty

7.42 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

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

Human Rights Act Implications

7.44 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.

7.45 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.

7.46 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 planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

1. Drawing No 2743L(9-)01A - Site Location Plan Existing;
2. Drawing No 2743L(9-)02A - Site Location Plan Proposed;
3. Drawing No 2743L(2-)20B1 - Proposed Ground Floor Plans;
4. Drawing No 2743L(2-)22 - Proposed Ground Floor Plan Outbuilding "A";
6. Drawing No 2743L(2-)24 - Elevations Proposed;
7. Drawing No 2743L(2-)25B1 - Elevations Proposed + Cross Sections;
8. Drawing No 2743L(2-)28B1 - Proposed Log Shed.
- 9 Elevations proposed as built 2022 2743L(2-) 33E
10. Elevations as built, barn B 2743L(2-) 38E
11. Elevations as built west facing 2743L(2-)37 E

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

02. No development will take place unless in accordance with the recommendations of the report Longhoughton Hall, Longhoughton, Development. Addendum To Ecology and Bat Report-Summer 2019 (Ruth Hadden, November 2022). The LPA will be provided with photographic evidence that the access to the new bat loft has been amended to reduce the size of the opening to restrict access by larger birds.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

03. Flues, vents, pipes, ducts etc

Notwithstanding details contained within the approved plans, no installation of any flue, vent, pipe or ducts penetrating the external walls or roof of the proposed buildings shall be installed until the following documents have been submitted to and approved in writing by the Local Planning Authority;

- Details of the proposed equipment;
- Method of fixing;
- Drawings to include sections of the proposed equipment and their interaction with historic fabric.

Thereafter all works shall be carried out in accordance with the approved details.

Reason: To ensure that the character, appearance and integrity of the listed building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at Chapter 16 of the NPPF.

04. No additional floor shall be created within barn B without the details being submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the future amenity of the neighbouring property.

05. Notwithstanding the approved plans, the rooflights on the eastern roof slope should be fixed shut and should be retained thereafter for the life of the development.

Reason: To protect the amenity of the neighbouring property.

Informatives

1. As bat roosts are present on the site, in most cases a Natural England Licence will be required before the development can proceed.

Pre-commencement works may also require a licence and it must be noted that any noisy or disturbing works during May to August should not take place without first taking advice from the project ecologist. Bats in maternity roosts are extremely sensitive to disturbance and may abort or abandon their young if disturbed.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests, eggs or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

If protected species such as bats or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away.

Further information about protected species and the law can be found on the government website; <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

Background Papers: Planning application file(s) 22/02968/VARYCO

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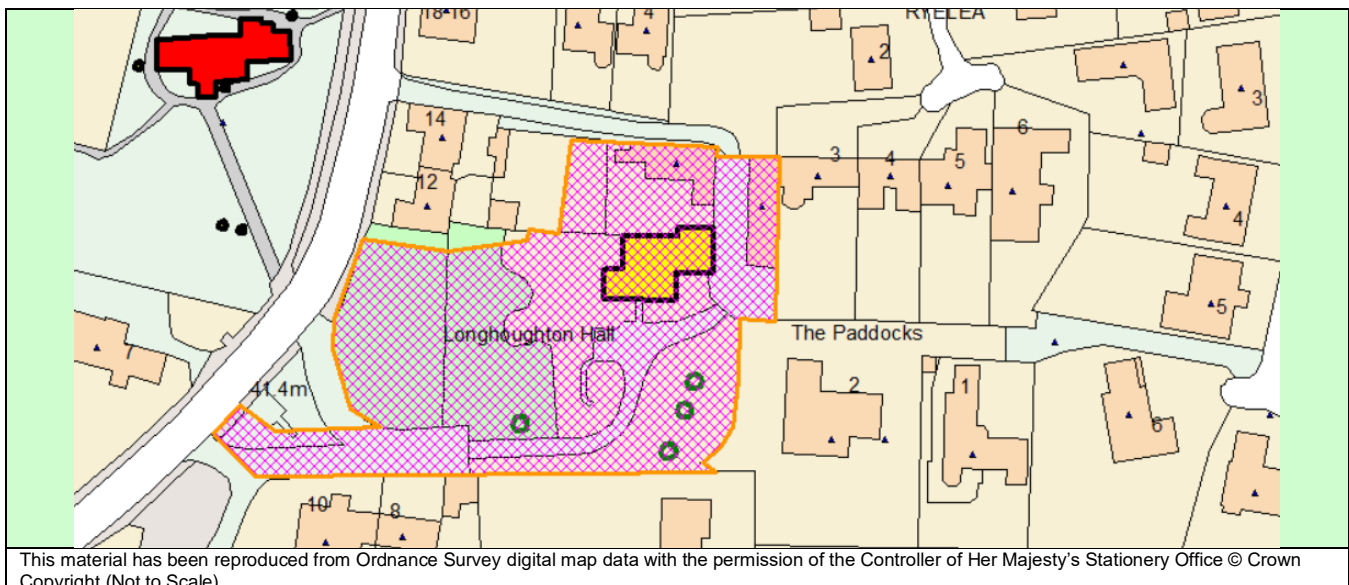


Northumberland
County Council

North Northumberland Local Area Council Planning Committee
23rd March 2023

Application No:	22/03383/VARYCO		
Proposal:	Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 18/03212/LBC.		
Site Address	Barn B, Longhoughton Hall, North End, Longhoughton Alnwick Northumberland NE66 3AG		
Applicant:	Mr James Souter Longhoughton Hall, North End, Longhoughton, Alnwick Northumberland NE66 3AG	Agent:	Mr David Fleming The Coach House, Longhurst, Morpeth, Northumberland NE61 3LU
Ward	Longhoughton	Parish	Longhoughton
Valid Date:	29 September 2022	Expiry Date:	24 November 2022
Case Officer Details:	Name: Miss Claire Simm Job Title: Planning Officer Tel No: 07592272955 Email: Claire.Simm@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee after it was called in by the Ward Member.

2. Description of the Proposals

2.1 The application seeks Listed Building Consent for the alteration and conversion of 2no outbuildings at Longhoughton Hall to holiday lets within the grounds of the Hall. Currently these outbuildings stand in the form of a disused stable block and garage/storage building. Planning permission is sought to vary condition 2 of application 18/03312/LBC. The variation to the plans includes the increase in height of the eaves and ridge height of the roof, the installation of a new roof structure using Trada roof trusses. The development also seeks to replace the existing glass slates with conservation style rooflights in the north, east and west elevations.

2.2 Longhoughton Hall stands in the village of the same name, and dates from either the late 16th Century or early 17th, with extensive remodelling having been carried out in the 18th Century. The Hall is of two storey rubble construction, with a mixed slate roof and typified by 12-16 panelled sash windows.

2.3 The Hall is Grade II Listed under 'Longhoughton Hall Farmhouse' and is also located within the Northumberland Coast Area of Outstanding Natural Beauty (AONB).

3. Planning History

Reference Number: 17/02180/OUT

Description: Outline permission for conversion of former stables and workshop to provide 2 self-contained 2-bedroom holiday cottages.

Status: APPRET

Reference Number: 18/03212/LBC

Description: Listed Building Consent - Proposed alterations/conversion of 2 outbuildings to 2 holiday lets.

Status: PER

Reference Number: 18/04211/FUL

Description: Proposed alteration of 2 outbuildings to the rear of Longhoughton Hall into 2 self-contained 2 holiday let cottages.

Status: APPRET

Reference Number: 19/02209/FUL

Description: Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages (as amended)

Status: PER

Reference Number: 20/01461/DISCON

Description: Discharge of Condition 3 (Protected Species Mitigation), 4 (Archaeological Report) and 5 (Flues, Vents, Pipes, Ducts) on approved planning application 19/02209/FUL

Status: PER

Reference Number: 21/04481/PRUTPO

Description: Tree Preservation Order Application - (Ref 1) Mature sycamore - proposal to reduce some of the branches by (___) so that the crown remains even and balanced throughout; (REF 2/3) Three mature Beech tree's -proposed work to crown raise by (___) to the point of being safe for a bus to pass underneath without touching them
Status: APPRET

Reference Number: 22/02968/VARYCO
Description: Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 19/02209/FUL
Status: PDE

Reference Number: A/90/A/550
Description: Create New Window.
Status: PER

Reference Number: A/2002/0112
Description: Tree felling (1 no beech tree)
Status: PER

Reference Number: A/2001/0069
Description: Internal and external works to repair fire damage
Status: WDN

4. Consultee Responses

Longhoughton Parish Council	No objection, however, has questioned the type of application submitted.
Building Conservation	Objection to the scheme, the proposal would result in less than substantial harm.
Northumberland Coast AONB	The AONB partnership is supportive of the conclusions of the Built Heritage and Design officer and raises concerns over the impact of the development on the Grade II listed Longhoughton Hall.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Listed Building Consent, 21st December 2022

Northumberland Gazette 6th October 2022

Summary of Responses:

A document has been submitted on behalf of the adjoining neighbour in regard to the inaccuracies on what was originally approved compared to what has been built.

The objection to this scheme relates to the insertion of the conservation rooflights, which are overly large giving a feeling of being overlooked and an increase in noise, and the increase in the roof height which has resulted in a loss of light.

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=RI8YEAQS0MK00>

6. Planning Policy

6.1 Development Plan Policy

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 7 - Historic environment and heritage assets

ENV 2 - Biodiversity and geodiversity

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

6.3 Other Documents/Strategies

7. Appraisal

7.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local 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. The key issues in the consideration of this application are:

- Principle of Development; and
- Impact on Listed Building;
- Ecology

The Principle of Development

7.2 The NPPF is a material planning consideration in the assessment of the application. Paragraph 197 of the NPPF states that, in determining applications, Local Planning Authorities should take account of several criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets.

7.3 Paragraphs 199-202 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm' or, 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.4 The proposal has previously been granted listed building consent. This permission is extant. The applicant is seeking to vary the approved details. The principle of providing an appropriate level of sympathetic development to help secure the future and retention of an appropriate use, which will in turn help secure the future of the curtilage listed building, is supported.

Impact on Heritage Assets

7.5 Longhoughton Hall Farmhouse is a grade II listed building. The former stables and workshop are curtilage listed buildings and therefore listed building consent and planning permission is required for their conversion to holiday cottages.

7.6 The Council's Conservation Officer has been consulted on the proposed variation to barn B and has expressed concerns in regard to the development and the accuracy of the plans. The plans have subsequently been amended to reflect what has been built on site, with particular attention to the location of the rooflights. Within the 2018 application (18/03312/LBC) it was anticipated that there would be a probable loss of the roof structure due to structural failings. The Conservation Officer has not objected to the use of steel for the full re roof as the scheme is no longer a repair, if the roof was to be retained and repaired then they would request a traditional repair where the element should be "spliced in".

7.7 It is the Conservation Officer's view that the rooflights, by virtue of their frequency and dominance, detract from the simplicity of Barn B prior to its conversion. Also, while loss of the existing roof structure was justified on structural grounds this would not extend to an increase in the roof height.

7.8 The Conservation Officer has assessed the harm as less than substantial within the terms of the Framework.

7.9 Although there has been concerns raised from the neighbouring occupier in relation to the angle of the roof, (as the developer has installed a new roof structure using "Trada" roof trusses set at 45 degrees), the angle structure of the roof, without the broke back rafter feature has been built in accordance with the original permissions as both the 2018 and 2019 permissions showed a 45-degree pitch.

7.10 Information has been provided from both the applicant's agent and the neighbouring occupier in regard to the increase in roof height. After reviewing all the details submitted from both parties, it is agreed that the ridge height and eaves height have increased. The amended scheme has reflected what is built on site and seeks to regularise this. Although the Conservation Officer accepts that the loss of the existing roof structure was justified on structural grounds this would not extend to an increase to the roof height. Although the Conservation officer does not support the increase in roof height, it is the opinion of the Officer that the increase in height would result in a less than substantial harm to the listed building which would need to be balanced against the public benefits of the development.

7.11 The rooflights have been replaced from glass tiles to conservation style rooflights. The Conservation officer has expressed concerns that the replacement of the existing slates with conservation rooflights has resulted in a material change in the character of the roof, by virtue of their frequency, size, design and placement. The Conservation Officer is of the view that the rooflights are significantly more dominant. The frequency of the rooflights has increased from 10 glass slates to 11 rooflights - six to the west elevation, four to the east elevation and two to the northern roof slope.

7.12 The proposed rooflights subject to this variation although not in an identical position are located in a similar position to original glass slates. They are generally located in the middle third of the roof slope, evenly placed and set at the same level, attempting to reflect the original layout. The rooflights are larger than the original glass slates and do protrude slightly from the roof slope, however, on balance and as agreed by the Conservation Officer, it is considered that the scheme submitted results in less than substantial harm. The windows do not dominate the roof slope as most of the roof mass will remain slate.

7.13 Within the NPPF it states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable use consistent with their conservation
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.14 This is reflected in policy ENV7 which states "Where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.

7.15 It is considered the conversion of the building, has brought a disused stable back into a viable use which makes a positive contribution to the local character and distinctiveness of the area. The use of the development as a holiday let will have economic benefits for the service village of Longhoughton as it will support the provision and retention of local retail and other services in the village. Furthermore, the renovation of a disused storage building, converting it for tourist accommodation will generate income securing an economically viable future for the building.

7.16 It is considered that the conversion of the building as shown on this variation has delivered a more efficient use for the existing building, ensuring it does not fall into disrepair. It should be accepted that some heritage benefit would be delivered, and this would outweigh any harm to the setting of the listed building, Longhoughton Hall. The proposal therefore complies with policy ENV7 of the Northumberland Local Plan and the NPPF.

Ecology and Coastal Mitigation Scheme

7.17 The Council's Ecologist has been consulted on the scheme and has no objection to the variation of the scheme subject to conditions. The work carried out under the previous consent had led to the destruction of a bat roost. An alternative roost has been created under ecological advice. The mitigation agreed and the alternative roost is detailed in the report Longhoughton Hall, Longhoughton,

Development, Addendum To Ecology and Bat Report- Summer 2019 (Ruth Hadden, November 2022). The mitigation roost (with some modification) is acceptable and is an improved situation to that previously on the site. Therefore, on balance, there is no objection to the proposed variation. This mitigation is to be secured by condition.

7.18 A maternity roost has also been identified elsewhere on the site. Bat licences may not be granted retrospectively, but for completeness the three tests enshrined in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), have been considered below.

7.19 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS).

7.20 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
2. that there is no satisfactory alternative; and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

7.21 This application is to restore a disused storage building, converting it for tourist accommodation which will generate income therefore securing an economically viable future for the building, therefore test 1 is met. In terms of test 2, as the development has already occurred it is difficult to assess this test.

7.22 With regards to test 3, the building supported a small number of roosting brown long eared bats (maximum of 1-2 in a day roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The replacement roost recommended by the ecologist is acceptable and will maintain the roost potential of the site. Therefore, the third test for maintenance of favourable conservation status is met. Subject to conditions, the application is considered to comply with policy ENV2 of the Northumberland Local Plan and the NPPF.

Other matters

7.23 A neighbouring resident and the Parish Council have queried whether a variation of plans can be submitted for a listed building. The mechanisms under s19 of the Planning (Listed Building and Conservation Areas) Act 1990 allows for any person interested in a listed building with respect to which listed building consent has been granted subject to conditions may apply to the local planning authority for the variation or discharge of the conditions.

Equality Duty

7.24 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had

due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.26 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.27 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.28 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents. The approved plans and documents for this development are: -

1. Location plan; Drawing ref: L (9-)01
2. Proposed site plan; Drawing ref: L (9-)02
3. Proposed floor plan buildings A& B; Drawing ref: L (2-)20
4. Proposed floor plan building A; Drawing ref: L (2-)22
6. Proposed elevations; Drawing ref: L (2-)24
7. Proposed sections; Drawing ref: L (2-)27
8. Proposed door and window schedule; Drawing ref: L (-31)27
9. Elevations proposed as built 2022 2743L (2-) 33E
10. Elevations as built, barn B 2743L (2-) 38E
11. Elevations as built west facing 2743L(2-)37 E

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

02. Materials

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

Reason: To ensure that the character, appearance and integrity of the listed building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and the National Planning Policy Framework.

03. Rainwater goods

Notwithstanding details contained within the approved plans, all new external rainwater goods/pipework shall be cast iron to be retained in perpetuity.

Reason: To ensure that the character, appearance and integrity of the listed building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and the National Planning Policy Framework.

Informatives

1. As bat roosts are present on the site, in most cases a Natural England Licence will be required before the development can proceed.
Pre-commencement works may also require a licence and it must be noted that any noisy or disturbing works during May to August should not take place without first taking advice from the project ecologist. Bats in maternity roosts

are extremely sensitive to disturbance and may abort or abandon their young if disturbed.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests, eggs or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

If protected species such as bats or nesting birds are encountered during development, then works should cease immediately and professional advice should be sought straight away.

Further information about protected species and the law can be found on the government website; <https://www.gov.uk/guidance/bats-protection-surveys-and-licence>

Background Papers: Planning application file(s) 22/03383/VARYCO

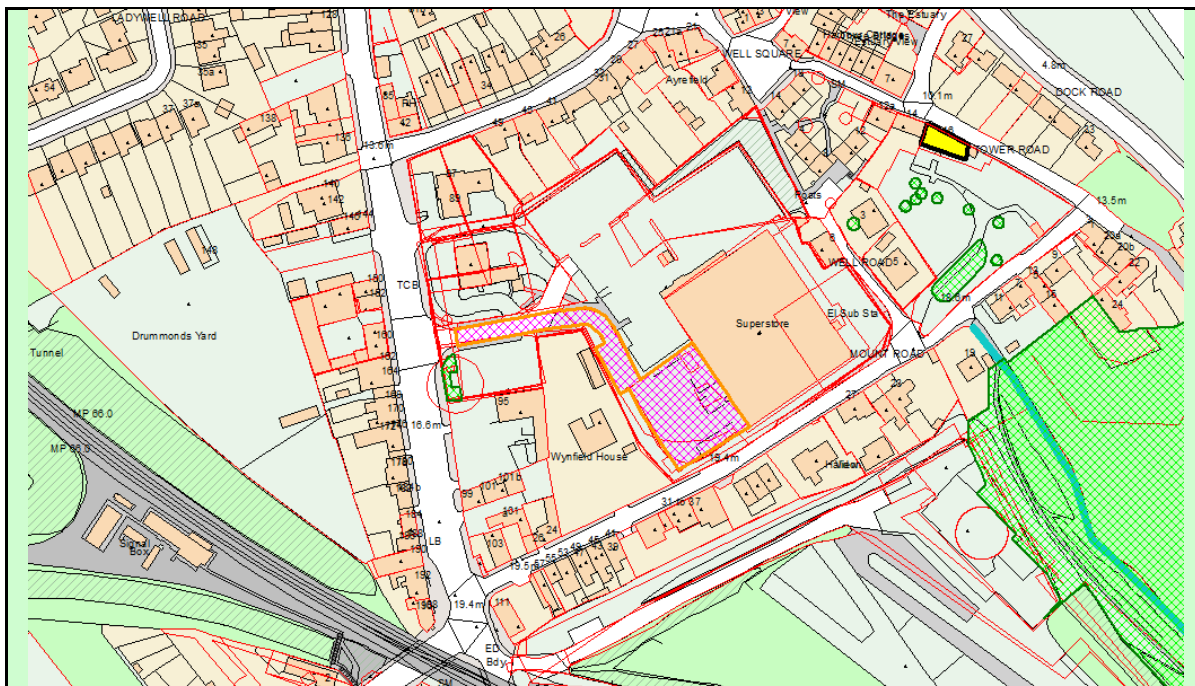


Northumberland County Council

North Northumberland Local Area Council Planning Committee 23rd March

Application No:	22/03112/FUL		
Proposal:	Retrospective: Installation of Air Handling Unit within supermarket service yard. (note: the AHU has been re-programmed to not operate between 22.00 and 07.00 hours unless the internal temperature in the store drops below 10 degrees which will only occur under exceptional winter circumstances).		
Site Address	Asda, Main Street, Tweedmouth, Berwick-Upon-Tweed Northumberland TD15 2DS		
Applicant/ Agent	Miss Rebecca Dennis Queens House, Queen Street, Manchester, M2 5HT		
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date	9 September 2022	Expiry Date	03 March 2023
Case Officer Details	Name: Mr. Ben MacFarlane Job Title: Planning Officer Tel No: 07814075197 Email: Ben.MacFarlane@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission.



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee after it was called in by Councillor Georgina Hill.

2. Description of the Proposals

2.1 The application seeks retrospective planning permission for the installation of an Air Handling Unit at ASDA Tweedmouth on Main Street.

2.2 This Air Handling Unit has been re-programmed and will not operate between 22.00 and 07.00 hours unless the internal temperature in the store drops below 10 degrees. This is in order to try and mitigate concerns of noise nuisance.

2.3 The application site, ASDA, is a large supermarket centrally located in Tweedmouth, immediately to the north of Mount Road and the East Coast Mainline, and to the east of the A1167 Northumberland Road. The Air Handling Unit has been constructed to the south-west of the main building. The application site is located within the Tweedmouth Conservation Area

2.4 Site constraints include:

*Conservation Areas: Tweedmouth
Coastal Mitigation Zone: 1
Impact Risk Zone SSSI - Infrastructure*

3. Planning History

Reference Number: 11/01219/ADE

Description: Replacement internally illuminated signs

Status: PER

Reference Number: 11/02520/FUL

Description: Installation of 3no. frostpaks within the service yard of supermarket

Status: PER

Reference Number: 15/02916/TREECA

Description: Works to trees in a conservation area: Fell 1no alder, crown lift/prune back 1no alder and crown lift 1no scots pine.

Status: PER

Reference Number: 17/02023/FUL

Description: Installation of 4 new plant in service yard

Status: PER

Reference Number: 17/03245/FELTPO

Description: Tree preservation order application : G1 - Group of 6 dead, dying Sycamores adjacent to the entrance from Main Street - Fell to ground level

Status: PER

Reference Number: 18/01446/DISCON

Description: Discharge of condition 3 (Noise. Mitigation. Paul Horsley Acoustic Report) in approved planning application 17/02023/FUL.

Status: WDN

Reference Number: 18/02684/VARYCO

Description: Variation of condition 2 (approved plans) in relation to planning application 17/02023/FUL

Status: WDN

Reference Number: 19/04660/FUL

Description: New external plant.

Status: REF

Reference Number: 20/01713/ADE

Description: Advertisement Consent: Alterations and upgrade of the existing store entry totem sign

Status: PER

Reference Number: 22/02791/FUL

Description: Installation of Air Handling Unit within supermarket service yard (retrospective).

Status: APPRET

Reference Number: N/95/B/0422/A

Description: Erection of cafe extension - details in compliance with condition 3 rec. 22.08.95.

Status: PER

Reference Number: N/03/B/0404

Description: Erection of temporary training room with link to existing building.

Status: PER

Reference Number: N/02/B/0329

Description: Retention of 1.0m diameter satellite dish.

Status: PER

Reference Number: N/92/B/0437/P

Description: Proposed entrance lobby-revised plans rec. 27.07.92.

Status: PER

Reference Number: N/96/B/0721/P

Description: Illuminated superstore sign.

Status: PER

Reference Number: N/97/B/0091/P

Description: Erection of illuminated projecting sign.

Status: PER

Appeals

Reference Number: 21/00040/REFUSE

Description: New external plant.

Status: DISMIS

4. Consultee Responses

Berwick-upon-Tweed Town Council	No objection
Building Conservation	No objection
Public Protection	No objection. Recommend the imposition of conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Listed Building, 6th September 2022

Press Notice - Northumberland Gazette 1st September 2022

Summary of Responses:

3 letters of objection have been received from local residents. The following concerns are raised:

- The Air Handling Unit (AHU) creates a noise nuisance
- The proposal to not operate the AHU at night does not overcome concerns of noise nuisance during the day
- The proposals fail to account for AHU operation in hot weather
- The building is poorly insulated and so the AHU may operate almost constantly
- The proposals have the aim of reducing costs rather than reducing noise
- The AHU does not have permission
- Objectors are suffering from Tinnitus

These concerns have been given regard in the determination of this application.

6. Planning Policy

4.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPF - National Planning Policy Framework (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

4.3 Other Documents

Environmental Protection Act 1990

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG) are material considerations in determining this application.

Principle of the development

Design and visual impact

Impact on residential amenity and health and wellbeing

Historic environment and heritage assets

Principle of the development

7.2 Policy STP 1 of the Northumberland Local Plan aims 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 application site is within the settlement boundary of Berwick-upon-Tweed, which is a 'Main Town' where the main focus is on employment, housing, retail and services.

7.3 Policy STP 3 applies the presumption in favour of sustainable development in Northumberland and aims to deliver economic, social and environmental benefits. Proposed development is expected to contribute to building a strong, responsive and competitive economy across Northumberland, support more and better jobs, protect and enhance the vitality and viability of Northumberland's town centres and other important economic sectors, while minimising their impact on local amenity for existing residents. The proposals accord with the requirements set out above and are therefore considered to be acceptable in principle, in accordance with Policies STP 1 and STP 3 of the Northumberland Local Plan.

Design and visual amenity

7.4 The proposed development is considered to be of appropriate design which would not have a significant adverse impact on the character or visual amenity of the surrounding area. Therefore, the proposed development is considered acceptable in terms of design in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Impact on residential amenity and health and wellbeing

7.5 Policy STP 5 of the Northumberland Local Plan requires development proposals to demonstrate that they are safe, comfortable and prevent negative impacts on amenity. Furthermore, proposals are required to protect and alleviate risk to people and the environment, support wider public safety and must not have a negative impact on noise pollution. The proposed development has been assessed and is not considered to have a significant impact on residential amenity, nor the health and wellbeing of adjacent neighbours.

7.6 The application site has been subject to several refused planning applications seeking approval for the installation of various items of plant and equipment. The applicant has previously been unable to demonstrate that either the noise levels being emitted by the Air Handling Unit (AHU) did not adversely affect residential amenity, or that the noise was being created by different equipment. This application once again seeks permission for the installation of an AHU, now with a restriction preventing operation of the unit between 22:00 and 07:00 unless internal store temperatures drop below 10 degrees centigrade.

7.7 The main refrigeration plant and the AHU were systematically shut down to allow assessment of the noise from individual plant items to be assessed. Background sound levels were measured at 42 dB LA90 during the day and 36 dB LA90 at night. The noise assessment has concluded that the rating level of the AHU does not exceed the background noise levels either during the day or night.

7.8 While it is understood that neighbours to the site have experienced noise nuisance in the past, it has now been demonstrated that the proposed AHU would not cause any unacceptable noise levels. The Environmental Protection Team have

been consulted on this application and have no objection subject to the imposition of conditions. The proposals are therefore acceptable in this respect, in accordance with Policies STP 5 and QOP 2 of the Northumberland Local Plan.

Historic environment and heritage assets

7.9 The application site is located within the Tweedmouth Conservation Area where section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.10 There is an adopted character appraisal for the Tweedmouth Conservation Area which states, "*the main negative areas are the Co-op (now ASDA, the application site) superstore and the spaces and buildings around it.*" The AHU, like the ASDA store itself, displays few if any of the values that render the area worthy of its designated status. While the supermarket with its additions continues to be the main negative in the area, that is not to say that the proposals make the situation materially worse.

7.11 The AHU is considered to have a neutral impact on the character and appearance of the conservation area. Built Heritage and Design have been consulted on this application and have no objection. The proposals are therefore considered to be acceptable in this respect, in accordance with Policies ENV 7 and ENV 9 of the Northumberland Local Plan.

Equality Duty

7.12 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

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

Human Rights Act Implications

7.14 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.

7.15 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.

7.16 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 planning considerations in determining this application have been set out and considered above, stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the NLP and the NPPF on the matters of relevance in this case.

8.2 The concerns raised by local residents are noted, however, it has been demonstrated that the proposals are not causing unacceptable levels of noise. The proposal has addressed the main considerations and would accord with relevant policy and is considered to be acceptable.

9. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions/Reason

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

1. Drawing title 'Site Location Plan'
2. Drawing title 'Proposed Site Plan'
3. Drawing title 'Proposed Ground Floor Plan'
4. Drawing no. FL-3197-01 'Air Handling Unit 1 Sales Floor'
5. Drawing no. FL-3197-02 'Air Handling Unit 1 Sales Floor Showing Silencers'

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

02. The air handling unit hereby approved shall not be operated between the hours of 22:00 and 07:00 hours unless the internal temperature of the store drops below 10 degrees centigrade.

Reason: To protect residential amenity by providing a commensurate level of protection against noise, in accordance with Policy STP 5 of the Northumberland Local Plan.

03. The rating level of sound emitted from the Air Handling Unit located in the service yard shall not exceed:

- 42 dB LAeq(1 hour) between 0700 - 2300 hours, and
- 36 dB LAeq (15 mins) between 2300-0700 hours

... at the boundary of the site. All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound). On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: To protect residential amenity by providing a commensurate level of protection against noise, in accordance with Policy STP 5 of the Northumberland Local Plan.

Informatives

1. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Action 1990 be received.

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Background Papers: Planning application file(s) 22/03112/FUL

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Northumberland County Council

Appeal Update Report

Date: March 2023

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
22/00749/OUT	<p>Outline application for demolition of existing garage and stable block and construction of new dwellinghouse (all matters reserved) - building and land west of Roecliffe, Ladycutter Lane, Corbridge</p> <p>Main issues: appeal against imposition of a condition in the decision notice that limits the siting and scale of the new dwelling.</p> <p>Delegated Decision - Officer Recommendation: Approve</p>	No

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p> <p>Committee Decision - Officer Recommendation: Refuse</p>	No – claim refused
22/01100/FUL	<p>Timber shed for storage of tools and equipment required to maintain the woods and culverts. (Retrospective application) - Ochre Wood, Corbridge</p>	No

	<p>Main issues: inappropriate development within the open countryside and Green Belt; and insufficient information on access and car parking arrangements.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
21/01112/FUL	<p>Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel – Beadnell Towers Hotel, The Wynding, Beadnell</p> <p>Main issues: harm to the setting of the listed building and Conservation Area; and fails to conserve or enhance the Northumberland Coast AONB.</p> <p>Committee Decision - Officer Recommendation: Refuse</p>	No

Planning Appeals Withdrawn

Reference No	Proposal and main planning considerations	Award of costs?
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian's Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
21/03532/FUL	<p>Restore and re-build existing derelict dwellings to create single dwelling house with attached holiday-let and erection of ancillary workshop/agricultural storage building – land south west of Woodbine Cottage, Carrshield</p> <p>Main issues: significant works required to existing structure therefore conversion is unacceptable as a matter of principle; design would not respect historic character of the building and would affect the character of the North Pennines AONB; new outbuilding would be inappropriate in size and scale in the open countryside with impacts on the landscape and the AONB; insufficient information to assess ecological impacts of the proposals; and insufficient information to assess archaeological impacts.</p>	<p>16 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02094/FUL	<p>Remove green keepers compound and erection of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage.- Amended description – land north west of Burgham Park Golf Club, Felton</p> <p>Main issues: inappropriate development in the Green Belt; unnecessary and unjustified</p>	<p>17 August 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>

	development in the open countryside and unsustainable location; and lack of completed S106 Agreement in respect of affordable housing, education, health and a Habitat Maintenance and Management Plan	
22/01413/FUL	<p>Dormer window to roof slope on principal (south) elevation – 3 Dene Park, Darras Hall, Ponteland</p> <p>Main issues: design, scale and massing would not be subordinate to the dwelling and would be out of character in the street scene.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04687/OUT	<p>Outline permission for development for up to 43 residential dwellings (Use Class C3), demolition, infrastructure, access, open space and landscaping (All matters reserved except for access) - land north of Eilansgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; lack of information in relation to ecological impacts; loss of woodland and larger trees would impact the setting of the Conservation Area; lack of information in relation to drainage and flood risk; and the application does not secure necessary planning obligations in respect of affordable housing, healthcare and education.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04958/FUL	<p>Resubmission - Retrospective application for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding – Percy Arms, Chatton</p> <p>Main issues: development results in harm to the character and appearance of the Conservation Area; and substandard access to rear car park.</p>	<p>1 November 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
21/03396/FUL	<p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s) and internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and surrounding countryside; proposals result in harm to the heritage assets and their setting</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity net loss.	
21/03397/LBC	Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.	2 November 2022 Delegated Decision - Officer Recommendation: Refuse
22/00393/FUL	Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn Main issues: site is in the open countryside and not in a sustainable or accessible location; and adverse impacts on the open countryside and landscape.	3 November 2022 Delegated Decision - Officer Recommendation: Refuse
21/02696/S106A	Variation of S106 Agreement relating to planning permission A/2004/0323 dated 3rd February 2005 – Hawkshaw, Old Swarland, Swarland Main issues: the S106 continues to serve a useful purpose and insufficient information has been submitted to demonstrate that there is no longer a requirement for discount market value accommodation for a local person(s) in the area.	7 November 2022 Delegated Decision - Officer Recommendation: Refuse
21/04002/FUL	Proposed 6no. Yurts and associated structure for holiday and tourism – land south-east of Alnham House, Alnham Main Road, Alnham Main issues: the site is not in an accessible location; and results in incursion into the open countryside and fails to respect the intrinsic character and beauty of the area.	17 November 2022 Delegated Decision - Officer Recommendation: Refuse
22/00913/FUL	Resubmission of approval 18/03632/REM for the construction of two detached dwellings and associated works – land to north west of Blue House Farm Cottages, Blue House	7 December 2022 Delegated Decision - Officer Recommendation:

	<p>Farm Road, Netherton Colliery</p> <p>Maini issues: isolated residential development in the open countryside; and no planning obligation secured in respect of a contribution to the Coastal Mitigation Service or other alternative mitigation.</p>	Refuse
21/04208/FUL	<p>Proposal to erect a single self-build dwelling house – land south west of Hazeldene Cottage, Sinderhope</p> <p>Main issues: isolated development in the open countryside in an unsustainable location; fails to conserve and enhance the natural beauty and scenic qualities of the North Pennines AONB; visibility splays from the access are inadequate; insufficient information to assess ecological impacts; and insufficient information regarding foul water drainage.</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00262/FUL	<p>Demolition of existing extension and rebuilding an extension – 1 Sandridge, Newbiggin-by-the Sea</p> <p>Main issues: unacceptable design with detrimental loss and alteration of a historic building group with harm to the Conservation Area.</p>	<p>8 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01675/FUL	<p>Erection of 1 no. Dwelling (C3 use) - land south of Old Smithy, Widdrington Village</p> <p>Main issues: development in the open countryside; harm to the setting of a Grade I listed building with no public benefits; and no unilateral undertaking has been completed to secure a contribution to the Coastal Mitigation Service.</p>	<p>19 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03313/AGTRES	<p>Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton</p> <p>Main issues: the proposal involves significant building operations that go beyond what is reasonably necessary to convert the building and therefore it is not permitted development.</p>	<p>21 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01833/FUL	<p>Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land at Elwick Farm, Belford</p> <p>Main issues: unsustainable major tourism in the open countryside; lack of information in relation to impacts on wildlife; lack of information in respect of a nutrient</p>	<p>10 January 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	calculation relating to the Lindisfarne SPA; and lack of information relating to surface water drainage and highways.	
22/00394/FUL	Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge Main issues: inappropriate development in the Green Belt with no demonstrated very special circumstances to outweigh the harm; and harm to the character and appearance of the building and the surrounding area.	13 January 2023 Delegated Decision - Officer Recommendation: Refuse
22/01812/FUL	Proposed detached single storey garage and store with associated formation of driveway – Eland Close, Eland Land, Ponteland Main issues: inappropriate development in the Green Belt and the open countryside.	24 January 2023 Delegated Decision - Officer Recommendation: Refuse
21/02287/FUL	Convert and extend redundant cow byre to residential use (C3) for holiday let – Waterside Cottage, Acklington Main issues: development in an unsustainable location within the open countryside; insufficient information to justify non-mains foul drainage; insufficient information to demonstrate the proposal would not sterilise and identified sand and gravel resource; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and loss of ancient woodland with no exceptional circumstances or suitable compensation strategy.	25 January 2023 Delegated Decision - Officer Recommendation: Refuse
22/03609/AGTRES	Notification of Prior Approval to convert an existing but now redundant agricultural building on the Guyzance Estate for permanent residential use – land south of Waterside Cottage, Acklington Main issues: impacts on adjacent ancient semi-natural woodland and River Coquet and Coquet Valley Woodland SSSI; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.	25 January 2023 Delegated Decision - Officer Recommendation: Refuse
22/03324/FUL	Erect a feed barn for storage of animal feed – Eastside, Partnership Field, Springwell, Ovington	13 February 2023 Delegated

	Main issues: inappropriate development in the Green Belt.	Decision - Officer Recommendation: Refuse
22/04634/FUL	Demolition of detached garage and construction of side extension – Middlesteads Farm, Longhirst Main issues: design does not respect the character of the existing dwelling or its locality, would fail to remain subordinate and would result in unacceptable adverse impact on the character of the dwelling and its setting.	16 February 2023 Delegated Decision - Officer Recommendation: Refuse

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
19/01230/ENDEVT	Material change of use of the land from agricultural use for the siting of a shepherd's hut for use as holiday let accommodation - land south east of Closehead, Otterburn	No

Enforcement Appeals Withdrawn

Reference No	Description and address	Award of costs?
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	No

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm, Kiln Pit Hill, Consett	29 April 2022
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	29 April 2022
22/00571/ENDEVT	Unauthorised siting of a caravan – land south-west of Hartburn Bridge, Morpeth	1 February 2023

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
None		

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

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Northumberland

County Council

S106

Agreements Update Report

January 2023

Report of the Executive Director of Regeneration, Commercial and Economy

Cabinet Member: Councillor Colin Horncastle

Purpose of report

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous 2 months

Recommendations

To note the contents of the report in respect of agreement monitoring and collection of s106 contributions.

Link to Corporate Plan

This report is relevant to all the priorities included in the NCC (Northumberland County Council) Corporate Plan 2021-2024.

Key issues

This month's report provides details on new S106 agreements and unilateral undertakings completed during the month of January and payments received for this month.



New Agreements

January	New Agreements completed and added to Database
21/01386/ful	Land to North of 172 and 174 Main Street North Sunderland
22/00913/FUL	Land to the north west of Blue House Farm Cottages, Blue House Farm Road, Netherton Colliery (Appeal)
22/02217/FUL	9-11 Church Street, Amble Northumberland
22/02299/AGTRES	land at South Moor Farm Acklington Morpeth
21/04319/REM	Land at South Croft Stables Ulgham

Contributions Received

Development	Type of Contribution	Amounts Received
19/02085 - Lightpipe Farm Longframlington	Education	£26,716
19/02085 - Lightpipe Farm Longframlington	Healthcare	£33,730
18/03613/OUT Shivelington	Healthcare	£27,050
Various	Coastal Mitigation	£4,695

Awards and Payments Made

Awards Paid Out	Project	Amount Paid
Hexham & Tynedale Community Trust (HDF 2021-182)	Community play space	£18056.80



Fancy a new sport?

If you do, then keep a look out for a new Padelcourt coming to Hexham Tennis Club. December's S106 panel has awarded the Tennis Club £79,400 towards their £88,400 scheme. This will build a new PADEL court -it's the fastest growing sport in the World, originating in Latin America and attracting over 12 million players worldwide and most popular in Spain with 10 million players. It is hoped to be coming to Hexham in 2023! The court will be suitable for all users and the Club is wheelchair accessible. It will be the first one in Northumberland and the only one north of Teeside. You don't need to be a member and you will be able to pay and play.

106 team - Any queries please email: s106@northumberland.gov.uk

Implications

Policy	Section 106 obligations are in line with policy unless other stated in individual applications.
Finance and value for money	As stated on individual applications
Legal	Legal Services will be instructed to assist with the preparation and monitoring of the obligations
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Each application will have regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	As set out in individual reports and decisions
Wards	All

Background papers

Planning applications and 106 Agreements

Report author and contact details

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**Northumberland County Council
North Northumberland Local Area Council
Work Programme 2022/23**

Rebecca Little: 01670 622611 : Rebecca.Little@northumberland.gov.uk

UPDATED: 15 March 2023

March 2023

TERMS OF REFERENCE

- (a) To enhance good governance in the area and ensure that the Council's policies take account of the needs and aspirations of local communities and do not discriminate unfairly between the different Areas.
- (b) To advise the Cabinet on budget priorities and expenditure within the Area.
- (c) To consider, develop and influence policy and strategy development of the Council, its arms-length organisations, and other relevant bodies, to ensure that they meet local requirements and facilitate efficient and transparent decision making.
- (d) To receive information, consider and comment on matters associated with service delivery including those undertaken in partnership agencies, affecting the local area to ensure that they meet local requirements, including matters relating to community safety, anti-social behaviour and environmental crime.
- (e) To consider and refer to Cabinet any issues from a local community perspective with emerging Neighbourhood Plans within their area, and consider local planning applications as per the planning delegation scheme
- (f) To consider and recommend adjustments to budget priorities in relation to Local Transport Plan issues within their area, and to make decisions in relation to devolved capital highway maintenance allocations.
- (g) To engage, through the appropriate networks, with all key stakeholders from the public, private, voluntary and community sectors to facilitate the delivery of area priorities. This will include undertaking regular liaison with parish and town councils.
- (h) To inform, consult and engage local communities in accordance with Council policy and guidance, through the appropriate networks.
- (i) To, as appropriate, respond or refer with recommendations to local petitions and councillor calls for action.
- (j) To make certain appointments to outside bodies as agreed by Council.
- (k) To determine applications for grant aid from the Community Chest, either through Panels for individual Local Area Councils, or through the Panel of Local Area Council Chairs for countywide applications.
- (l) To refer and receive appropriate issues for consideration to or from other Council Committees, and as appropriate invite Portfolio Holders to attend a meeting if an item in their area of responsibility is to be discussed.
- (m) To exercise the following functions within their area:-

March 2023

- (i) the Council's functions in relation to the survey, definition, maintenance, diversion, stopping up and creation of public rights of way.
- (ii) the Council's functions as the Commons Registration Authority for common land and town/village greens in Northumberland.
- (iii) the Council's functions in relation to the preparation and maintenance of the Rights of Way Improvement Plan.
- (iv) the Council's functions in relation to the Northumberland National Park and County Joint Local Access Forum (Local Access Forums (England) Regulations 2007).
- (v) the Council's role in encouraging wider access for all to the County's network of public rights of way and other recreational routes.

ISSUES TO BE SCHEDULED/CONSIDERED

Standard items updates: Public question time (bimonthly, not at planning only meetings), petitions, Members’ Local Improvement Schemes (bimonthly, not at planning only meetings)

To be listed:

Digital Connectivity Infrastructure Acceleration Project
 Stronger Shores
 Fostering

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23 March 2023

- Neighborhood Policing Update
- Planning
- Local Services Update

20 April 2023

- Planning

**NORTHUMBERLAND COUNTY COUNCIL
LOCAL AREA COUNCIL - NORTH NORTHUMBERLAND
MONITORING REPORT 2022/23**

Ref	Date	Report	Decision	Outcome
1	19.05.22	Presentation – Tweed Valley Railway Campaign.	Information was noted.	
2	19.5.22	Appointments to Outside bodies	<p>The following changes were made to the outside body appointments:</p> <ul style="list-style-type: none"> •Glendale Gateway Trust no longer required a NCC appointment. •North Sunderland Harbour Commission were weeks away from signing a new Harbour Order which would no longer require a NCC representative. The committee declined to appoint a member. 	

			<ul style="list-style-type: none"> •Councillor Nick Morphet had been allocated to sit on Northumberland National Park Joint Local Access Forum. 	
3	18.08.22	River Tweed Commissioners	<p>The North Northumberland Local Area Council were asked to approve the appointment of three new angling club members, for three years to the River Tweed Commissioners.</p> <p>Mr SJR Innes Mr E Seymour Mrs C Foreman</p>	
4	22.09.22	Rural Business Growth Service	Information was noted	
5	24.11.22	North Northumberland Harbour Commission Appointments	<p>RESOLVED that:</p> <ol style="list-style-type: none"> 1. Members received the report. 2. Members agreed an interview panel of Councillor Hill, Councillor Mather and Councillor Watson to interview suitable prospective candidates for the two vacant posts of Harbour Commissioners. 	

			<p>3. Members agreed that the Council's Monitoring Officer in consultation with the interview panel (as agreed above) would set up the selection and interview process.</p> <p>4. Members agreed that the interview panel would make the final recommendations for the two Harbours Commissioner's appointments to the committee for approval.</p>	
6	24.11.22	Space for Shorebirds	Information was noted.	
Page 147	24.11.22	Homelessness and Rough Sleeping Report	Information was noted.	

8	19.01.23	Budget and Medium-Term Financial Plan	RESOLVED that this was noted.	
9	19.01.23	Highways Update	RESOLVED that this was noted.	
10	19.02.23	Local Transport Plan Programme 2023/24	RESOLVED that this was noted.	

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