

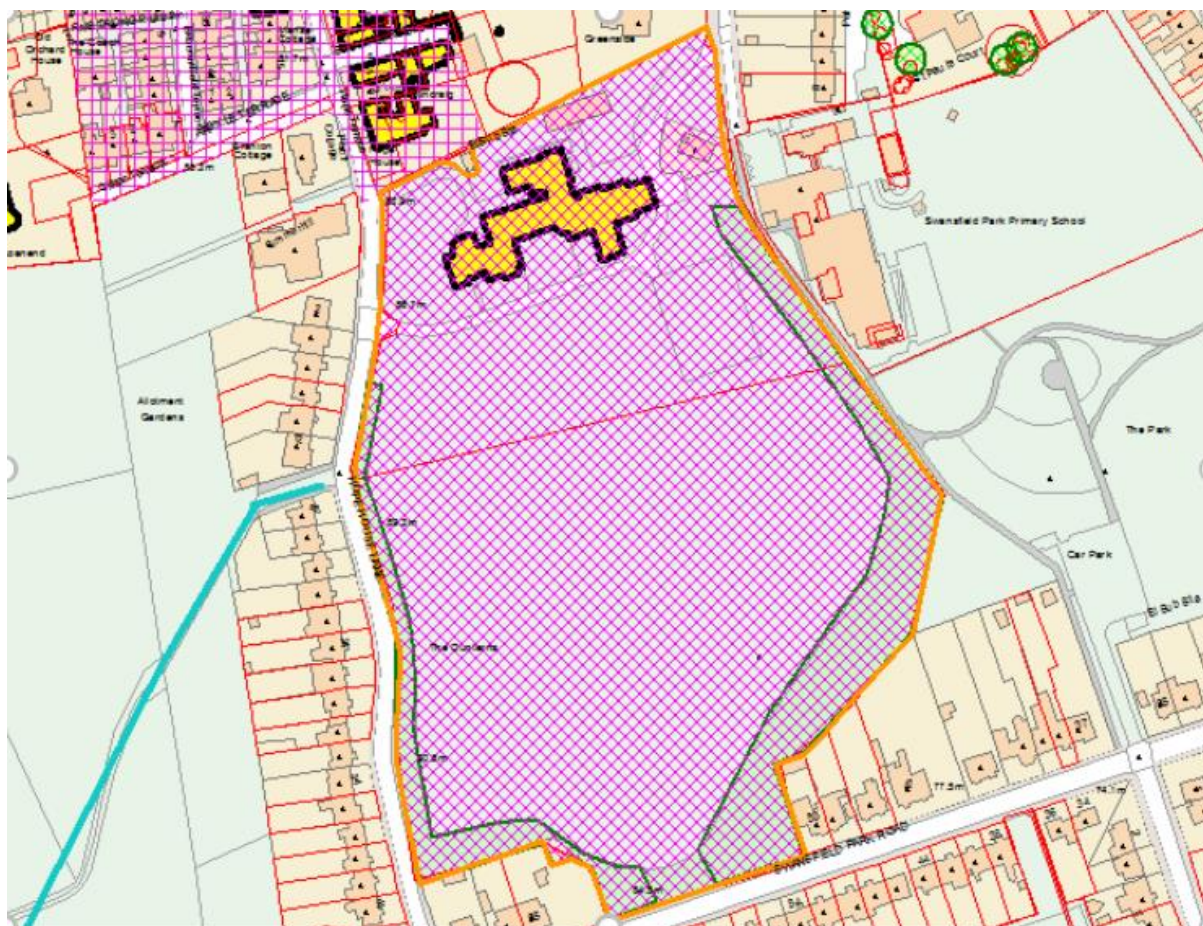


Northumberland County Council

North Northumberland Local Area Council Planning Committee 18th August 2022

Application No:	22/00022/VARYCO		
Proposal:	Variation of Condition 11 (Approved Plans) pursuant to listed building consent 19/00501/LBC to allow amendments to the general site layout, retirement living block, listed building, and mews houses,		
Site Address	Former Alwick the Dukes Middle School, The Dunterns, Alwick, Northumberland		
Applicant/ Agent	Guy Munden Quayside House, 110 Quayside, Newcastle Upon Tyne, NE1 3DX		
Ward	Alwick	Parish	Alwick
Valid Date	10 January 2022	Expiry Date	19 August 2022
Case Officer Details	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: Email: David.love@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 The application has generated significant public interest and consultee comments. As a result, the proposal has gone through the Chair Referral process with the Head of Planning and Chair and Vice Chair of the planning committee determining that this submission should be determined by the planning committee.

2. Description of the Site and Proposal

2.1 The site to which the application relates is approximately 4.73ha hectares and is located on land to the south of Alnwick Town Centre. The existing site consists of the former Duke's School building and former playing field, which are now vacant due to the closure of the school in 2016.

The site is bounded by:

- To the east is Swansfield Park Primary School, Swansfield Park and an area of new housing development;
- To the west is Hope House Lane which is lined with residential properties;
- To the south by Swansfield Park Road, which is lined with residential properties, with the former Lindisfarne Middle School beyond; and,
- to the north by residential properties, including several Listed Buildings such as Hope House and Kinraig (Grade II), and several Grade II Listed Buildings clustered around South Street.

2.2 The site is currently accessed via The Avenue, with a former vehicle access leading from Hope House Lane along with a minor service vehicle access to the existing sub-station. The site has strong pedestrian connections to the whole of Alnwick, with the main Town Centre being a 0.3 mile walk to the north, and Willowburn Retail and Leisure facilities approximately a 1 mile walk to the south.

2.3 The proposal is for the variation of an existing consent which permits the conversion of Duke's School to residential apartments (27no.), change of use and development of specialist elderly accommodation (49no. units), along with the development of residential dwellings (22no.). The development also includes an extensive area of landscaping between the Duke's School and development in the southern area of the grounds, equating to the creation of 1.9ha (4.9 acres) of publicly accessible open green space.

2.4 The total site area is approximately 4.73ha in size. The built area for development in the southern area measures 0.4ha. The area proposed for public open green space is approximately 1.9ha. There is approximately 2.4ha of other uses including the tree belt around the site boundaries, footpaths, private gardens, roads, and car parking. Works will include a new vehicle access from Swansfield Park Road, along with an upgrading of the existing access from The Avenue. Car parking, gardens, drainage, and extensive landscaping of the newly formed public open green space will also be included.

2.5 Planning permission already exists for:

- Retirement Living Block: 1-bed: 23no. apartments, 2-bed: 26no. apartments, Total: 49no. apartments

- Duke's School Conversion: 1-bed: 9no. apartments; 2-bed: 14no. apartments; 3-bed: 4no. apartments; Total: 27no. apartments
- Residential Housing: 2-bed bungalow: 5no. 2-bed house: 17no. Total: 22no. dwellings

2.6 This permission seeks to:

General Site Layout

- Refinement of the drainage strategy to provide a more comprehensive and simplified drainage solution, including integrating the approved landscape strategy into this design and layout

Retirement Living Block

- Addition of winter gardens and balconies to provide outside amenity space to the apartments
- Simplification to the roof design to allow for potential PV panels on the south facing roof pitch to enhance the building's sustainability
- Additional area for air source heat pumps at lower ground level, sited in a discrete area with timber loggia cladding, again to enhance the building's sustainability
- Addition of external electricity intake room at ground floor
- Refinement of the landscape strategy around the perimeter of the building to accommodate the sloping site levels
- Location for an electricity substation near the southern site entrance near the Gate House dwelling

Duke's School Listed Building

- Retention of more of the existing Listed Building at the intersection with the new northern extension, retaining more of the original roof structure and finishes
- Making good the 1970s central chimney flue, removal of the redundant roof lights
- Minor updates to the northern extension including revised fenestration, finished floor heights, and introducing slope to the mansard roof
- Opening windows added to the new apartments at first floor level on the western elevation

Mews Houses

- Amendment to the eaves height, removal of rooflights and replacement with bathroom windows

3. Planning History

Reference Number: C/75/A/018

Description: Acquisition of 'Kincraig' as additional teaching accommodation

Status: PER

Reference Number: C/10/00148/CCD

Description: Construction of a bike shed at Dukes Middle School, Hope House Lane, Alnwick

Status: PER

Reference Number: 12/03257/LBC

Description: Upgrade structural reinforcement of fire escape 1 which is currently supported temporarily with scaffolding, provide additional railings and lighting to all fire escapes, replacement of existing external doors with FD30 rated fire doors, replacement of 2no. windows to fire escape 2 with emergency egress window and replacement of windows with fire rated glazing

Status: PER

Reference Number: 17/02422/LBC

Description: Listed Building Consent for retrospective installation of permasteel to all windows and doors (temporary) and 4 bastion cameras on stands.

Status: PER

Reference Number: 19/00500/FUL

Description: Conversion of Duke's School to residential apartments (27no.), including demolition and rebuild of the modern rear extension, development of specialist elderly living accommodation (49no. apartments) and residential dwellings (22no.), creation of a landscaped open area, all ancillary works including car parking, access, and drainage.

Status: PER

Reference Number: 19/00501/LBC

Description: Listed Building Consent for conversion of Duke's School to residential apartments (27no.), including demolition and rebuild of the modern rear extension, development of specialist elderly living accommodation (49no. apartments) and residential dwellings (22no.), creation of a landscaped open area, all ancillary works including car parking, access, and drainage.

Status: PER

Reference Number: 22/00020/VARYCO

Description: Variation of conditions Variation of Condition 2 (approved plans) and 21 (protected species licence) pursuant to listed building consent 19/00500/FUL to allow amendments to the general site layout, retirement living block, listed building, and mews houses.

Status: PDE

Reference Number: 22/01414/NONMAT

Description: Non-material amendment to planning permission 19/00500/FUL to amend the description of development to increase the number of apartments in the specialist elderly living accommodation to 52no to reflect the plans submitted with application 22/00020/VARYCO

Status: REF

Reference Number: 22/02101/S106A

Description: Variation of S106 Agreement on approved application 19/00500/FUL (in conjunction with 22/00020/VARYCO) dated 24.02.21.

Status: PCO

Reference Number: A/ENQ/2008/0318

Description: Residential Development

Status: REPLY

Reference Number: A/ENQ/2006/0745

Description: Care Home and Housing

Status: REPLY

4. Planning Policy

4.1 Development Plan Policy

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)

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

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

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 4 - Landscaping and trees

QOP 6 - Delivering well-designed places

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

4.2 National Planning Policy

NDG - National Design Guide (2019)

NMDC - National Model Design Code (2021)

NPPF - National Planning Policy Framework (2021)

PPG - Planning Practice Guidance (2021, as updated)

4.3 Other Documents/Strategies

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

5. Consultee Responses

Alnwick Town Council	<p>The scale and nature of the changes requested raise several specific concerns (the relevant Alnwick & Denwick Neighbourhood Plan policy references are given in brackets:</p> <p>1. the proposed changes do not respect the character of the street scene and are out of keeping with all the surrounding buildings. Any proposed changes must be in keeping with the original Listed building and its setting (ADNP H5b, HD5e)</p>
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	<p>2. the proposed changes to some of the materials will not be sympathetic to the surrounding suburban townscape. The historic nature of the setting must ensure that stone walls and slate roofs are used (ADNP H5f)</p> <p>3. the proposed changes would not respect the privacy or amenity of the adjoining properties as the proposed viewing platforms on the retirement block will overlook neighbouring gardens and properties. (ADNP H5c, HD5)</p>
Building Conservation	<p>For 22/00022/VARYCO BH&D raises no objection to the proposed changes.</p> <p>We suggest conditions in force on the 2019 applications relevant to materials and fenestration remain in place subject to the substitution of relevant plan reference numbers. The HIA should be added to the list of approved documents. References to slate must refer to natural slate. References to stone must relate to natural stone.</p>
National Amenity Societies	No response received.
Historic England	Based on the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	93
Number of Objections	7
Number of Support	0
Number of General Comments	0

Notices

Listed Building Consent, 10th February 2022

Northumberland Gazette 20th January 2022

Summary of Responses:

There have been seven objections. The matters material to this determination are summarised below:

- The proposal should use the original finishing materials to ensure a high-quality finish
- The balconies / winter gardens will cause undue privacy and overlooking issues
- The solar panels will cause glare
- There will be intrusive noise coming from the substation and air source heat pumps

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=R58SIVQSLMG00>

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;

The Principle of Development

7.2 The NPPF is a material planning consideration in the assessment of the application. Paragraph 192 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 193-196 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.

7.5 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 listed building, is supported. The proposal would accord with local plan policy STP 1 and the provisions and intentions of the NPPF.

Impact on Heritage Assets

7.6 The NPPF, neighbourhood plan and local plan seek to protect heritage assets within the plan area. The site includes the listed buildings of the former Dukes Middle School and is adjacent to the Conservation Area Boundary to the north of the site.

7.7 The Duke's School is a grade II listed building dating from 1904 built in ashlar with a slate roof. There are some later additions dating to c1960 which are not considered to be of intrinsic significance although legally they are part of the listed building. There are some later structures adjacent but not attached to the main school dating from c1960. Their dates preclude them from being considered curtilage listed. The site is out with the Alwick Conservation Area. The development has the potential to impact on the setting of the listed school, the Alwick Conservation Area, and certain listed buildings within it.

7.8 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.

7.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, as decision makers, in considering whether to grant Planning Permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.10 The local planning authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.11 The National Planning Policy Framework (NPPF) is a material Planning consideration in the assessment of the application. Paragraph 192 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. Paragraphs 193-196 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.

7.12 The proposal has been examined by both the Building Conservation Officer and the County Archaeologist. The Building Conservation Officer has considered the application to form less than substantial harm and the County Archaeologist has no objection. Both have commented that the proposed alterations will not result in a greater degree of harm than that already assessed, in respect of the relevant heritage assets.

7.13 Considering the above the proposal is consistent with the relevant provisions of the NPPF, neighbourhood plan and the local plan. The degree of harm has been measured as less than substantial and the public benefit has already been assessed as a part of the original consent.

Retirement living block:

7.14 Council officers consider that the proposed changes to the retirement living block will result in less than substantial harm within the terms of the National Planning Policy Framework. Condition 28 was imposed on 19/00500/FUL requiring the LPA to approve the main construction materials.

7.15 The original submission included a change to the external materials to include elements of brick and render. This has now been removed following discussions between officers and the applicant.

7.16 Considering this change and the use of the original conditions this element of the proposal is consistent with policies ENV 7 and 9.

Duke's School Listed Building

7.17 The following is taken from the council's Built Heritage and Design Officer's comments:

"We have no in principle objections to the four bullet points set out. However, on a practical note plan 252-P2 uses colour coding with several variations of red to brown which is difficult to read. As BH&D has had the benefit of looking closely at the windows this does not inhibit our understanding of the proposal, but others less used to the building could struggle.

A key part of the how the windows will be addressed is in the Heritage Impact Assessment (HIA). It would be prudent if this document were brought within the list of approved documents. In assessing window proposals BH&D refers to Historic England guidance Traditional Windows Their Care Repair and Upgrading (2017). The first position is to repair and retain the existing traditional windows. However, the guidance sets out at p54 the circumstances in which double glazing may be acceptable. The approach set out in the HIA is broadly in line with the HE guidance. However, the circumstances of the Dukes School fenestration is complicated by several factors. First, given it has only been listed in recent years there is a legacy of some existing timber framed double glazed windows. Some windows have been replaced in white UPVC much to the detriment of the special interest of the listed building. Some surviving traditional timber framed windows have been altered with inferior quality inserts. While a solution for the surviving windows in the listed building (and the new additions) are still emerging through the developer's project team we are satisfied that 252-P is a broadly acceptable strategy subject to the continued application of relevant window conditions as set out in 19/00500/FUL & 19/00501/LBC."

7.18 In line with these comments this element of the submission is considered acceptable, and the list of approved documents has been updated.

Mews Houses

7.19 The proposed changes to the Mews Housing will result in a less than substantial harm outcome as per the criteria of the NPPF. Council officers are content to support this element of the proposals so long as the relevant conditions remain in place.

Summary

7.20 The council's Built Heritage and Design Officer has summarised their position as follows:

We suggest conditions in force on the 2019 applications relevant to materials and fenestration remain in place subject to the substitution of relevant plan reference numbers. The HIA should be added to the list of approved documents. References to slate must refer to natural slate. References to stone must relate to natural stone.

7.21 Taking these comments on board the conditions list has been updated to reflect their input. The proposal is considered consistent with the relevant provisions of the development plan.

Equality Duty

7.22 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

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

Human Rights Act Implications

7.24 The Human Rights Act requires the County Council to consider 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.

7.25 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.

7.26 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, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The application has been considered against the relevant policies and accord is considered to accord with the development plan and the relevant sections within the NPPF. On balance, the less than substantial harm on the setting of the listed building is 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

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

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

02. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plan:

Retirement Living

311-P4 Proposed LG Layout
312-P4 Proposed GF Layout
313-P4 Proposed FF Layout
321-P5 Proposed Elevations
113-P8 RL Site Layout
300-P2 Proposed Sections
314-P3 Proposed Roof Plan
322-P2 Coloured Elevations

Almshouses

114-P9 Almshouses Site Layout
402-P2 Almshouses Streetscenes
401-P6 House type booklet
PL39-B Proposed Streetscene Mews Houses

School

112-P6 School Proposed Layout
201-P2 - Overall demolition plan
211-P2 Proposed LG Plan
212-P3 Proposed GF Plan
213-P3 Proposed FF Plan
214-P2 Proposed SF Plan
215-P2 Pro

Heritage Impact Assessment

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. Prior to the commencement of development, notwithstanding details in the application particulars of all construction materials for the proposed extensions to the listed building shall be submitted to and approved in writing by the Local Planning Authority. Samples of the proposed materials shall be made available on site for inspection and retrained for the duration of the works. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

04. Prior to the commencement of work to windows, including sashes, casements, and doors a detailed schedule [and annotated plan] shall be submitted showing the type and condition of all existing windows. Prior to the installation of any new windows, sashes, casements, and doors drawings to a scale of not less than 1:5 fully detailing new or replacement windows, sashes, casements, and doors shall be approved in writing by the LPA and installed in accordance with the approved details. All new window frames, sashes and doors shall be timber only and recessed in the wall to match the existing. The detailed window schedule shall show which windows are to be retained and details on the windows which are to be replaced. No window shall be removed or replaced other than in accordance with the approved schedule. A method statement and section drawings detailing how the existing single glazing will be removed and how the proposed slim double glazing is to be inserted in the existing frames shall be submitted to the LPA for prior written approval. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

Full details of all windows and doors including colour finish in the extensions to the listed buildings shall be submitted to and agreed in writing with the LPA prior to their installation on site.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

05. Prior to the commencement of development Notwithstanding the approved plans all details and locations of new pipes, vents and ducts shall be submitted to, and approved in writing by the Local Planning Authority. This should include a clear justification for their inclusion within the proposal. The proposal shall then be implemented in accordance with the approved details. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

06. Prior to their installation the position, type and method of installation shall be submitted for the written approval of the LPA describing the principles guiding the integration of ducts, pipes, and other services (including, heating/cooling/ventilation, telecommunications, information technology servicing and meter boxes) within the listed building. The development shall take place in accordance with the approved details and thereafter retained throughout the lifetime of the development.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

07. Prior to the commencement of internal works a detailed methodology for the introduction of fire separation, noise suppression and thermal upgrading measures throughout the listed building shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

08. Prior to development/work commencing in the Examination Hall the developer shall submit a schedule of proposed works and marked up elevations and floor plans

of the interior at a scale of not less than 1:50 to the Local Planning Authority. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

09. All new and replacement rainwater goods shall be in cast iron unless otherwise agreed in writing with the LPA.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

10. The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

11. Prior to the commencement of development, the applicant must either:

a) Investigate the site for ground gases to the satisfaction of the Local Planning Authority (LPA), to ascertain whether gas protection measures are required. Where measures are required, the details shall be submitted to, and approved by, the LPA.

or,

b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA. In either circumstance all required measures shall be installed before the development is first occupied and a building surveyor's certification that the work has been done will need to be supplied to the LPA.

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.

12. If during redevelopment 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.

Informative

In the interests of clarity, the applicant should be aware that external materials should be of natural providence.

Background Papers: Planning application file(s) 22/00022/VARYCO