

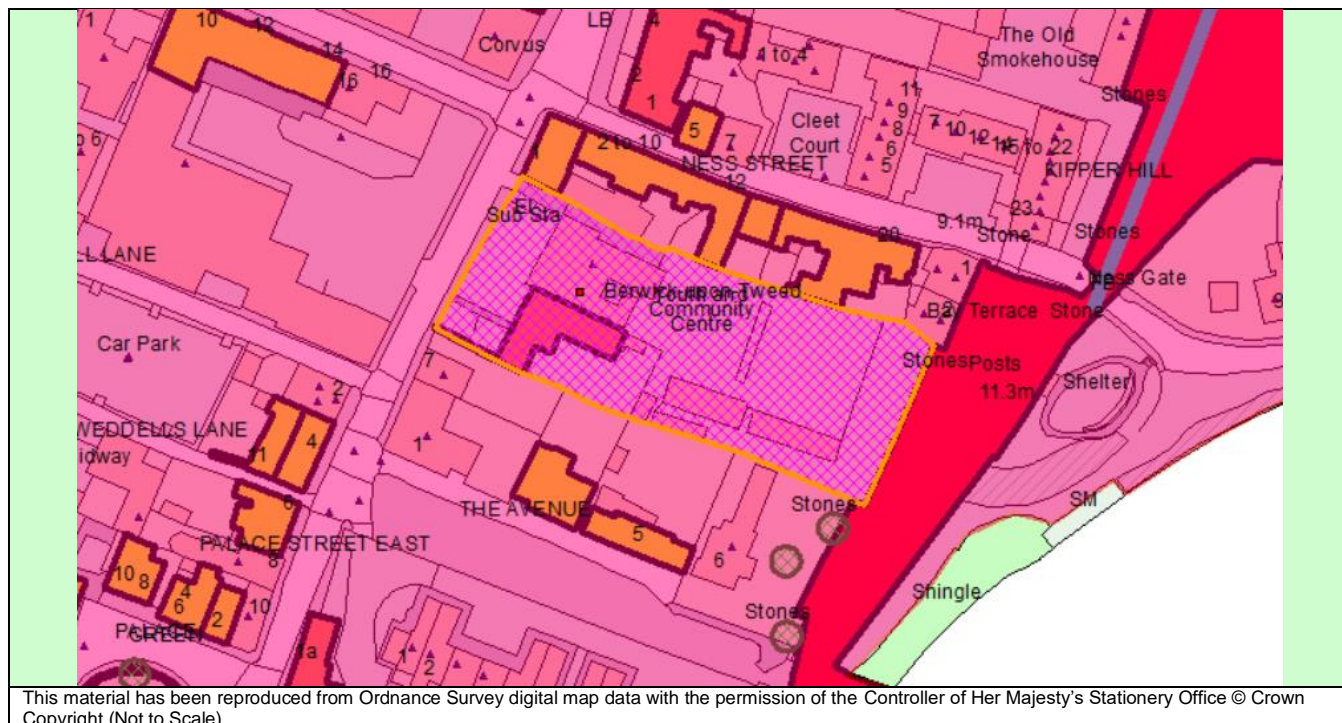


Northumberland County Council

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).



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