

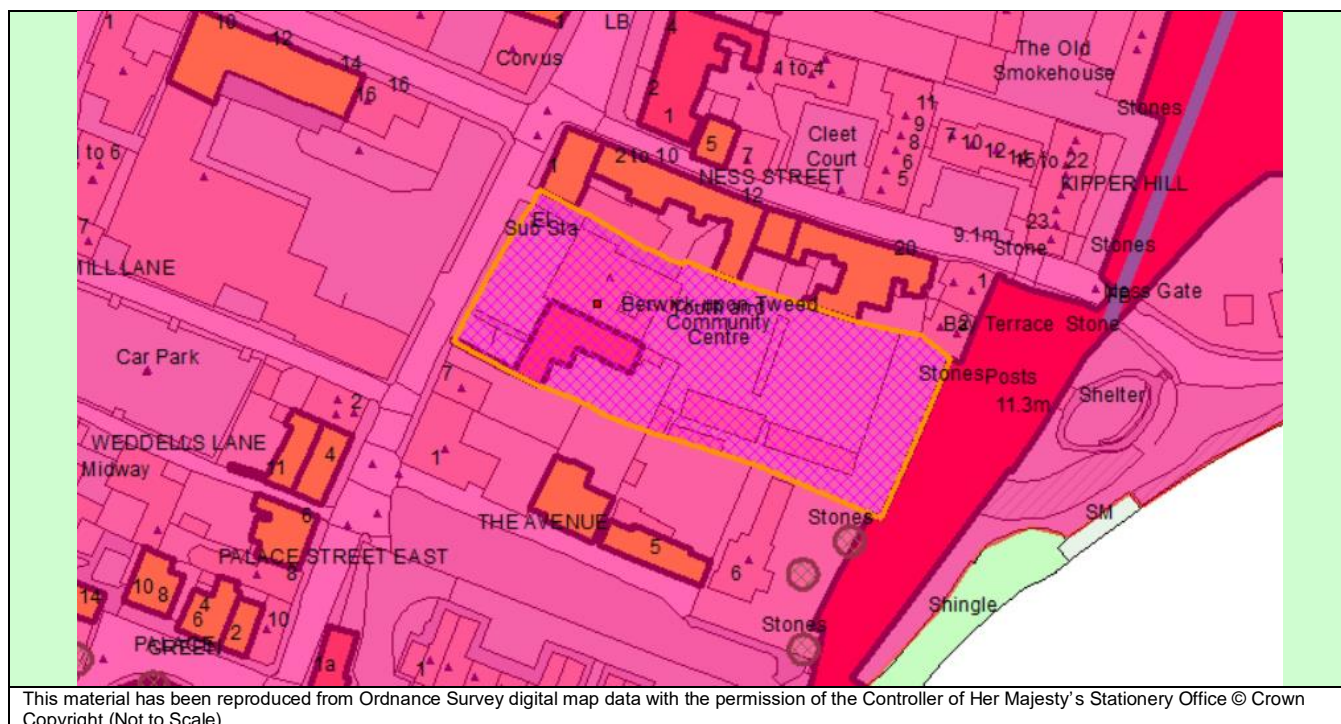


Northumberland County Council

North Northumberland Local Area Council Planning Committee 23rd March 2023

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

Recommendation: That this application be GRANTED consent



1. Introduction

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

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

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

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

1.5 The Paragraph states that

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

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

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

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

2. Description of the Proposals

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

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

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

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

2.4 Site constraints include,

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

3. Planning History

Reference Number: C/00/00204/CCD

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

Status: PER

Reference Number: N/84/B/LB07

Description: Construction of a garage and conservatory

Status: PER

Reference Number: C/84/B/127

Description: Construction of garage

Status: PER

Reference Number: C/89/B/069

Description: Renewal of 84/B/127 for garage

Status: REPLY

Reference Number: C/89/B/009 LBC

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

Status: REPLY

Reference Number: C/E/B/072

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

Status: REPLY

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

Description: Construction of garage

Status: PER

Reference Number: N/89/B/LB09

Description: Renewal of permission for garage.

Status: WDN

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

Description: Renewal of permission on garage.

Status: WDN

Reference Number: N/00/B/0617

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

Status: NOOBJ

Reference Number: 18/04107/TREECA

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

Status: NOOBJ

Reference Number: 19/04114/LBC

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

Status: PER

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

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

Status: PD

Reference Number: 21/02292/FUL

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

Status: PCO

Reference Number: N/84/B/127

Description: Detailed application for construction of garage

Status: PER

4. Consultee Responses

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

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

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

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

The Georgian Group

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

The Victorian Society

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

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

The C20th Society.

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

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

Neighbour Notification

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

Notices

Site Notice - Listed Building Consent, 16th July 2021

Press Notice - Berwick Advertiser, 15th July 2021

Summary of Responses:

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

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

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

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QU6NCCQSGY600>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

QOP 1 - Design principles (Strategic Policy)

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

ENV 2 - Biodiversity and geodiversity

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

6.2 National Planning Policy

National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

Planning Practice Guidance (2021, as updated)

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

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

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

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

Berwick Upon Tweed Conservation Area Character Appraisal

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

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Appraisal

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

Principle of Development

Impact on Listed Buildings Ecology

Principle

7.2 The legislative framework has regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

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

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

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

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

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

Impact on the Listed Buildings

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

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

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

Conversion of Grammar School Buildings

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

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

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

Replacement of Windows

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

Rendering of Front Elevation

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

Spiers & Armstrong Huts

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

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

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

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

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

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

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

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

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

Public Benefits

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

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

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

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

Ecology

7.26 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon biodiversity and geodiversity, avoiding significant harm through location and/ or design and will secure a net gain for biodiversity through planning conditions or planning obligations. The proposal is in accordance with this policy which is a material consideration in the assessment of the application.

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

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

Equality Duty

7.29 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.31 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.32 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.33 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and

public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

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

9. Recommendation

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

Conditions/Reason

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

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

2. Approved Plans

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

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

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

3. Materials

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

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

4. Joinery

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

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

5. Historic Building Recording

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

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

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

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

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

6. Structural survey

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

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

7. Stone cornice

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

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

8. Demolition by hand

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

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

9. Stone arch

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

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

10. Stonework

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

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

11. Repointing

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

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

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

12. Roof slates

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

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

13. Rooflights

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

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

14. Roofing material

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

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

15. Metal windows

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

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

16. Services

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

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

17. Rainwater goods and pipes

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

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

18. Cornices

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

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

19. Internal joinery

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

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

20. Staircase

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

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

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

21. Boundary treatments

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

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

22. Landscape and Ecological Management Plan (LEMP)

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

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

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

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

23. Bat Mitigation

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

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

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

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

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

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

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

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

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

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

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

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

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

24. Nesting Birds

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

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

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

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

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