

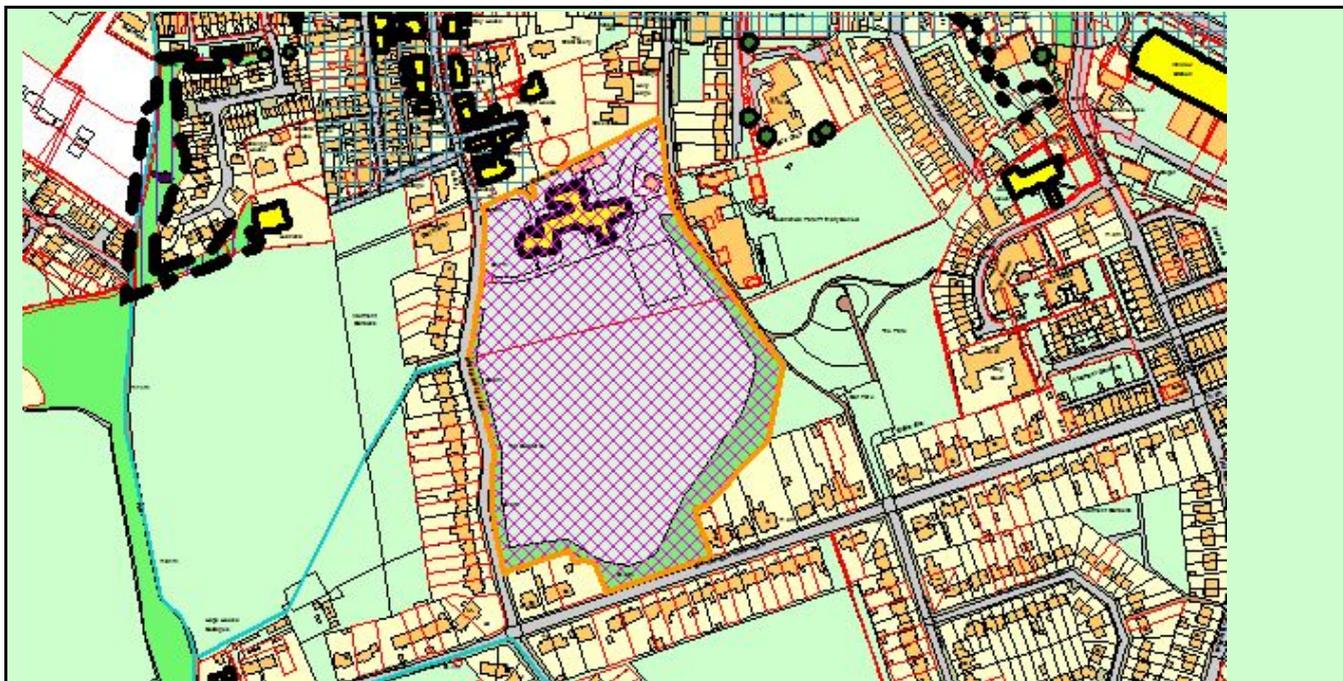


# Northumberland County Council

## Virtual Strategic Planning Committee July 2020

<b>Application No:</b>	19/00501/LBC		
<b>Proposal:</b>	Listed Building Consent for conversion of Duke's School to residential apartments (27no.), including demolition and rebuild of the modern rear extension, development of specialist elderly living accommodation (49no. apartments) and residential dwellings (22no.), creation of a landscaped open area, all ancillary works including car parking, access and drainage.		
<b>Site Address</b>	Former Alnwick The Dukes Middle School, The Dunterns, Alnwick, Northumberland		
<b>Applicant:</b>	Mr Guy Munden Estates Office, Alnwick Castle, Alnwick, NE66 1NQ	<b>Agent:</b>	None
<b>Ward</b>	Alnwick	<b>Parish</b>	Alnwick
<b>Valid Date:</b>	12 February 2019	<b>Expiry Date:</b>	22 July 2020
<b>Case Details:</b>	<b>Officer</b>	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk	

**Recommendation:** That this application be GRANTED, subject to conditions



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### 1. Introduction

1.1 On 12th May 2020 the Council's Cabinet and the Chief Executive agreed amendments to the constitution and governance measures in response to the coronavirus pandemic. As a result of these measures, this application has been reviewed by the Director of Planning and the Chair and Vice Chair of Strategic Planning Committee and it has been determined that the application should be determined by the Virtual Strategic Planning Committee as it is a major development of strategic importance and is accompanied by 19/00500/FUL, which covers the full planning application for the site. This application deals solely with the listed building consent application.

## 2. Description of the Site and Proposal

2.1 The site to which the application relates is approximately 4.73ha hectares and is located on land to the south of Alnwick Town Centre. The existing site consists of the former Duke's School building and former playing field, which are now vacant due to the closure of the school in 2016. The site is bounded by: To the east is Swansfield Park Primary School, Swansfield Park and an area of new housing development; To the west is Hope House Lane which is lined with residential properties; To the south by Swansfield Park Road which is lined with residential properties, with the former Lindisfarne Middle School beyond; and, to the north by residential properties, including several Listed Buildings such as Hope House and KinCraig (Grade II), and several Grade II Listed Buildings clustered around South Street.

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

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

2.3 The total site area is approximately 4.73ha in size. The built area for development in the southern area measures 0.4ha. The area proposed for public open green space is approximately 1.9ha. There is approximately 2.4ha of other uses including the tree belt around the site boundaries, footpaths, private gardens, roads and car parking. Works will include a new vehicle access from Swansfield Park Road, along with an upgrading of the existing access from The Avenue. Car parking, gardens, drainage, and extensive landscaping of the newly formed public open green space will also be included. The proposal will include on-site affordable housing, this is detailed later in this report. Across the development, a wide range of housing mix and tenures will be provided, including specialist elderly accommodation, bungalows, housing and apartments:

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

Duke's School Conversion: 1-bed: 9no. apartments; 2-bed: 14no. apartments; 3-bed: 4no. apartments; Total: 27no. apartments

Residential Housing: 2-bed bungalow: 5no. 2-bed house: 17no. Total: 22no. dwellings

### **3. Planning History**

**Reference Number:** C/10/00148/CCD

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

**Status:** PER

**Reference Number:** 19/00500/FUL

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

**Status:** PCO

**Reference Number:** 19/00500/FUL

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

**Status:** PCO

**Reference Number:** C/75/A/018

**Description:** Acquisition of 'Kincraig' as additional teaching accomdation

**Status:** PER

**Reference Number:** C/10/00148/CCD

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

**Status:** PER

**Reference Number:** 12/03257/LBC

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

**Status:** PER

**Reference Number:** 17/02422/LBC

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

**Status:** PER

**Reference Number:** 19/00500/FUL

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

**Reference Number:** A/ENQ/2008/0318  
**Description:** Residential Development  
**Status:** REPLY

**Reference Number:** A/ENQ/2006/0745  
**Description:** Care Home and Housing  
**Status:** REPLY

#### 4. Consultee Responses

Alnwick Town Council	<p>Alnwick Town Council have carefully considered the application and in particular the benefits arising from the development of the former Middle School building and the provision of publicly accessible open green space.</p> <p>However for the reasons outlined below, The Town Council OBJECTS to this application as:</p> <p>a) It is contrary to Policies ENV2, ENV3 and HD5 of the Alnwick &amp; Denwick Neighbourhood Plan (ADNP), which is the most recently made relevant plan. The ADNP designated the southern part of the site as Local Green Space. Although the plan accepted development on part of the school site, the designation of the southern end means this end cannot be developed unless 'very special circumstances' exist. The Town Council feels that the amount of development which results in the loss of about half the available green space and causes considerable ecological damage caused by fragmentation due to the removal of trees and the construction of a new entrance, coupled with in particular the unacceptable design (including inadequate car parking provision), size and scale of the McCarthy &amp; Stone building, do not constitute the 'very special circumstances' envisaged in the plan.</p> <p>b) Insufficient details are given of the sustainable drainage system proposals.</p> <p>c) The future management arrangements for the open green parkland are unclear. The arrangement must ensure the open space is protected and that public accessibility multi-activity use is secured, in perpetuity. Transferring responsibility to NCC or ATC, with a commuted sum, could be an option.</p> <p>d) The footpath layout in the open green parkland does not coincide with likely pedestrian desire lines and a more appropriate layout could be designed.</p> <p>e) The Town Council would expect electric car charging points to be provided within the development</p> <p>The Town Council requests involvement in the Section 106 discussions as it wishes to make suggestions relating to improving adjacent footpaths and securing a contribution</p>
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Historic England	On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
National Amenity Societies	No response received.
Building Conservation	<p><b>Impact</b></p> <p>Building Conservation visited the site on two occasions in the summer of 2018 in the course of pre-application discussions. A further site visit has been undertaken on 1 April 2019 in the light of the current applications.</p> <p>The principal setting impact will be on the relationship of the former school building with the playing fields that have defined its curtilage since construction. The Heritage Impact Assessment (HIA) at 6.22 refers to the impact of the proposed retirement block and residential units as follows:</p> <p>“...the environment in which the school is experienced will become more urbanised as a result, though maintaining a degree of separation between the building and the proposed development will ensure that the listed building can continue to be experienced in a somewhat open setting. The effect on the significance of the school, through development within its setting, will be minor adverse.”</p> <p>We agree there will be harm to the setting of the listed school which we consider will fall to less than substantial harm within the terms of paragraph 196 of the NPPF.</p> <p>Conversion of the former school to residential apartments will inevitably result in change which in places will affect parts of the building that are of special architectural or historic interest. The impact of dividing the space into residential flats will introduce the need to intervene in fabric for services, fire separation, to minimise the transmission of noise and to control the loss of energy through elements of the building including walls, windows and roofs. These have the potential to impact on the significance of the listed building.</p> <p>We note drawing 252-P1 proposes the introduction of double glazing to all parts except the Examination Hall. The process is described in the HIA as reglazing sashes while retaining frames. In this regard and on the particular circumstances of this case we consider the reglazing is in line with the principles set out in Historic England Guidance Historic Windows Their Care Repair and Upgrading (February 2017). However, the notes to 252-P1 do not cover the circumstances where certain number of windows have already been changed to upvc. This might be addressed through a window schedule. Addressing the harm caused by these inappropriate windows would modestly enhance the significance of the listed building.</p> <p>The most significant part of the listed building is the Examination Hall - see HIA at 4.12. While there are descriptive references to work proposed in this important space and certain changes can be inferred from floor plans, some changes can only be properly evaluated through internal elevations at an appropriate scale.</p> <p>Should the application be supported we suggest suitably worded conditions be imposed to control the following:</p> <p><u>Listed Building</u></p> <ul style="list-style-type: none"> <li>• Notwithstanding details in the application particulars of all construction materials for the proposed extensions to the listed building</li> </ul>

	<ul style="list-style-type: none"> <li>• Notwithstanding details in the application full information regarding new windows and external doors in the extensions to include their design, materials and colours</li> <li>• Joinery details at a scale of not less than 1:5 for all replacement windows, sashes, casements and doors in the historic fabric of the listed building;</li> <li>• Before any work to existing windows a window schedule shall be submitted for the written approval of the LPA.</li> <li>• A detailed methodology for the introduction of all new pipes, vents and ducts through the fabric of the building;</li> <li>• A detailed methodology for the introduction of services, fire separation, noise and thermal upgrading throughout the listed building.</li> <li>• Prior to work commencing in the Examination Hall the developer shall submit marked up elevations and floor plans of the interior at a scale of not less than 1:50. No work shall commence until the LPA gives written approval.</li> </ul> <p><u>New building</u></p> <ul style="list-style-type: none"> <li>• Notwithstanding details in the application particulars of all construction materials for the proposed buildings.</li> <li>• Notwithstanding details in the application full information regarding windows and doors to include their design, materials and colours</li> </ul> <p><b>Position</b></p> <p>We agree in principle with the findings of the HIA in that the impact of the proposals on the listed building and its setting will be less than substantial harm within the terms of paragraph 196 of the NPPF. Under paragraph 196 harm may be balanced against the public benefits of a proposal which in this case include bringing an unused designated heritage asset back into productive use. Harm to setting may to some extent be balanced against improved public access to the open space to be retained to the south of the school.</p> <p>The attention of the decision maker is drawn to section 193 of the NPPF where it is stated:</p> <p>“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”</p>
County Archaeologist	Based on the information submitted with this application I have no objections to the proposals from an archaeological perspective. The historic buildings have been subject to historic building recording as part of this application and below ground archaeological remains of low significance have been recorded to an appropriate level as part of the archaeological evaluation. As a result, no further archaeological recording work is required in connection with this application.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	83
Number of Objections	63

Number of Support	1
Number of General Comments	2

## Notices

Site notice - Listed Building Consent, 27th March 2019  
Northumberland Gazette 28th February 2019

## Summary of Responses:

66 Representations have been received in relation to this application and the accompanying full planning application (19/00500/FUL), the majority of which are objection letters, with some letters of support. Comments are generally supportive of the redevelopment of the listed buildings and publicly accessible green space within the scheme and objections relate to the following:

- Overall design of the new build elements;
- Massing of the new build elements;
- Scale of the new build elements;
- Contrary to the neighbourhood plan (lack of valid Very Special Circumstances);
- Impact on Biodiversity and Ecology;
- Light Pollution;
- No need for housing as specified;
- Loss of/Lack of Green Space;
- Highways and Transport Matters;
- Volume of dwellings on the site;
- Layout of the site;
- Removal of Trees;
- Impact on Community Infrastructure;
- Potential for Flood Risk increase; and,
- Impact on Amenity.

Further to the above, Alnwick Rail Users Group have requested a s106 contribution to provide new parking facilities at Alnmouth Station, and conditions have also been suggested by objectors, should the application be permitted.

The above is a summary of the comments. The full written text is available on our website <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PMRRD1QSLZG00> at:

## **6. Planning Policy**

### 6.1 Development Plan Policy

Alnwick LDF Core Strategy (ACS)  
S15 Protecting the built and historic environment  
S16 General design principles

Alnwick and Denwick Neighbourhood Plan ('Made' Version 2017) (ADNP)  
CF5 - Future Development of the Middle Schools  
HD1 -Protecting Landscape SettingHD2 - Heritage Assets at Risk  
HD5 - Design in the Wider Town

## 6.2 National Planning Policy

National Planning Policy Framework (2018)

National Planning Practice Guidance (2018, as updated)

## 6.3 Other Documents/Strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019) (NLP)

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

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

Policy ENV 7 Historic environment and heritage assets

National Design Guide 2019

## **7. Appraisal**

7.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses. The main issues in the consideration of this application are:

- Principle of Development;
- Impact on Listed Building; and,
- Impact on Archaeology.

### The Principle of Development

7.2 The NPPF is a material planning consideration in the assessment of the application. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets.

7.3 Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm' or, 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.3 The Adopted Development Plan where the site is located, comprises the saved policies of the Alnwick and Denwick Neighbourhood Plan ('Made' version 2017) (ADNP), Alnwick District Local Plan 1997 (ADLP) and The Alnwick District local Development Framework Core Strategy 2007 (ACS). ACS Policy S15 seeks to conserve and enhance a strong sense of place by conserving the districts built and historic environment. It requires that all development involving a heritage asset should conserve and, where possible, enhance the asset for the future.

7.4 The emerging Northumberland Local Plan, together with its up to date evidence, is a material consideration in the determination of planning applications.

As per Para 48 of the NPPF the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF.

7.5 The principle of providing an appropriate level of sympathetic development to help secure the future and retention of an appropriate use, which will in turn help secure the future of the listed building, is supported. The proposal would accord with local plan policy S15 and the provisions and intentions of the NPPF.

#### Impact on Heritage Assets

7.6 The NPPF, ADLP and the NCS seek to protect heritage assets within the plan area. The site includes the listed buildings of the former Dukes Middle School and is adjacent to the Conservation Area Boundary to the north of the site. In terms of significance the following is important to note:

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

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

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

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

7.11 Policy S15 of the ACS is the most relevant policy in relation to the Historic Environment in the former Alnwick District Area, and Policies HD2 and HD5 from the ADNP covering specifically the Alnwick, Denwick and Denwick (detached) parishes with NPPF Chapter 16 providing the national context.

7.12 HD2 of the ADNP "Where a development proposal helps to secure a sustainable future for a heritage asset at risk, or threatened by decay and under use, this will be a factor in its favour. Such proposals are encouraged."

7.13 Policies ENV1 and ENV7 from the emerging NLP are also relevant to the proposal, along with policies some of the policies from the Quality of Place chapter. These have been given weight as appropriate in the preparation of this report.

7.13 The National Planning Policy Framework (NPPF) is a material Planning consideration in the assessment of the application. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.14 The proposal has been examined by both the Building Conservation Officer and the County Archaeologist. The Building Conservation Officer has considered the application to form less than substantial harm (further commentary below) and the County Archaeologist has no objection and has offered the commentary below.

7.15 The County Archaeologist has commented "*The proposed development site includes an area to the south of the school which has been the subject of a desk-based assessment and subsequent geophysical survey. The desk-based assessment has identified the potential for prehistoric activity on the site. The geophysical survey identified ridge and furrow across much of the undeveloped parts of the site, some evidence of lateral drainage and areas of made-ground and disturbance at the eastern and western edges of the site. A programme of trial trenching was undertaken in 2018 which revealed medieval and later ridge and furrow and a re-cut and backfilled former field boundary which was excavated and recorded in two trenches.*"

7.16 Further to this they have also added "*The pre-application consultation (planning ref: 18/00596/PREAPP) included a Heritage Statement which provides a general summary of the significance of the listed building and a programme of historic building recording which provided a photographic record of the much of the building and a description of the buildings. I identified a number of issues that needed to be addressed or clarified in my response dated 29/8/18. I have looked at the submitted drawings and documents in detail. It is apparent that most of the proposals have been amended in order to maintain historic features and with them, our understanding of the circulation spaces and use of the school buildings. The historic building recording has also been amended to include recording of all of the buildings as identified in my pre-app response.*"

7.17 *The archaeological evaluation has demonstrated that the only archaeological remains in this area relate to medieval and later ridge and furrow and a re-used and backfilled field boundary which has been excavated in two of the trial trenches. As the orientation and profile of the ditch and the ridge and furrow have been recorded in the trial trenches and the evaluation has demonstrated that the archaeological potential for this area is low, I have concluded that no further archaeological work is required in connection with the groundworks in this area.*"

7.18 The County Archaeologist drew the following conclusion "*Based on the information submitted with this application I have no objections to the proposals from*

*an archaeological perspective. The historic buildings have been subject to historic building recording as part of this application and below ground archaeological remains of low significance have been recorded to an appropriate level as part of the archaeological evaluation. As a result, no further archaeological recording work is required in connection with this application."*

7.19 The proposal is therefore deemed to be acceptable from an Archaeological perspective according with relevant heritage policy and legislation in relation to Archaeological matters.

7.20 The Building Conservation Officer has provided the following comments *"We agree in principle with the findings of the HIA in that the impact of the proposals on the listed building and its setting will be less than substantial harm within the terms of paragraph 196 of the NPPF. Under paragraph 196 harm may be balanced against the public benefits of a proposal which in this case include bringing an unused designated heritage asset back into productive use. Harm to setting may to some extent be balanced against improved public access to the open space to be retained to the south of the school."*

7.21 The attention of the decision maker is drawn to section 193 of the NPPF where it is stated: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

7.22 Therefore the level of harm identified within the scheme (less than substantial harm) must be weighed up against the public benefits of the scheme. This is undertaken below.

#### Public Benefits (in relation to heritage matters)

7.23 A number of public benefits of the scheme have been identified. These include, but are not limited to:

- The proposed development has been prepared in a holistic manner through a Masterplan for the delivery of the whole site, including the conversion of the Duke's School alongside the new development. This is a positive approach to planning and encouraged to ensure that the site is delivered in a holistic manner and all necessary and appropriate mitigation and public benefits are secured.
- The proposed development that it will bring a currently vacant Grade II Listed Building back into use and prevent it from falling into a further state of disrepair.
- The existing site is a private area that is closed to the public, with limited views into the site from all directions. The proposed development will bring a large proportion of the site into a functioning use as a public open green space, accessible from all directions with views of the open area and Duke's School.
- The proposed development would deliver a high quality green parkland area. Green Space will be secured by a Landscape Management Plan, including the management of the boundary tree planting.

- The provision of on site affordable housing on the site in line with the existing policy requirements.
- The replacement provision of the playing pitches from the Dukes School Site to a new site adjacent to existing sports facilities at Greensfield.
- The securing of other planning obligations (e.g. Health Care, Education, CMS) associated with the delivery of the accompanying application 19/00500/FUL

7.24 It is considered that these public benefits as set out above, outweigh the level of harm identified by the Building Conservation Officer and comply with the relevant provisions of the development plan (both ACS and the ADNP) in relation to heritage assets, when balanced with the provisions of the NPPF.

7.25 The proposal is considered to accord with the provisions of ACS policy 15, ADNP policy HD4 & HD5 and the provisions and intentions of the NPPF.

### Equality Duty

7.26 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

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

### Human Rights Act Implications

7.28 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.

7.29 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.

7.30 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 the relevant policies and accord is considered to accord with the development plan and the relevant sections within the NPPF. On balance, the less than substantial harm on the setting of the listed building is 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**

That this application be subject to the following:

### Conditions/Reason

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

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

2. Prior to the commencement of work to windows, including sashes, casements and doors a detailed schedule [and annotated plan] shall be submitted showing the type and condition of all existing windows. Prior to the installation of any new windows, sashes, casements and doors drawings to a scale of not less than 1:5 fully detailing new or replacement windows, sashes, casements and doors shall be approved in writing by the LPA and installed in accordance with the approved details. All new window frames, sashes and doors shall be timber only and recessed in the wall to match the existing. The detailed window schedule shall show which windows are to be retained and details on the windows which are to be replaced. No window shall be removed or replaced other than in accordance with the approved schedule.

A method statement and section drawings detailing how the existing single glazing will be removed and how the proposed slim double glazing is to be inserted in the existing frames shall be submitted to the LPA for prior written approval.

The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

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

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

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

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

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

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

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

6. Prior to development/work commencing in the Examination Hall the developer shall submit a schedule of proposed works and marked up elevations and floor plans of the interior at a scale of not less than 1:50 to the Local Planning Authority. The proposal shall then be implemented and maintained thereafter in accordance with the approved details.

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

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

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

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

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

9. Prior to the commencement of development the applicant must either:

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

or, b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

In either circumstance all required measures shall be installed before the development is first occupied and a building surveyor's certification that the work has been done will need to be supplied to the LPA.

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

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

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

**Date of Report:**

**Background Papers:** Planning application file(s) 19/00501/LBC