

APPLICATIONS: 21/02292/FUL & 21/02293/LBC 5 PALACE STREET EAST

Recommendation:		
1. To consider the report.		
	Yes	No
Does the decision involve new expenditure?		No
Is there an existing budget for the proposed expenditure (insert code)	N/A	
What procurement level is required?	N/A	
Are there equalities impacts / an equalities assessment required?		No
Does this require a full council decision? (Reports for full council decision should still be sent to the relevant committee where possible.)	N/A	
Is there a background paper or papers? (provide links below).		No
Background		
<ol style="list-style-type: none"> 1. These applications have previously been discussed at committee, and have been repeatedly consulted on. However, in the light of matters described below, it is appropriate that committee should consider the matter anew. 2. Northumberland County Council (NCC) has, after a decision appeared to be made at North Area Local Council, resiled from that decision, as a result of concerns raised. Whilst we are not a party to that correspondence, we understand that the concerns raised may relate to para 204 of the National Planning Policy Framework (NPPF). That says “ 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.” 3. Correspondence has been received by individual councillors who have sought advice from the Town Clerk. Examples of the correspondence are attached as an appendix to this report. 4. Central to the issue appears to be the potential for retaining two elements of the site which are curtilage listed; the demountable buildings to the rear of the main building, and which were acquired in the early twentieth century. 5. Curtilage listing essentially incorporates within the listing of an historic building elements which may be separate from the main building listed, but which were present before 1948 and which are regarded as being within its curtilage. This can mean that elements which would not attract listing in and of themselves are listed because of their contribution to the whole. This is explained by the relevant government department by analogy rather than prescriptive definition, but in this case it is settled fact on all sides that the buildings are within the curtilage. 6. The two buildings in question are a Speirs classroom, dating back approximately to first two decades of the twentieth century, and an Armstrong hut which was, apparently, acquired at the end of World War One from an army camp in Blyth, and relocated to Berwick. 7. The history of the disposal of large numbers of Armstrong huts at the end of World War One is referenced in Draper at para 110-111. Whilst enthusiasts for these types of temporary buildings may find them of value, and some have been preserved at museums (e.g. Down County Museum at Ballykinler) the listing in this case reflects the fact that the hut is in the curtilage of a listed building, rather than making any statement about its own intrinsic value. 		

8. The same case applies to the demountable classroom; whilst it may be of some value as an item in the curtilage of the building, it does not appear to have such a level of intrinsic value that anyone is suggesting it would be listed were it not in the curtilage of the building.
9. We note with interest the assertion of the applicants that the huts have, reportedly, been offered to various museums which have politely declined. We note, too, the opposition of the objectors to their removal to another site. We also note that the heritage bodies who wish to see the huts preserved are able to offer letters of support, but nothing more substantial, with regard to funding their preservation.
10. The key question in deciding whether committee should support these applications so far as officers are concerned is whether the development meets the test laid down in para. 202 of the NPPF – the ‘less than significant harm’ test, or the substantial harm test set out in para 201 of the NPPF, and the conditions attached to it are satisfied. Committee may wish to find, on a prima facie basis, that the loss of two originally temporary buildings amounts to less than significant harm, or it may, alternatively, wish to recommend approval of the application by NCC provided the tests in para 201 are met.
11. The recommendation of officers is that the loss of the two temporary buildings is less than significant harm to the listed building as a whole, and that there is no reason to treat the curtilage buildings as significant heritage assets in their own right, or as detracting from the building as a whole, bearing in mind that they relate to a use of the building that was neither its original purpose nor a significant part of its current value to the conservation area and the built environment.
12. The best way we can explain this view is to ask committee to consider the following test; the proposal, from the applicants, effectively states that it is worth losing the huts in order to save the main building. If the proposal were reversed, that it is worth losing the main building in order to keep the huts, would that be acceptable? It is the opinion of officers that it is not.
13. It is noted that the argument of the objectors that there are alternative uses that could involve saving the huts, supported by assertions about the financing of the scheme. It is generally the case that planning decisions should be made on the basis of the application that is before committee, not a hypothetical application that committee wishes had been made. In this case, assertions about the financing of the scheme or about the risk to the applicants are not germane; the test remains the tests set out above.
14. It is nevertheless appropriate to consider whether the removal of the huts might give rise to a situation where they are removed, but the whole of the development proposed (e.g. the restoration of the main building) might not take place. This is an issue which was discussed at the previous hearing of this matter, and could be addressed by condition, although it is right to be cautious about the enforceability of any such condition. In effect the condition would require the work to be undertaken in a way that puts the removal of the huts and the construction of the buildings to replace them, including the new build housing, after the restoration of the main building. Officers would recommend that the conditions should be applied, if it is the advice of the planning officer that they are enforceable and appropriate.
15. We note that other objections are still raised, concerning residential amenity and the impact of the development on, for instance, the view enjoyed by visitors from the Town Walls because of the height of the development. Officers would recommend that committee consider these objections in the round, but bear in mind the requirement, via paras 206 and 208 of the NPPF, of the public benefits of this development which enables the conservation of an asset that is at risk, and for which no other proposals have been forthcoming.

Issues arising from proposal.

None.

Rationale for recommendation.

Not applicable.