



Northumberland

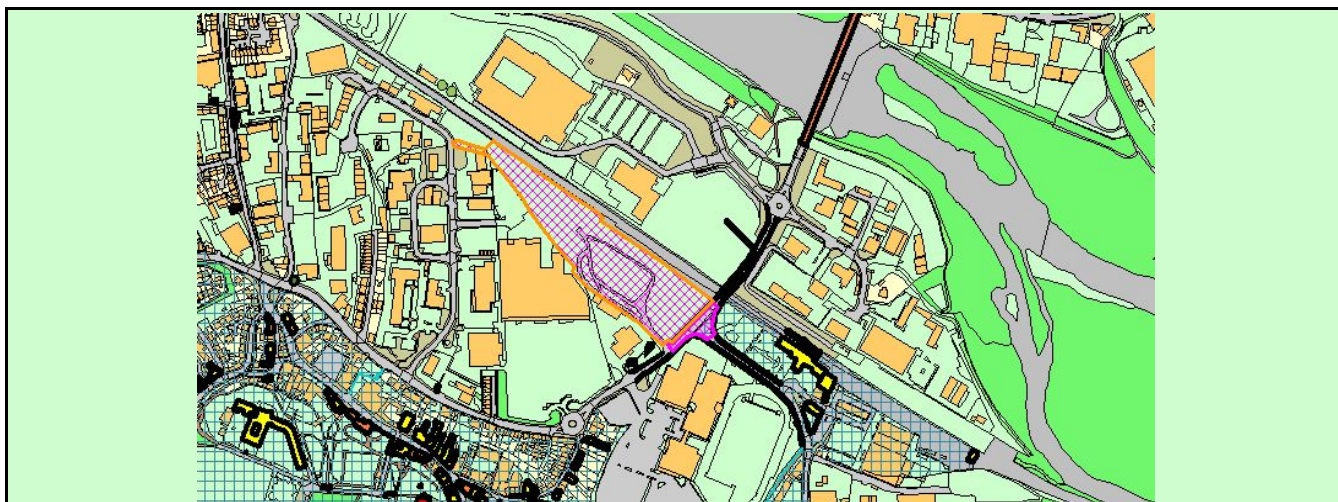
County Council

Strategic Planning Committee

5 November 2019

Application No:	19/00277/FUL		
Proposal:	Hybrid Planning Application - Full planning permission for a new food store (Use Class A1) (2,177 sq m) with associated customer car parking and servicing, a four storey 69 bed hotel (Use Class C1)(2,540 sq m) and 250 public car parking spaces with associated means of access from, and upgrades to, Alemouth Road. Outline planning permission with all matters reserved for up to 1,600 sq.m of development in Use Classes A1- A4 in two units with associated car parking.		
Site Address	Land North East of Tesco, Alemouth Road, Hexham, Northumberland		
Applicant:	Mr Peter Carruthers, Union Property Development (Hexham) Ltd, Cobalt 3.1, Silver Fox Way, Newcastle upon Tyne, NE27 0QJ	Agent:	Mrs Helen Marks, Youngs RPS, Shakespeare House, 18 Shakespeare St, Newcastle Upon Tyne, NE1 6AQ
Ward	Hexham Central With Acomb	Parish	Hexham
Valid Date:	31 January 2019	Expiry Date:	8 November 2019
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That planning permission is GRANTED subject to the completion of a Section 106 Agreement to secure a financial contribution to ecological mitigation and a commuted sum in respect of flood risk to the car park area



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1. Introduction

- 1.1 This application is brought to the Strategic Planning Committee under the scheme of delegation as the site boundary includes land within the ownership of the Council and due to the strategic nature of the development in this location.

2. Description of the Proposals

- 2.1 The application has been submitted as a hybrid that seeks full planning permission for a new food store (Use Class A1) (2,177m²) with associated customer car parking and servicing, a four storey 69 bed hotel (Use Class C1) (2,540m²) and 250 public car parking spaces with associated means of access from, and upgrades to, Alemouth Road. Outline planning permission with all matters reserved is also sought for up to 1,600m² of development in Use Classes A1-A4 in two units with associated car parking.
- 2.2 The application site extends to 2.2 hectares of vacant land located to the north and north-east of the Tesco store and Bristol Street Motors garage in Hexham. The northern boundary of the site is formed by the main Newcastle to Carlisle railway line with the Hexham Auction Mart beyond this. Alemouth Road, which is the main access road into Hexham from the A69 further north, and the roundabout junction with Station Road forms the eastern/south-eastern boundary of the site. This boundary also comprises the Grade II listed abutments and retaining walls of the road bridge over the line to the west and south of Hexham Railway Station. To the west of the site are units on the Haugh Lane Industrial Estate where there is currently a vehicular access to the site. The site is outside of, but immediately adjacent to, the Hexham Conservation Area
- 2.3 The site is known as the 'Bunker Site' due to a large cold store that formerly occupied the site that was converted by the Government into a nuclear bunker in the 1980s. This has since been demolished and the site has stood vacant for a number of years.
- 2.4 The proposals would see the new public car park located at the north-western part of the site that narrows towards the Haugh Lane Industrial Estate. The new Travelodge hotel would be located centrally within the site and the new Lidl food store located to the south-eastern part adjacent to Alemouth Road. The outline element of the application would infill the area between the hotel and food store.
- 2.5 In addition to the new buildings the application also proposes substantial works to the existing roundabout at Alemouth Road/Station Road in order to achieve vehicular access to the site. This includes widening of the road and the creation of a fourth arm of the roundabout down into the site, which is around 4 metres lower than Alemouth Road. This work will have direct impacts upon the existing Grade II listed abutments and retaining walls with sections needing to be demolished and rebuilt, as well as being encased as a result of the new retaining walls structures that are being proposed. This will be considered in more detail later in this report, whilst a separate application

seeking listed building consent for the works has been submitted under application 19/01082/LBC that is also on this Committee agenda.

- 2.6 Amended plans and additional information have been submitted during the course of the application in response to issues raised by consultees and in discussions with officers. This includes amendments to the design of the proposed Lidl store and Travelodge building; additional information to demonstrate the construction of the proposed vehicular access ramp and retaining walls and associated impacts; and details of additional measures to prevent vehicle incursion onto the railway line.
- 2.7 The application site is located almost wholly within Flood Zones 2 and 3, is within the lower risk Coal Authority standing advice area, and within the impact risk zone for a Site of Special Scientific Interest.

3. Planning History

Reference Number: 19/01082/LBC

Description: Listed Building Consent: Works to relocate Listed Wall

Status: Pending

Reference Number: T/76/E/4

Description: Conversion of cold store to government communication centre of a radio tower on the building

Status: Permitted

Reference Number: T/87/E/305

Description: Circular 18/84 procedure: Erection of temporary vehicle shed.

Status: Permitted

Reference Number: T/940869

Description: Outline application for mixed development comprising retail, office, warehouse and industrial uses and petrol filling station together with associated highway improvements, car parking and landscaping

Status: Permitted

Reference Number: T/960160

Description: OUTLINE: Proposed mixed development comprising retail, office, warehouse and industrial uses together with associated highway improvements, car parking and landscaping, relocation of existing concrete depot and petrol filling station

Status: Refused

Reference Number: T/960896

Description: OUTLINE: Proposed mixed development comprising retail, office, warehouse and industrial uses together with associated highway improvements, car parking and landscaping. Refurbishment of existing petrol filling station and conversion of existing supermarket

Status: Withdrawn

Reference Number: T/970809

Description: Demolition of all structures on site

Status: Permitted

Reference Number: T/20041137

Description: Vary Conditions 1 and 3 of Outline Planning Permission Reference 940869 for mixed development on land at and adjacent to Hexham Railway Goods Yard, and the former cold store warehouse, Alemouth Road, Hexham (To extend the expiry date for the submission of the reserved matters on the eastern part of the Bunker site by 12 months to November 2005)

Status: Refused

Reference Number: T/20041526

Description: Variation of conditions 8, 9 and 12 attached to permission 940869 to allow phased implementation for mixed development comprising retail office, warehouse and industrial uses with associated highway improvements, car parking and landscaping

Status: Refused

4. Consultee Responses

Hexham Town Council	<p><u>Original Plans</u></p> <p>No objections subject to Highways approval and to request the work complies with the Government's National Pollinator Strategy 2014-2024.</p> <p><u>Amended Plans</u></p> <p>The Council welcomes the improvements to the materials of the building but considers more thought could be given to the connectivity of the site to the rest of the town and railway station.</p>
Historic England	<p>No objection to proposal – provides comments in respect of works to listed wall and associated means of enclosure that can be secured by condition, and suggests amendments in respect of design of new buildings.</p>
Highways	<p>No objection subject to conditions if matters with Network Rail are subsequently addressed.</p>
Building Conservation	<p>Building Conservation consider that the current proposals for the Lidl and the Travelodge are a significant improvement upon the design and materials of the originally submitted scheme. However further improvements could still be achieved to achieve a scheme which would be of a higher standard of design and materials, appropriate to the location of the site just outside of the Conservation Area and adjacent to the listed wall.</p> <p>The notation on the submitted coloured images of a large white box indicating the possible future development of two food retail units should be removed from this current scheme. Whilst it is appreciated that they are notational only, they appear</p>

	<p>overly large and dominant and should be omitted from the current scheme.</p> <p>As outlined in the comments from Building Conservation in respect of the listed wall (19/01082/LBC) the main issue and sticking point to the progression of this scheme is the realignment of this wall at a higher level and the embankment which will completely block any views of the wall from the west. Building Conservation consider that alternatives to this access should be more thoroughly explored as the impact of its development will cause substantial harm to the grade II listed wall and to the setting of the Conservation Area and the grade I Abbey, Old Gaol and Moot hall therein.</p>
County Ecologist	No objections subject to conditions and S106 agreement to secure a contribution of £10,000 to compensate for loss of ecological habitat.
County Archaeologist	<p>It has been demonstrated that there is a low potential for surviving below ground archaeological remains. It is, however, important to ensure that the listed wall and the arched entrance and tunnel through the wall are effectively recorded and preserved in situ under the new access into the site. A number of drawings have been submitted which show that the proposals will preserve the listed structure in situ, however in order to ensure its preservation, the following planning conditions are required:</p> <ol style="list-style-type: none"> 1. Archaeological monitoring and recording works including: <ul style="list-style-type: none"> • Historic building recording of the listed wall • Watching brief on wall reduction works and initial layers of construction in the area of the blocked, arched access in the listed wall to ensure that the arch construction and tunnel to the rear are not affected by the proposed works 2. Condition ensuring that if the preservation and stability of the stone arch and tunnel are endangered during construction, an updated scheme of works can be submitted which ensures that this part of the designated heritage asset is preserved in situ.
West Tree And Woodland Officer	No response received.
Public Protection	No objections subject to conditions.
Waste Management - West	No response received.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.

Environment Agency	No objection subject to condition.
Northumbrian Water Ltd	No objection subject to condition.
Natural England	No objection – considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.
Architectural Liaison Officer - Police	No response received.
Fire & Rescue Service	No objection in principle.
Northumbria Ambulance Service	No objection or comments.
Network Rail	No objection subject to a condition in respect of works to the wall and structures and measures to prevent vehicle incursion.
Tourism, Leisure & Culture	No objection subject to it satisfying all statutory planning conditions and considerations – highlights benefits of tourism accommodation in respect of the visitor economy.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	38
Number of Objections	6
Number of Support	1
Number of General Comments	1

Notices

Site notices:

Statutory publicity and affecting Listed Building and Conservation Area – 19 February 2019
Departure from Development Plan – 9 April 2019

Press Notices:

Statutory publicity and affecting Listed Building and Conservation Area – 7 February 2019
Departure from Development Plan – 11 April 2019

Summary of Responses:

Six objections have been received to the proposals following the consultation, as well as representations from Hexham Civic Society that raise strong concerns to the proposals. Some of these representations support the principle of redeveloping the site but raise concerns/objections in respect of the following matters:

- pedestrian and cycle connectivity to the rest of the town – difficulties due to proposed access arrangements and existing railway tunnels not being used to provide connectivity to the station and Wentworth car park;
- limited landscaping within the proposals;
- lack of wider masterplanning with adjacent sites that could avoid the need for costly and intrusive roundabout and damage to listed wall as well as entombing the pedestrian access via arch/tunnel;
- prominent site and development would affect the setting of the Conservation Area and listed buildings;
- visually intrusive roundabout design with likely excessive highways infrastructure that would have an unacceptable impact on the listed wall and Conservation Area;
- suggest further discussions with Network Rail on access to and from the Station;
- Hexham is well served by supermarkets – proposal will have a negative effect on the viability of other supermarkets;
- will further enhance out of town/edge of town retail reducing number of visitors to the town centre and attract trade away from smaller retailers and town centre market;
- parking, although needed, is unlikely to help the overall parking problems of the town and is inadequately linked by pedestrian and cycle access to the town centre;
- concerns over four storey building on the site and view of Hexham from A69 will be compromised; and
- increased car use due to proposed car park and no level access for cyclists and pedestrians and conflicts with NCC's statement of intent on climate emergency.

One representation in support has been received that welcomes the introduction of much needed parking spaces and improvements to the Alemouth Road roundabout, although concerned that better pedestrian routes to the site from the train station and main part of the town could not be established.

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=PLWA01QSLM200>

6. Planning Policy

6.1 Development Plan Policy

Tynedale District Local Plan (2000)

GD2 Design criteria for new development

GD3 Provision of suitable access for people with impaired mobility

GD4 Range of transport provision

GD7 Car parking standards
NE19 Protection of Internationally Important Nature Conservation Sites
NE20 Protection of Sites of Special Scientific Interest
NE26 Protection of habitats of special importance to wildlife
NE27 Protected Species
NE37 Landscaping in developments
BE18 Development affect the character and setting of a Conservation Area
BE19 Demolition of listed buildings
BE21 Alteration and extension to listed buildings
BE22 Setting of listed buildings
BE25 Preservation of scheduled ancient monuments, nationally important sites and settings
BE27 Archaeology
BE28 Archaeological assessment
BE29 Development and preservation
ED1 Land allocated for Employment Development
ED7 Uses not permitted in existing employment areas or on sites allocated for employment use
TM2 Enhancement of existing facilities, attractions and infrastructure
TM7 Tourist accommodation in existing settlements
TM11 Hotel development at Hexham
RT3 Convenience retailing in Hexham
RT4 Comparison retailing in Hexham
RT14 Food and drink uses outside commercial areas
CS19 Location of development either causing or adjacent to pollution sources
CS21 Location of noise sensitive uses
CS22 Location of noise generating uses
CS23 Development on contaminated land
CS27 Sewerage

Tynedale Core Strategy (2007)

GD1 Location of development
GD2 Prioritising sites for development
GD4 Transport and accessibility
GD5 Minimising flood risk
GD6 Planning obligations
NE1 Principles for the natural environment
BE1 Built environment
EDT1 Principles for economic development and tourism
EDT2 Employment land provision
RT1 Principles for town centres and retailing
RT2 Primary Shopping Areas
RT3 Primary Shopping Frontages
CS1 Principles for community services and facilities
EN3 Energy conservation and production on major new developments

6.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2014, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

STP 1 Spatial strategy

STP 2 Presumption in favour of sustainable development

STP 3 Principles of sustainable development

STP 4 Climate change mitigation and adaptation

STP 5 Health and wellbeing

ECN 1 Planning strategy for the economy

ECN 6 General employment land – allocations and safeguarding

ECN 8 Areas for wider employment-generating uses

ECN 9 Additional flexibility in general employment areas

ECN 10 Loss or depletion of employment land

ECN 15 Tourism and visitor development

TCS 1 Hierarchy of centres

TCS 2 Defining centres in Main Towns

TCS 3 Maintaining and enhancing the role of centres

TCS 4 Proposals outside centres

TCS 5 Keeping high streets vibrant

QOP 1 Design principles

QOP 2 Good design and amenity

QOP 3 Public realm design principles

QOP 4 Landscaping and trees

QOP 5 Sustainable design and construction

QOP 6 Delivering well-designed places

TRA 1 Promoting sustainable connections

TRA 2 The effects of development on the road network

TRA 4 Parking provision in new development

TRA 5 Rail transport and safeguarding facilities

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

ENV 2 Biodiversity and geodiversity

ENV 3 Landscape

ENV 7 Historic environment and heritage assets

ENV 9 Conservation Areas

WAT 2 Water supply and sewerage

WAT 3 Flooding

POL 1 Unstable and contaminated land

POL 2 Pollution and air, soil and water quality

INF 1 Delivering development related infrastructure

INF 2 Community services and facilities

INF 6 Planning obligations

Hexham Neighbourhood Plan - Submission Draft March 2019

HNP1 Sustainable development in the Neighbourhood Area

HNP2 High quality sustainable design in the Neighbourhood Area

HNP3 Design in the Hexham Conservation Area

HNP4 Non designated heritage assets

HNP7 Designated heritage assets

HNP19 Community facilities
HNP21 Walking and cycling in Hexham
HNP22 Key shopping area in Hexham
HNP23 Hotel and tourism accommodation
HNP25 New car parking facilities

6.4 Other Documents/Strategies

National Design Guide (2019)
The Setting of Heritage Assets (Historic England – December 2017)

Northumberland Employment Land Review (January 2011)
Northumberland Employment Land Review Update (October 2013)
Employment Land and Premises Demand Study (July 2015)
Employment Land Take Up Study 1999-2017 (March 2018)
Employment Site Schedule 2016/17 (March 2018)
Employment Site Schedule 2016/17 (March 2018)
Employment Land Site Option Appraisal – Hexham (July 2018)
Employment Land: Strategic Considerations and Assessment of Sites Technical Paper (December 2018)
Assessment of Employment Sites Technical Background Paper (July 2018)

Hexham Market Town Benchmarking Report (May 2014)
Northumberland Town Centres and Retail Study 2011
Northumberland Town Centres and Retail Study Update (January 2013)
Northumberland Town Centres and Retail Study Update (March 2016)
Policy Approach for Northumberland's Twelve Main Town Centres – Technical Paper (December 2018)

Alnwick, Hexham and Morpeth Town Centre Parking Study (December 2017)
Hexham Parking Study and Action Plan (April 2018)

7. Appraisal

- 7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy as identified above.
- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Council submitted the Northumberland Local Plan, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019 for examination. The Plan is currently in the process of examination.

- 7.3 In addition, Hexham Parish is a designated Neighbourhood Area. A Neighbourhood Plan has been prepared and consultation has been undertaken on that Plan in accordance with statutory requirements and has now been submitted to the Council. The Draft Neighbourhood Plan is therefore a material consideration in the determination of this planning application, although it may only be afforded some weight at this stage.
- 7.4 Following assessment of the proposals and consultation the main issues that are considered to be relevant in the determination of the application as follows:
- Principle of development
 - Employment Land
 - Impact on the Town Centre (Sequential Test and Impact Test)
 - Design and impact upon heritage assets
 - Access, parking and highway safety
 - Flood risk and drainage
 - Ecology
 - Public Protection matters

Principle of Development

- 7.5 The principle of development has been assessed by officers having regard to a number of issues, including the location and scale of the development, existing site allocations and potential impacts upon the town centre. Hexham is identified as a Main Town within the Tynedale Core Strategy, which are the main focus for development and also where any large scale individual developments would be located. This is carried forward into the emerging Northumberland Local Plan where Hexham is again identified as a Main Town, which will also be the main focus for employment, housing, retail and services.
- 7.6 Having regard to the current adopted development plan the site is located outside of the town centre and commercial centres, whilst it is allocated as employment land for Use Classes B1 (business), B2 (general industrial) and B8 (storage or distribution) under Policies ED1 (site no. ED1.6) and ED5 of the Tynedale Local Plan. The site is also proposed to continue to be allocated for general employment land and an area for flexible employment use within the emerging Northumberland Local Plan. The site would also be outside of, although immediately adjacent to, the proposed extent of the Town Centre in the emerging Local Plan. The northern boundary of the town centre would be up to the northern boundary of the adjacent Tesco and Bristol Street Motor sites.
- 7.7 In light of the above, whilst the development would be in broad accordance with the principles for the location of development within Hexham as a Main Town, having regard to the emerging and adopted development plan policies, there are matters to consider further in relation to the loss of employment land and impacts upon the town centre. These matters will be considered separately in more detail below.

Loss of Employment Land

- 7.8 As referred to above the whole of the application site, as well as adjacent land to the west at Haugh Lane Industrial Estate, is allocated employment land within the current proposals map of the Tynedale Local Development Framework. Policy ED1 of the Tynedale Local Plan permits the development of, or change of use to, B1, B2 and B8 uses. The former Bunker site is listed at ED1.6 within the policy as a specific site and Policy ED5 of the Local Plan also identifies existing employment land at Haugh Lane/Burn lane to the west. Saved Policy ED7 is clear that proposals for development other than those which fall into B1, B2 or B8 use will not be permitted.
- 7.9 Policy EDT1 of the Tynedale Core Strategy looks to ensure sufficient land is available to meet the employment requirements of the District and to protect existing and allocated employment land for its intended purpose. Policy EDT2 sets out how employment land needs will be met up to 2021 through sites with planning permission and site allocations where appropriate.
- 7.10 Paragraph 120 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land and be informed by regular reviews of both the land allocated for development in plans and of land availability. It goes on to state that where the LPA considers that there is no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*
- 7.11 Although it has more limited weight at the present time, the site is allocated within the emerging Local Plan as employment land under Policy ECN 6 and as an area for flexible employment use under Policy ECN 8. Policy ECN 6 states that *“the range of land uses that will be supported within general employment areas will be either the B-Class employment uses only or a wider range of employment-generating uses, in accordance with Policies ECN 7 and ECN 8 respectively”*. Policy ECN 8 would apply for this site, which states that:
- General employment areas, where employment-generating uses wider than the B-Class uses will be supported, are identified on the Policies Map. Within these areas, permission will be granted for uses generating permanent on-site employment, provided that they comply with the definition of wider employment generating uses; and:*
- a. The proposed economic activity is compatible with existing businesses on the site and adjoining land uses; and*
- b. The proposal would not generate a high level of continual public access and/or should not necessarily be located central to where people live.*

7.12 Policy ECN9 of the emerging Local Plan proposes some flexibility for general employment areas setting out that permission for uses other than B1, B2, B8 or other employment generating uses may be granted if the proposal meets one or more of the following:

- a. It is ancillary to and will support the main employment-related use of the area;*
- b. It is for part of a larger site or premises and would facilitate the development of the remainder for employment uses in the specified range, which would otherwise be undeliverable;*
- c. It is on part of a larger development site and would facilitate the development of the remainder for employment uses in the specified range, which would otherwise be undeliverable;*
- d. It would bring back into use a building which has stood vacant for at least 12 months, and the reoccupation of which by an employment use is demonstrated to be unlikely;*
- e. It would provide the optimal location for essential infrastructure provision;*
- f. It can be demonstrated to deliver significant community and economic benefits that override the need to maintain the site or premises within the specified range of employment uses*
- g. It would help foster skills development and cannot be provided in an existing educational establishment or as ancillary to an employment use.*

7.13 The emerging Plan goes on to state that the development of employment land for non-employment uses, such as housing or large scale retail or leisure use, can deplete the supply of land available and make it more challenging to deliver the plan's economic growth objectives. The loss of high quality, well connected sites could be especially detrimental. Conversely anticipated market demand may not materialise in the long term. For some sites it may not be beneficial to continue to protect them unnecessarily. As such the portfolio of sites will be regularly monitored and reviewed by the Council to assess if they are still likely to attract investment. The vacancy of existing premises within these same employment areas will also form part of this monitoring process. Policy ECN 10 therefore sets out criteria which would need to be addressed when development of allocated employment land for entirely non-employment uses is proposed. It focuses on the feasibility of demand across the plan period as well as recent market signals. This states:

“...development for non-employment generating uses, such as housing, will be supported where robust evidence can demonstrate all of the following:

- a. That there is no demonstrable market demand that the site will be developed for an employment generating use over the plan period; and*
- b. That sufficient land of a comparable quality and accessibility is available, and deliverable in the local market to provide for identified need; and*
- c. That the development would not result in an unacceptable loss of active businesses and jobs; and*
- d. That the development would not have an unacceptable adverse impact on the continuing function of nearby existing businesses and/or the development of available employment land”.*

7.14 As noted above, the former Bunker site has been allocated for employment land at least since the year 2000, when the Tynedale Local Plan was adopted.

Clearly, as required by paragraph 120 of the NPPF, the LPA is required to take account of the fact that the site has not been taken up in the intervening 20 years, as well as of what the evidence base for the emerging Northumberland Local Plan states.

- 7.15 The most recent such reassessment is contained in the Employment Land and Premises Study dated 2015. The Study recognised that the site's development would only be achieved with 'high abnormal costs' associated with the access, meaning that employment uses would only be likely to come forward as part of a scheme incorporating higher value uses or when supported by public investment. It goes on to suggest that this edge of town centre location could be an appealing location for a small office park. The Study cites the difficulty of developing the former Bunker site (among others) as a reason for searching for additional developable employment land in the town.
- 7.16 Officers are advised that in deciding to retain the allocation of this land in the emerging Local Plan, it was considered important to recognise that the Employment Land and Premises Study, as recently as 2015, saw the value of the land as an employment location - at least for offices - notwithstanding the up-front costs. It may be some years before additional employment sites, identified through the Local Plan process, come forward. It follows that, in the meantime, the former Bunker site will continue to represent one of the most substantial and best located employment sites available in the Hexham area. There is therefore a reasonably strong case that the retail and hotel use of the land would be a departure from the development plan and the application has been advertised as such.
- 7.17 Given the proposed loss of employment land the application has been submitted with an "Employment Land Assessment", which takes into account the current and emerging development plan position, including the evidence base behind the emerging Local Plan, as well as the NPPF and National Planning Practice Guidance. This also makes reference to marketing of the site that was undertaken from September 2017.
- 7.18 The submitted employment land assessment's conclusions suggest that the view, expressed in the 2015 Employment Land and Premises Study - essentially that the site could still attract office development with appropriate investment - would no longer apply. Notwithstanding this, it is felt difficult to disagree that the findings of this new study are valid in the short to medium term, given the current market. The LPA would continue to prefer that the site was retained in employment use at least until an alternative, sizeable, allocation can be made, although accept that the proposed uses would bring in some employment and potentially contribute to the enhancement of a vacant and derelict site on a main approach into the town. Whilst a pure employment use has always been envisaged for this site the needs of a modern economy actually suggest that this site is more appropriate for a mixed use scheme. The proposed scheme is for a mixture of uses which importantly is deliverable and reflects the location and constraints on the site. The site offers strategic economic advantages given that the proposed hotel accommodation coupled with the extra car parking will offer consequential increased footfall opportunity in the town centre.

- 7.19 On this basis, and whilst noting this would effectively be a departure from adopted and emerging development plan policies, it is officer opinion that given the evidence provided with the application, on balance the proposed loss of employment land would not be sufficient to justify a reason for refusal in this instance. Taking into account the proximity of the site to the centre of Hexham and the need for increased activity in the town this is considered an acceptable mixed use scheme.

Impact on the Town Centre

- 7.20 The NPPF defines “main town centre uses”, which includes retail and hotel development as proposed within this application. It is not yet clear what is proposed for the outline permission element other than reference to use classes A1 – A4. However, restaurant and pub uses would fall within A1 – A4, and these are also defined as main town centre uses.

- 7.21 Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 86 of the NPPF goes on to state that *“local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered”*. Paragraph 87 then states *“when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”*. The application site is situated within 300 metres of the defined primary shopping area for Hexham and is therefore deemed to be an edge of centre location in planning policy terms.

- 7.22 Paragraph 89 of the NPPF identifies a twin impact test, stating that

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m of gross floorspace). This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).*

- 7.23 Paragraph 90 of the NPPF indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the 'planning balance' when making a decision.
- 7.24 Policy RT1 of the Tynedale Core Strategy seeks to maintain and enhance the vitality and viability of identified Primary Shopping Areas and will only seek to accommodate additional floorspace for retail and other town centre uses where it would not adversely affect the vitality, viability, historic or environmental character of Primary Shopping Areas or the main towns or local centres generally. Policy RT2 of the Core Strategy sets out that Primary Shopping Areas are defined on the Proposals Map in line with a hierarchy, which includes Hexham as a main town centre. Retail and other town centre uses will be permitted within the Primary Shopping Areas. Policy RT3 of the Tynedale Local Plan states that proposals for large scale convenience retailing which cannot be located in, or on the edge of Hexham's Commercial Area, will not be permitted.
- 7.25 Policy RT14 of the Local Plan relates to proposals for food and drink (use class A3) outside of the Commercial Areas and sets out criteria against which such proposals will be considered. This includes the prevailing character of the area; whether there would be adverse effects on the amenity of the area as a result of increased noise and disturbance or smells and odours; and whether the proposal would create unacceptable levels of traffic or generate excessive parking requirements.
- 7.26 With regard to tourism developments, Policy TM7 of the Tynedale Local Plan permits new visitor accommodation within the built-up area of existing towns and villages. Policy TM11 relates to permitting a hotel development on the Bridge End/Fewsters site at Hexham where the developer can demonstrate that the development, and the cumulative effect of any other recent or proposed developments, would not undermine the vitality and viability of the town centre as a whole or that of neighbouring town centres.
- 7.27 The application site is located outside of the Commercial Area identified on the Proposals Map for the Tynedale Local Plan, as well as the Primary Shopping Area identified on the Proposals Map for the Tynedale Local Development Framework. As referred to earlier the application site is considered to be an 'edge of centre' location for the purposes of the relevant planning policy.
- 7.28 Turning to the emerging Northumberland Local Plan, Policy TCS 1 identifies Hexham as one of the Main Town 'Larger Centres'. The policy indicates that growth within defined centres will be supported and encouraged at a scale which helps maintain and reinforce centres' roles with the hierarchy. In addition, proposals which seek to replace significant areas of main town

centre uses with other uses will be resisted where this would undermine the centre's role and position within the hierarchy. The Town Centre and Primary Shopping Area boundaries are established through Policy TCS 2 and shown on the Policies Map. This policy states Main Town Centre Uses should be located within these boundaries, unless there are positive planning reasons to locate them elsewhere that outweigh other policy considerations.

- 7.27 The emerging Local Plan highlights that a background paper (Technical Background Paper – Policy Approach to Northumberland's Twelve Main Town Centres (December 2018)) has been undertaken, which sets out detailed conclusions for each centre for the plan period. In the summary of findings and proposed approach for each centre this highlights that in Hexham there is no urgency for more significant additions to floorspace and no allocations are required. However, it does also state that from a qualitative point of view, there would be benefits if any additional floorspace were within the existing centre.
- 7.28 Policy TCS 3 looks to maintain and enhance the role of centres. In respect of proposals for out of centre main town centre uses, Policy TCS 4 indicates that such proposals will be the subject of proportionate and appropriate sequential testing, and then subject to impact testing where the proposal is above the identified local impact threshold. Beyond the larger town centre defined primary shopping areas, the relevant threshold is 1,000m² of retail floorspace. The policy indicates that where the main town centre use can only be accommodated in an edge or out of centre location, priority should be given to accessible sites well connected to the town centre or (failing that) connected to other existing services.
- 7.29 There is no locally set threshold relating to impact tests within the adopted Local Plan. As such, the national threshold of 2,500m² must apply. The floorspace associated with the application measures above the national threshold, and an impact assessment is therefore required.
- 7.30 Policy HNP23 of the emerging Hexham Neighbourhood Plan states that *"provision of new tourist facilities and improvement of existing tourist facilities and services in the town that will contribute to developing the tourism offer, including encouraging longer stays, will be supported. Provision of overnight accommodation within the green belt inset area of Hexham for visitors will also be supported"*. The supporting text identifies that good sites for future hotels existing within the town. The policy seeks to provide support for the provision of further hotel or other overnight tourism accommodation in the town as well as to support the improved provision of tourist facilities and the creation of new facilities.
- 7.31 The Neighbourhood Plan also highlights problems with parking in Hexham and supports the provision of further car parking facilities in the town. Policy HNP25 state *"proposals to provide car parking areas to alleviate pressure on parking in the town centre will be supported, where they can be safely accommodated and are readily accessible from the road network. Careful consideration will be given to any impact on the setting of heritage assets. Cycle storage facilities, signage and pedestrian access to the town from these parking areas must be available or provided as part of the new development"*.

- 7.32 In support of the proposed public car parking, which would also be used in conjunction with the hotel use, the applicant's statement references the Hexham Parking Study and Action Plan (April 2018), which followed on from the Alnwick, Morpeth and Hexham Town Centre (December 2017) commissioned by the Council. These studies highlight issues with parking capacity within the town and identify the Bunker site as a potential location for additional capacity.
- 7.33 In light of the above local policy guidance and the guidance provided by the NPPF, the key retail policy considerations in relation to this application are the sequential approach to site selection and the impact of the proposal on:
- existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

The applicant has provided a Retail Statement with the application that looks to consider the impacts of the development on the town centre, including consideration of the sequential approach. Officers have also sought specialist advice on this element of the application and the statement, which has been reviewed in the context of the relevant planning policy and guidance.

The Sequential Test

- 7.34 Paragraph 86 of the NPPF sets out the order of preference in applying the sequential approach. The first preference is for main town centre use development to locate in town centres, followed then by edge of centre locations, and only if no other suitable sites are available should out of centre sites be considered. Paragraph 86 indicates that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Additional guidance on the application of the sequential approach is provided by the Government's Ensuring the Vitality of Town Centres Planning Practice Guidance
- 7.35 Alternative sites that have been considered and discounted by the applicant in this case for the purposes of the sequential test include the Beales store, former Listers Garage, former Tourist Information Centre, Wentworth car park, Tesco car park, former bus station site, former Nissan car dealer, land west of Maiden Walk and the Workhouse site.
- 7.36 Following the Council's review of the applicant's submission it is considered that of the nine sites, the only site which is considered to have the potential to accommodate the proposal (in part), is the former bus station site. In this regard, whilst it is noted that the site would not be suitable to accommodate the hotel and foodstore element of the scheme, it was felt that there was potential for the site to accommodate the floorspace applied for as part of the outline element of the hybrid application (units of up to 1,600m²). In this case,

there are two clear elements to the proposal: the hotel, foodstore and town centre car park that are applied for in full, and the flexible commercial floorspace, which is applied for in outline.

- 7.37 The Council has raised the point that in order to demonstrate sufficient flexibility, it is appropriate to consider whether a site is suitable to accommodate the outline floorspace separately to the wider scheme. The Council was of the view that there was the potential for the former bus station site to accommodate the floorspace applied for under the outline element of the scheme, and that it had not been appropriately demonstrated by the applicant that the site can be discounted for the purposes of the sequential test. However, further information has since been provided to satisfy officers that this aspect has been adequately addressed.
- 7.38 Due to uncertainties over the future nature and scale of any potential scheme on the former bus station site, along with the timetable for acquiring and developing the site, it cannot be reasonably concluded that it is both available and suitable to accommodate the proposed development, particularly when taking account of the nature of the proposal at the application site and the size of the units. It is therefore considered that there are no sites which are both available and suitable to accommodate the proposed development and the proposal therefore accords with paragraph 86 of the NPPF.

The Impact Test

- 7.39 Paragraph 89 of the NPPF indicates that proposals for retail and leisure development may be refused planning permission where a significant adverse impact is likely to arise from development. The key consideration is clearly not whether there is an impact as a result of development, but whether that impact could be deemed to be 'significantly adverse'. In assessing the significance of impacts arising from development, it is necessary to consider the advice set out in the NPPG. In this regard, paragraph 018 states that: "*A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact*".
- 7.40 It should also be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a 'significant adverse' impact.
- 7.41 Having assessed the information provided by the applicant against the relevant policy context and planning guidance it is not considered that the impacts identified constitute a 'significant adverse' impact as they would not likely undermine the future health of the town centre. In considering impact it is also of some relevance to consider the matter of linked trips. In this regard, it is considered that any loss of linked trips arising as a consequence of shoppers diverting shopping trips from Hexham town centre would be relatively limited in practice. This is because those shoppers who have a

reason to visit other facilities in Hexham town centre would be less likely to be attracted to the application proposal.

- 7.42 In summary it is considered that the impacts arising from the proposal are acceptable and the proposal conforms to the requirements of Policy RT1 of the Tynedale Core Strategy and paragraphs 89 and 90 of the NPPF.

Summary of Impacts on the Town Centre

- 7.43 With regard to the sequential test, the applicant has undertaken this assessment and it is accepted that there are no sites which are both available and suitable to accommodate the proposed development and therefore the scheme accords with paragraph 86 of the NPPF.
- 7.44 In terms of the impact tests, following a review of the submitted information it is considered that given the nature of the proposal, it will not have a significant adverse impact on town centre investment or the overall vitality and viability of Hexham town centre, or any other defined centre in the catchment. In this regard, the proposal would comply with the impact test as set out at Policy RT1 of the Tynedale Core Strategy and paragraph 89 of the NPPF.
- 7.45 Should Members be minded to grant planning permission for the proposal, it is recommended that conditions are imposed to any approval to restrict the net sales area, types of goods and further sub-division of the retail units.

Design and Impact upon Heritage Assets

- 7.46 The development of the site would result in direct impacts upon designated heritage assets in relation to the proposed access works that would affect the Grade II listed abutments and retaining walls, as well as setting issues in relation to listed buildings within the town and the Hexham Conservation Area. The site forms part of the foreground to important views of the Conservation Area on its approach from the north - from both road and the train station. As highlighted by Historic England, these show the historic town built on top of a glacial terrace overlooking the Tyne valley, the grain of its medieval buildings spreading across the slope, alongside with the imposing presence of the Abbey, the Old Gaol and Moot Hall.
- 7.47 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act also imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.48 Policy GD2 of the Tynedale Local Plan requires development to respect the positive characteristics of the natural and built environment and to confirm to design criteria. This includes that the design should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of the scale, proportions, massing, positioning and appearance of

buildings, use of materials, structures and landscaped and hard surfaced areas. Policy NE37 requires suitable landscaping to be provided within developments and the layout and design to be of a high standard, providing an interesting and attractive visual environment.

- 7.49 With regard to impacts on heritage assets, Policy BE18 of the Tynedale Local Plan states that outside of Conservation Areas, development will be permitted if it would not harm the character, setting or views into or out of the Conservation Area. Policy BE19 states the total or substantial demolition of a Listed building will not be permitted. Policy BE21 relates to proposals for the alteration or extension of a listed building, which will be permitted subject to satisfying criteria. This includes that the essential character of the building is retained and its features of special interest remain intact and unimpaired; and the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the Listed Building.
- 7.50 With regard to the setting of listed buildings, Policy BE22 states that development that would adversely affect the essential character or setting will not be permitted. Development will be permitted where the detailed design is in keeping with the listed building in terms of scale, height, massing and alignment; and the works proposed make use of traditional or sympathetic building materials and techniques which are in keeping with those found on the listed building. Policies BE27, BE28 and BE29 relate to ensuring there is appropriate assessment of archaeological impacts with appropriate preservation in situ or mitigation as required.
- 7.51 Policy BE1 of the Tynedale Core Strategy sets out principles for the built environment. These include to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas; and ensure that development is of a high quality design that will maintain and enhance the distinctive local character of the District's towns, villages and countryside.
- 7.52 These policies are considered to be in largely in accordance with the NPPF, which seeks to achieve well designed places. Paragraph 124 states that *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.
- 7.53 Section 16 of the NPPF sets out the policy framework for conserving and enhancing the historic environment. Paragraph 193 states that *"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"*. Paragraph 194 goes on to state that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from*

development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;”.

- 7.54 In terms of emerging planning policies, Policies QOP 1, QOP 2, QOP 3, QOP 4 and QOP 6 of the Northumberland Local Plan are relevant in relation to achieving high quality design and well designed places in accordance with the NPPF. Policies ENV 1, ENV 7 and ENV 9 are also relevant in respect of development affecting the built and historic environment as well as heritage assets. Policies HNP2, HNP3 and HNP 7 of the emerging Hexham Neighbourhood Plan are also relevant in relation to design and impacts upon the Conservation Area and heritage assets.
- 7.55 The proposed development would introduce a substantial form of development onto this vacant site that will directly impact upon heritage assets, including the Grade II listed abutments and retaining walls and the Hexham Conservation. The development also has the potential to affect the setting of listed buildings further afield (i.e. Grade II listed Hexham Railway Station and related buildings, Grade I listed Abbey and Old Gaol and Grade II* listed Moot Hall) given the location of the site in the foreground of important views to the Conservation Area.
- 7.56 Whilst there are impacts that will be assessed in due course, it is also acknowledged by officers that the proposals provide an opportunity to enhance the appearance of the area through the redevelopment of a vacant site that has a long-standing allocation for employment land and is therefore expected to be developed in some form. It is not possible to fully appraise the impact of the outline element of the scheme at this stage given that layout, scale and appearance of these units are reserved matters. However, consideration has been given to the potential effects of additional development alongside that proposed within the element of the application seeking full planning permission.
- 7.57 During the course of the application amended plans have been submitted with regard to the design and materials for the proposed Travelodge hotel and the Lidl store following discussions with officers. In addition, further information has been provided in relation to one of the main areas of concern with the proposals - the construction of the new access into the site from Alemouth Road, which results in the demolition of a section of the listed wall, the rebuilding of sections of wall into the site and substantial engineering works associated with the widening of Alemouth Road and the roundabout with Station Road, with retaining walls being constructed that also directly impact upon the listed walls.
- 7.58 Alemouth Road is elevated around 4 metres higher than the ground level of the Bunker site and the listed stone abutments and retaining walls form a substantial feature to the eastern boundary of the site with the main road. In order to accommodate the new ramp access into the site, widened carriageway on Alemouth Road and increase in size of the roundabout the widened road is required to be supported for a width up to almost 20 metres

outboard of the existing listed wall. A retaining wall is therefore proposed in front of the existing wall with hardcore stone backfill. There is also a bricked up arch within the existing wall that has provided access below Alemouth Road with the arch on the eastern side of the wall located to the rear of Waitrose. The submitted plans also show that whilst the tunnel and archway would be preserved in situ, the arch would effectively be encased by the proposed backfill and retaining wall and there would not be provision for any future access through this route.

- 7.59 Within its original consultation response on the application Historic England advised that the principle of development was supported as it will upgrade a poorly maintained plot and has the potential to enhance important views of the Conservation Area. Comments were also made in relation to the design of the new buildings with suggestions made in relation to the use of materials. Historic England acknowledge that the opening of a new access and improvements to the roundabout will require substantial alterations to the Grade II listed abutments and retaining walls (removal of parts, building against and obscuring areas) that will result in a considerable degree of harm. The comments state this harm is regrettable but understandable to deliver an appropriate access to the new development, whilst appropriate mitigation and sensitive landscaping will be essential to ensure that the harm to the asset and the visual impact of the access and retaining walls on to the views of the Conservation Area is minimised. Further comments received in response to the most recent reconsultation welcome details of fencing and landscaping to the northern boundary. It is considered that the developed elevation shows a good transition between the grass retaining structure and the concrete wall, with the introduction of the ramp on this side. Some concerns are raised with regard to the central area where there are more limited opportunities for mitigation, which would detract from the enhancements on the previous area, with a cluttered appearance due to the two layers of fencing required, most particularly the 2.40 m paladin fence proposed. Whilst there are safety reasons that require the installation of a barrier here, Historic England would encourage exploring options to mitigate its impact, which can be dealt with by condition in liaison with your in house conservation officers.
- 7.60 The initial comments of the Council's Conservation team in respect of Building Conservation sought further information in relation to the demolition of the wall and works around the access. With regard to the Lidl building it was felt that the design and materials (brick, white metal wall panels and timber cladding) for this unit comprised a standard form of development of this operator that would not be appropriate for this more sensitive location. A more bespoke design and high quality materials should be used given the proximity to the listed buildings and Conservation Area. Building Conservation also advised that the design and materials for the Travelodge were unacceptable, with the original sawn-tooth design drawing attention to the building rather than helping it to blend into the landscape. Additional and amended hard and soft landscaping was also sought across the site. Building Conservation consider that the proposals would cause substantial harm to the setting of the Conservation Area and the listed bridge, with revised plans and further details being required to achieve an acceptable form of development.

- 7.61 Building Conservation also highlighted comments raised by Hexham Civic Society in its objection to the proposals relating to “the proposal sterilises the potential of the access tunnel which passes to the immediate north of the current small access ramp, and which historically gave access from the Waitrose site (formerly market garden) and train station, to the site, This could have supplied safe, off road access between the site, and the Waitrose/leisure centre area. The proposed ramp will entomb this feature”. Building Conservation highlights that potential to use this access should be explored and/or justification for not doing so should be fully detailed.
- 7.62 With regard to archaeological impacts, the Conservation Team has considered potential physical impact on below ground archaeological remains and standing structures, in this case, the Grade II listed wall on the south-eastern side of the site. No further archaeological work is required in connection with the groundworks required for the development. The Conservation Team concludes that whilst it would be preferable to retain the listed wall in its current form, some alteration may be acceptable if it can be clearly demonstrated that the majority of the wall will be preserved *in situ* in a stable and reversible condition within limited impact and alteration from the proposed scheme. Further information was therefore requested in this respect. Following reconsultation further comments have been received advising it is important to ensure that the listed wall and the arched entrance and tunnel through the wall are effectively recorded and preserved in situ under the new access into the site. A number of drawings have been submitted which show that the proposals will preserve the listed structure in situ, however in order to ensure its preservation appropriate planning conditions are required in respect of historic building recording of the listed wall; watching brief on wall reduction works and initial layers of construction in the area of the blocked, arched access in the listed wall to ensure that the arch construction and tunnel to the rear are not affected by the proposed works; and to ensure that if the preservation and stability of the stone arch and tunnel are endangered during construction, an updated scheme of works can be submitted which ensures that this part of the designated heritage asset is preserved in situ.
- 7.63 The applicant has submitted amended plans in relation to the design of the Lidl and Travelodge buildings, as well as additional information in relation to the design and construction of the access ramp and retaining walls. The application now proposes a larger extent of stone wall being constructed down the ramp and into the site. The latter elements relating to works to the listed wall have also been submitted in conjunction with the related application seeking listed building consent (19/01082/LBC). Following more recent discussions the applicant has also provided additional information in relation to barriers that have been requested by Network Rail in order to mitigate potential vehicle incursion onto the railway line.
- 7.64 The Lidl store retains the overall layout, scale and form of development as originally proposed, although with amendments to materials. The elevations have removed larger advertisement panels, which would be assessed separately under an application seeking Advertisement Consent. There is a larger area of timber cladding with glazing around the main entrance to the north-eastern corner of the building and timber to the east elevation. The front

(north) facing elevation incorporates contrasting brickwork detail with recessed panels, which replaces the white metal clad panels as originally proposed, and wraps around to the western elevation. The rear elevation that backs onto Bristol Street Motors and Hexham Tyre and Battery Company would use grey insulated metal panel, which would also be used for a section of the west elevation at the loading bay.

- 7.65 The design of the Travelodge building has been amended through the replacement of the original saw-tooth detail with a simpler parapet; changes from red brick to a buff brick; and amendments to detailing of the elevations and provision of a more vertical emphasis.
- 7.66 Following reconsultation Historic England acknowledges that the replacement of the fencing as initially proposed with a stone parapet along the access ramp into the site would give more continuity to the transition between the listed retaining wall and the access ramp. With regard to changes to the design of the new buildings, Historic England welcome the amendments to the Lidl building and consider this an improvement over the original proposal. Comments are made in relation to the material and design detailing of the Travelodge, and differences with the previous saw-tooth design, which was felt to have some advantages in terms of screening roof top plant. Historic England advise that some of the amendments represent an enhancement over the previous scheme but consider there remain some points that require further consideration and detail to ensure a sympathetic integration, which could be conditioned.
- 7.67 Building Conservation has provided detailed comments on the works affecting the listed wall in conjunction with application 19/01082/LBC seeking listed building consent. Building Conservation accepts the argument for the new stone wall on highway grounds, although comments that the section that reuses the existing stone should not include a concrete inner leaf. It is also considered that the face of the wall that looks inward to the site should also be faced in stone in order to ensure a visually acceptable form of development. Building Conservation has requested further information in terms of large-scale details of the proposed rebuilding of the wall along with a report from a suitably qualified engineer/stonemason regarding the condition of the existing stone and its suitability for reuse.
- 7.68 Building Conservation highlights that the works will result in the significant loss of a substantial part of this important heritage asset causing irreparable damage to its physical fabric and its visual appearance, and hence also to its aesthetic contribution to the setting of the Conservation Area. Furthermore, this section of the wall forms part of a wider system of abutments and retaining walls flanking the roads leading to the Grade II* listed Hexham Bridge to the north-east. It is linear in form and channels views along the road and draws the eye up to the historic skyline of the centre of Hexham and particularly to the Grade I Abbey and Old Gaol and the Grade II* Moot Hall.
- 7.69 In conclusion Building Conservation considers that the proposed loss of this long section of the Grade II listed parapet wall in its current position will cause substantial harm to the physical fabric of this section of the wall and to the overall linear character and appearance of its entire length. In addition the

proposed works will involve fill abutting the western face of the listed wall causing substantial harm to the visual amenity of this section of the wall. The proposed works will also cause substantial harm to the setting of the Conservation Area by virtue of the loss of the linear form flanking the roadway which the parapet wall currently contributes to and the effect which this has on funnelling views up towards the historic core of the Conservation Area. In addition the presence of fill abutting the western face of the listed wall and its replacement by a concrete crib wall will cause substantial harm to the existing setting of the Conservation Area.

7.70 With regard to the amendments to the Lidl building, Building Conservation acknowledge that the design and materials for this unit have been improved upon since the original submission, although further details of the proposed brick would need to be agreed. In addition, Building Conservation consider that the design and materials for the proposed Travelodge have also improved, with final details of materials needing to be further agreed. The removal of the saw-tooth roof design and stepped back timber parapet is welcomed and considered to be more appropriate, along with changes to fenestration. With regard to landscaping additional soft landscaping is recommended whilst different materials and subdued colours should be used to break up the large areas of hard landscaping.

7.71 In conclusion overall, Building Conservation consider that the proposals as amended for the Lidl and Travelodge buildings are a significant improvement upon the design and materials of the scheme as originally submitted, although it is noted that further improvements could be made. However, the main outstanding matter with the scheme is considered to be the realignment of the wall at the higher level and the new embankment and engineering works/retaining walls that will completely block any views of the wall from the west. Building Conservation considers that alternatives to this access should be more thoroughly explored as the impact will cause substantial harm to the Grade II listed wall and to the setting of the Conservation Area and the listed buildings of the Abbey, Old Gaol and Moot Hall.

Assessment of Substantial Harm

7.72 Paragraph 195 of the NPPF clearly sets out that *“where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use”.*

- 7.73 In light of this policy framework, and having regard to the substantial harm that has been identified, the key policy test is therefore whether it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or that all of the above points a) – d) apply, otherwise consent should be refused.
- 7.74 Within the additional information provided by the applicant in response to concerns and queries on the design of the proposed new access arrangements and impacts upon the listed wall reference is made to the potential for alternative options to access the site. This states that access further west off Haugh Lane is considered to be too narrow and compounded by the existing building that restricts the width of the access. This option would also require traffic to travel along Haugh Lane and through Hexham that would increase trips through the town centre. The applicant states it is not possible to provide access through the Tesco store land due to the relationship of the building to boundaries that does not allow any routes through and into the car park. With regard to the adjacent Bristol Street Motors site, the supporting information states that the applicant explored the potential to acquire the site although the site owner was unwilling to sell. It is also stated that this would not have resulted in improvements to the local road network offered by the proposed scheme as it would result in a new access onto the highway rather than improvements to the roundabout. The opportunity to link to the north or east is also restricted by the existing railway line and associated infrastructure that is within the ownership of network rail.
- 7.75 As set out above it is acknowledged that there are difficulties and constraints in terms of accessing the site, which would also likely apply for other alternative forms of development that may be in accordance with the employment land allocation on the site. However, it is a requirement under the NPPF and development plan policies that great weight is given to the conservation of a heritage asset, with assessment required of the benefits arising from a proposal in relation to the harm caused.
- 7.76 The applicant's supporting information also sets out what are suggested as economic, social and environmental benefits as follows:

Economic Benefits

- *significant economic investment of approximately £20 million to deliver the development;*
- *creation of circa 60 new permanent jobs across the site in a variety of roles;*
- *benefits to existing businesses from increased visitors to the area;*
- *introduction of a new hotel will increase tourism and raise the profile of Hexham;*
- *bringing a long-term vacant site back into use to secure economic development;*
- *generation of revenue based on business rates from an otherwise vacated space;*
- *improvements to local road network, increasing capacity of existing roundabout on Alemouth Road, which is currently operating over capacity at 125%; and*

- *estimated figure of £2.16 million visitor spend from users of the Travelodge*

Social Benefits

- *provision of an additional 250 car parking spaces;*
- *enhanced security and safety through natural surveillance and continued use of the site at all times of the day and night;*
- *improved connectivity through the site; and*
- *increased vibrancy and activity in and around the site*

Environmental Benefits

- *reclamation and remediation of the site;*
- *future visitors will have easy access to town centre facilities thus avoiding the need for use of private cars;*
- *provision of ecology mitigation measures; and*
- *improvements to the adjoining road network which will reduce traffic congestion on Alemouth Road.*

- 7.77 In assessing the application, and notwithstanding the assessment of the principle of development set out earlier in relation to this being a departure from the development plan through loss of employment land, officers fully acknowledge that in itself the development of the site would deliver some benefits with opportunities to enhance the character and appearance of the site and the wider area. This could include the adjoining Conservation Area and the setting of important listed buildings at this prominent site on the main approach into Hexham. The development would also be seen in the context of larger, more modern and commercial buildings, such as Tesco, Bristol Street Motors and buildings upon the Haugh Lane Industrial Estate. However, there is an opportunity to provide a better and higher quality design on the site than those developments.
- 7.78 Consideration has been given as to whether or not there are substantial public benefits arising from the proposal that would outweigh the substantial harm that has been identified to heritage assets in order to clearly justify a grant of consent. In weighing these in the balance officers have taken into account matters such as the current and proposed allocation of the site as employment land; the length of time the site has been vacant; its current condition; the need for new retail, hotel and public car park outside of the town centre and impacts on the town centre; as well as the economic, social and environmental benefits that the application has sought to demonstrate.
- 7.79 As set earlier in this report the proposed development would result in the loss of employment land, although this is not felt to justify a refusal of the application in this instance on the basis of the information provided with the application, including in respect of the constraints of developing the site, the length of time it has been vacant without any development, and current market conditions.
- 7.80 With regard to the retail element, as set out in the emerging Northumberland Local Plan there is not considered to be any urgency in Hexham for more

significant additions to floorspace and no land allocations are required, although there would be benefits from a qualitative point of view for some within the existing centre achieved through enhancement of the Conservation Area. Whilst there may be some benefits as a result of the proposed retail element, given the lack of identified need for such provision it is not felt that this would result in substantial public benefits to outweigh the substantial harm.

- 7.81 The proposed hotel would also be located outside of the town centre, although it is acknowledged from the sequential test assessment that there are unlikely to be other sequentially preferable sites available within the town centre that could accommodate the scale and form of development being proposed. Consultation has taken place with the Council's Tourism Development Section on the application who have no objection to the proposals subject to it satisfying all statutory planning conditions and considerations. The response highlights that tourism is rapidly elevating in significance within Northumberland and is confirmed as being a critical part of economic well being and facilitator of goods and services that can be enjoyed by residents as well as visitors. It is also highlighted that to achieve the ambition of sustained growth the County tourism providers and stakeholders are encouraged to adopt strategies that will include encouraging more visits and especially longer ones.
- 7.82 In addition, the comments highlight that the provision of serviced accommodation to facilitate overnight and longer stays is fundamental to the tourism growth ambitions for the county. Whilst it may be a more ideal scenario to see local entrepreneurs satisfying the demand, the Tourism Section are mindful that whatever the source, direct employment and skills development will be created for local people. It is also anticipated that local businesses will have newly created opportunities as suppliers of related goods and services, which is an important part of the tourism development aspirations for Northumberland.
- 7.83 In light of the above it is therefore acknowledged that the proposal would deliver some benefits through the hotel development as a way of contributing to the tourism and visitor economy of Hexham and the wider area. However, it is not considered that such provision would result in substantial public benefits that would justify and outweigh the harm to the heritage assets.
- 7.84 The delivery of new public car parking would meet an identified need within the town, as evidenced within the parking action plan, and therefore it is considered that there would be some benefits to this end as a result of the proposals. The Alnwick, Hexham and Morpeth Parking Study undertaken in 2017 identified a significant issue with car parking capacity in Hexham, both at the current time and going forward to 2031. This is exacerbated by the potential loss of the Corbridge Road car park for development. The study indicated an additional 247 spaces would be needed by 2031. A number of sites including the Bunker site were identified in the parking study for potential additional parking.
- 7.85 The Hexham Parking Action Plan was developed and agreed between the County Council and the Town Council following the Study and included the

need to increase off street parking, and again including a list of possible options including the Bunker. The County Council has been exploring options to increase parking capacity in Hexham for a long period of time both before and since the parking study. All potential available and suitable sites have been explored but options near the centre are very limited due to the historic nature of the town and its development. Those potential sites identified in the car parking study and action plan have all been considered but sites have either been identified by owners for other uses, have not been available for sale or have not been suitable.

- 7.86 The only options that appear to be available for increased public car parking of a suitable scale are the Bunker site as proposed or a large multi-story car park on the Wentworth car park. Previous consideration of a multi-story car park on the Wentworth car park raised concerns about its impact on the visual environment of the town, its affordability and significant disruption to the key town car park for a long period during its construction. From a parking perspective, provision of additional public car parking capacity at the Bunker site is therefore strongly supported by the County Council as the best option to provide the additional car parking the town requires in accordance with the Parking Study. Provision of this additional capacity at this location could also allow traffic accessing the town from the A69 to be able to find available parking more easily and therefore reduce traffic flows around the town for people seeking available parking capacity.
- 7.87 Having regard to the above considerations in relation to the substantial harm that has been identified, on the basis of the benefits associated with the development of the site as a means to deliver the clearly required public car parking, it is felt that on balance, there are substantial public benefits to outweigh the harm in this case, in accordance with the requirements of paragraph 195 of the NPPF. It is officer opinion that whilst there are clear benefits arising from the various elements of the scheme, none of these on their own are felt to be sufficient to deliver substantial public benefits other than the provision of the public car park based upon the identified need for parking in connection with the town centre. However, in combination, the scheme as a whole can also be said to deliver substantial benefits that would outweigh the harm, whilst bringing a vacant site into an acceptable use and sustainable form of development.
- 7.88 In arriving at this balanced judgement that weights up the level of harm against the benefits of the scheme, officers have also had regard to the long-standing allocation of the site for employment land and that is proposed to also be taken forward into the emerging Northumberland Local Plan. As a consequence of this it is felt that there is a certain expectation that the site will be developed, although any form of development would still need to be assessed in terms of its design and impacts on heritage assets and the environment. The allocation would also need to be accessed and it is felt that the only realistic solution to achieve this is a new access from Alemouth Road resulting in impacts upon the listed wall and abutments.
- 7.89 With regard to the above it is acknowledged in comments from Historic England that the principle of development is supported as it will upgrade a poorly maintained plot and has the potential to enhance important views of the

Conservation Area. Historic England acknowledges that the new access and improvements to the roundabout will require substantial alterations to the Grade II listed abutments and retaining walls that will result in a considerable degree of harm to the asset. They go on to state that *“this harm is regrettable but understandable to deliver an appropriate access to the new development. An appropriate mitigation scheme and sensitive landscaping of the area will be essential to ensure the harm to the asset and the visual impact of the new vehicular access and the related retaining walls on to the views of the conservation area is minimised”*.

- 7.90 In terms of the overall layout, scale and design of the overall development on the site it is considered that this would be acceptable and provides an opportunity to enhance a site that has been vacant for a considerable time. The proposals would also be acceptable in the context of immediately adjacent development that is more commercial and industrial in nature, and is felt to be acceptable in terms of longer-range views and impacts. The proposal is therefore considered to be in broad accordance with Policy GD2 of the Local Plan and Policy BE1 of the Core Strategy.
- 7.91 Although harm to the heritage assets has been identified, it is considered that, on balance, there are benefits that would outweigh the harm in this instance as set out earlier within this report. This would include the provision of the public car park, as well as the overall combination of benefits resulting from the redevelopment of this longstanding vacant site with an appropriate design and mix of uses. Any approval would be subject to securing further details of materials to ensure that these are appropriate for the site and surrounding area.

Access, Parking and Highway Safety

- 7.92 New development will need to deliver an appropriate form of development in terms of highway safety and infrastructure having regard to Policies GD4 and GD6 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.93 Comments have been received from the Council's Highways Development Management Team (HDM) in response to consultation on the application. HDM have considered the effects of the development in this location in respect of highway safety taking into account matters of road safety, parking and access.
- 7.94 Previous comments set out issues and concerns raised by NCC's Highways Structures team, in relation to the ownership of the existing masonry wall. The Highway Authority cannot approve amendments to third parties' structures supporting the Highway and any works will require joint permission under agreement of the owner of the wall. The Highway Authority understands discussions have taken place with Network Rail with regard to the consideration of vehicular containment measures to prevent road/rail incursion, and how this will impact on the appearance and layout of the

various retaining structures supporting the Highway and internal access road from Hexham Station railway bridge continuing west along the North side of the proposed access road.

- 7.95 HDM advise that all proposed works to existing and future retaining walls, to be adopted, will require Technical Approval. In addition as the proposed roundabout approaches will straddle existing and proposed constructions, consideration will need to be given to dealing with differential settlement. All parapets will need to be risk assessed to demonstrate the containment provided is suitable and sufficient. In addition measures need to be incorporated into the design to enable future maintenance of any highway structures.
- 7.96 In summary, HDM advise that if the issues in relation to retaining structures and Network Rail's infrastructure, (ie appearance and method of containment to prevent incursion of errant vehicles on to the tracks below, particularly on to the north west of the roundabout) have been resolved, conditions can be recommended. On this basis it is not felt that there are significant or adverse impacts in respect of highway safety, whilst aspects relating to structures will be subject to further approval as required. The proposal is therefore considered to be acceptable having regard to Policies GD2, GD4 and GD7 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF.

Flood Risk and Drainage

- 7.97 The site is located almost wholly within Flood Zones 2 and 3, which is therefore at a higher risk from flooding. The application has been assessed against Tynedale Core Strategy Policy GD5 and the NPPF in relation to ensuring development is directed to areas at a lower risk of flooding and that it would not increase flood risk elsewhere.
- 7.98 The NPPF outlines that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Furthermore, if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- 7.99 With regard to the exception test, paragraph 160 of the NPPF states that *“the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.

- 7.100 The application has been submitted with a Flood Risk Assessment (FRA) and Drainage Impact Assessment as well as a separate Sequential and Exception Test report. Consultation has also taken place with the Environment Agency (EA), Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA) on the submitted information as well as additional information received during the course of the application.
- 7.101 NWL has raised no objection to the development and has recommended a condition is attached to any approval that the development is implemented in accordance with the submitted details on flood risk and drainage.
- 7.102 The EA had originally objected to the proposals on the basis that an acceptable FRA had not been submitted. In particular, the submitted FRA failed to assess the impact of the correct climate change allowances for the development, as well as consider the requirement for flood emergency planning, including flood warning and evacuation of people for a range of flooding events up to and including the extreme event. Following the submission of additional information the EA has since withdrawn the objection subject to a condition being imposed that the development is undertaken in accordance with the submitted flood risk assessment and restriction on raising ground levels in the car parking areas in flood zone 3.
- 7.103 In addition to the EA objection, the LLFA had also objected to the proposals with further information needing to be submitted to address technical matters on flood risk and surface water drainage. Following further detailed discussions the applicant's consultants have submitted further information and have been discussing matters directly with the EA and LLFA.
- 7.104 The LLFA has since withdrawn its objection subject to conditions, and also seeks a commuted sum to be secured through a Section 106 Agreement in respect of flood risk to the car park area. Having regard to the submitted information and assessment against relevant policies and the NPPF, and subject to the identified conditions, the proposal is considered to be acceptable in relation to matters of flood risk and drainage. The applicant has undertaken the required sequential test and exception test exercises. The conclusions of these are considered to be acceptable and demonstrate that there are no other suitable sites to accommodate the development, whilst there are benefits associated with the development on this previously-developed site and mitigation measures can be implemented to ensure the site is safe and does not increase flood risk elsewhere. The proposal would therefore be in accordance with Policy GD5 of the Core Strategy and the NPPF.

Ecology

- 7.105 The Local Plan, Core Strategy and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area, including watercourses and impacts upon trees and hedgerows. Policies

NE27, NE28, NE33, NE34 and NE37 of the Local Plan and Policy NE1 of the Core Strategy are therefore relevant. Section 15 of the NPPF relates specifically to the conservation and enhancement of the natural environment, including impacts on habitats and biodiversity.

- 7.106 The Council's Ecologists highlight that the site is within the Tyne Watersmeet SSSI Impact Risk Zone but also note that Natural England have no objection. The applicant's submitted Ecological Appraisal identifies potential impacts and loss of habitat arising from the development. Whilst the type of brownfield mosaic habitat identified as being lost has biodiversity value it is also unsustainable and prone to succession. The Ecologists welcome the indication of areas of landscape planting to compensate for the loss of this habitat as well as the offer of a contribution to fund habitat creation/management at the Spetchells Local Wildlife Site. The applicant has stated their intention to prepare a Unilateral Undertaking to secure this contribution of £10,000.
- 7.107 Subject to securing this mitigation, and conditions to secure other enhancement and mitigation measures, the Ecologists raise no objection. On this basis the development is considered to be in accordance with the above development plan policies and the NPPF.

Public Health Protection Matters

- 7.108 Given the nature of the site as employment land, its existing condition and former uses, the location adjacent to the railway line, the relationship with other commercial development, as well as the nature of the proposed development, matters raised by the Council's Public Health Protection (PHP) team are particularly important in considering the suitability of the site for the proposed development. Policies CS21, CS22 and CS23 of the Local Plan are relevant to these proposals in relation to potential matters of noise assessment and contaminated land.
- 7.109 The response received from PHP has considered potential impacts upon adjacent uses in relation to construction activities; potential land contamination and ground gases protection; environmental noise; impact of odour on general amenity; and external lighting. These issues form material considerations that could affect future occupiers of the development and neighbouring buildings.
- 7.110 Following assessment of the application and information submitted in respect of these matters PHP have raised no objection to the development subject to conditions to mitigate the impacts of development upon the environment and other users. These conditions include restrictions on days and times of construction activity as well as the submission for approval of a dust management plan and any floodlighting during construction. Conditions are also recommended requiring further information to assess the potential for contaminated land and remediation requirements, as well as measures to prevent the ingress of ground gases.
- 7.111 With regard to noise, consideration has been given to the applicant's noise report and existing noise sources operating in the area, as well as the fact this

is a hybrid application with details unknown for the outline element of the proposed A1 – A4 use class units. PHP recommend that the cumulative noise impact associated with the proposed development (full application and outline application) should be more than 10dB below background at the identified noise-sensitive receptor so as to protect the existing acoustic environment. A condition has been recommended by PHP with regard to ensuring there are limits on external noise levels produced from the development.

- 7.112 PHP has advised that it would normally recommend that the LPA objects to such a development on the grounds of insufficient information with regard to the potential impact of odour. However, in this instance it is considered that the potential impact of odour will have a low impact on general amenity and residential dwellings. A condition is therefore recommended requiring further details of extraction systems prior to installation in order to further assess and mitigate potential impacts from odour.
- 7.113 Finally, PHP also recommend a condition requiring full details of artificial lighting to be submitted for approval before any scheme is brought into use. This would enable further assessment of impacts arising through any lighting across the site in relation to potential for light pollution.
- 7.114 In light of the above and assessment by PHP it is considered that whilst there would be impacts arising from the development of the site in relation to the matters identified, impacts upon amenity and the environment can be mitigated through appropriate conditions. On this basis, whilst further assessment is required in relation to some matters, it is considered that impacts can be adequately mitigated through the use of planning conditions in order to satisfy the development plan and the NPPF.

Other Matters

- 7.115 During the course of the application there have been ongoing discussions between the applicant, Network Rail (NR) and officers in relation to the proposed development and works to the listed walls and abutments. These have involved the extent of ownership of the walls and abutments and whether these were owned by the applicant or NR. In addition, and notwithstanding this separate issue of the extent of ownership and responsibility, there have been ongoing discussions regarding the works to the structures and protection of NR assets, including considering issues arising from potential vehicle incursion onto the railway and necessary technical approvals from NR.
- 7.116 Although the matter of ownership of the structures does not appear to have been resolved at the time of preparing this report, it is not considered that this would prevent the Council from determining the application as notice has been served on NR by the applicant. There are also separate issues of any developer needing to secure technical approvals from NR, which would be done outside of the planning process.
- 7.117 Network Rail have reviewed the submission of further information and have withdrawn a previous holding objection subject to a condition that would

secure further detail of works to the structures and measures to prevent vehicle incursion.

- 7.118 Comments have been raised with regard to the development as proposed preventing the potential use of existing tunnels from the site that could provide pedestrian links to other areas, including the railway station. There is an existing tunnel that has its opening bricked up, which is located on the eastern boundary of the site within the listed abutments and that runs under Alemouth Road. The eastern opening for this is located to the rear of the Waitrose store and features a timber gate opening.
- 7.119 Whilst it may be desirable to retain this tunnel for potential future use it is not considered that this would justify a refusal of the application given the nature of the works required to accommodate the new access road and improved roundabout. The tunnel would also only provide a link through to the rear of the Waitrose store rather than any wider pedestrian connections. The applicant has also submitted a statement that concludes the opening up of the arch will significantly increase flood risk to the adjacent developments and therefore this would place the development at odds with the principles of development in flood zones. Whilst the possibility of this has been raised with the applicant it is not felt that there is a feasible solution at present, and it is not felt that this would justify a reason for refusal of the application.

Equality Duty

- 7.120 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

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

Human Rights Act Implications

- 7.122 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.

- 7.123 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.
- 7.124 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 proposed development results in a departure from the development plan policies having regard to the loss of allocated employment land. However, given the justification that has been presented by the applicant and the fact that the site has been available for a considerable time and not brought forward it is felt that the principle of the development would be acceptable. It is also considered that the proposal is acceptable in terms of the assessment of the impact on the town centre. There are not considered to be any sequentially preferable sites that could accommodate the development whilst it is not considered that the impacts identified constitute a 'significant adverse' impact as they would not likely undermine the future health of the town centre.
- 8.2 With regard to the scale and design of the development and impacts on heritage assets the Conservation Team has identified that there would be substantial harm as a result of the works to the listed walls and abutments in order to create the vehicular access. On the basis that the site has been allocated for development over a considerable time it is felt that there is some expectation that a suitable access is needed in order to deliver any development in this location. There is also an opportunity to enhance the appearance of an existing vacant site within the town. Whilst the harm is regrettable in terms of the loss of a section of the wall and abutments, it is considered that, on balance, this is necessary in order to achieve development of the site. In addition, it is considered that there are public benefits that would outweigh the harm in this instance.
- 8.3 Subject to conditions and appropriate mitigation as necessary the proposal is also considered to be acceptable in respect of other matters such as highway safety, flood risk and drainage, ecology and matters in respect of public protection. The proposal is therefore considered, on balance, to result in an acceptable and sustainable form of development in this location having regard to the development plan and the NPPF.

9. Recommendation

That planning permission is GRANTED subject to the completion of a Section 106 Agreement to secure a financial contribution to ecological mitigation and a commuted sum in respect of flood risk to the car park area and the following conditions:

Conditions

Full Planning Permission

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

3536-FBA-00-XX-DR-A (01) 02 (P3) - Site Masterplan
3536-FBA-00-XX-DR-A (01) 20 (P1) - Site Phasing Plan
3536-FBA-01-XX-DR-A (01) 01 (P2) - Lidl Level 00 Floor Plan
3536-FBA-01-XX-DR-A (01) 02 (P1) - Lidl Roof Plan
3536-FBA-01-XX-DR-A (01) 03 (P2) - Lidl Elevations
3536-FBA-02-XX-DR-A (01) 01 (P2) - Travelodge Floor and Roof Plans
3536-FBA-02-XX-DR-A (01) 02 (P2) - Travelodge Elevations

N761-ONE-ZZ-XX-DR-L-0001-P09 - Landscape General Arrangement 00 Site Overview
N761-ONE-ZZ-XX-DR-L-0003-P06 - Landscape general Arrangement - 02 - Travelodge
N761-ONE-ZZ-XX-DR-L-0100-P08 - Hardworks Site Plan 00 - Site Overview
N761-ONE-ZZ-XX-DR-L-0200-P08 - Planting Plan Overview
N761-ONE-ZZ-XX-DR-L-0600-P03 - Details - Landscape Detail Sections

2018102 05-030 E - Access Road, Retaining Wall, Reinforced Concrete
2018102 05-011 F - Access Road, Retaining Wall, Crib Section
2018102 05-010 D - Access Road, Retaining Wall, Crib Plan and Elevations

2018102-FRA-001 Rev. C - Flood Risk and Drainage Impact Assessment (September 2019)
2018102-OFR-001 Rev. D - Overland Flow Report (September 2019)

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

03. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended and the Town & Country

Planning Use Classes Order 1987, as amended (or any order revoking and re-enacting those Orders with or without modification) the hotel premises the subject of this permission shall not be used other than for purposes falling within Class C1 of the Use Classes Order without the prior grant of planning permission from the Local Planning Authority.

Reason: In the interests of managing the impact of the development upon the Town Centre and use of the site in accordance with Policy RT1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. The proposed foodstore shall only be used for the sale of Class A1 goods and shall not exceed 2,177 sq.m (gross). Of the total gross floorspace, the total sales area shall not exceed 1,415 sq.m, of which 1,130 sq.m can be used for convenience goods and 285 sq.m for comparison goods.

Reason: In the interests of managing the impact of the development upon the Town Centre and use of the site in accordance with Policy RT1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. Notwithstanding any description of the materials in the application, no construction of the development above damp proof course level or works to construct the new retaining wall structures shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the buildings and the retaining wall structures have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, BE18, BE21 and BE22 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

06. Notwithstanding the submitted details, work(s) to create the new site access from Alemouth Road shall not commence until a scheme detailing works to the existing retaining wall(s) (as indicated on submitted plan 3536-FBA-00-XX-DR-A (01) 02 Rev P3) has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The scheme shall include

- (i) construction details of the proposed retaining wall(s) and the treatment of the structure(s) to be encapsulated
- (ii) means of drainage
- (iii) details of future maintenance access provision and
- (iv) details contained within the Asset Protection Agreement entered into by the developer with Network Rail.

Works to the retaining wall(s) as shown on submitted plan 3536-FBA-00-XX-DR-A (01) 02 Rev P3 shall be carried out in accordance with the approved scheme which shall thereafter be retained and maintained for the lifetime of the development.

Reason: To achieve a satisfactory form of development in the interests of the safety and preservation of the structures and in the interests of the character and appearance of the area, in accordance with Policies GD2 and BE21 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

07. Notwithstanding the details submitted with the application, prior to their installation, precise details of the proposed measures to prevent vehicle incursion onto the railway line shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, BE18 and BE22 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

08. Notwithstanding the details shown on the submitted plans, prior to the commencement of development on the individual buildings, full details showing the proposed finished ground floor levels of the hereby approved development and the existing ground levels, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in complete accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, BE18, BE21 and BE22 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

08. Prior to construction of the sub-station, full details of the proposed elevations of the structure, including materials, shall be submitted to the Local Planning Authority for approval. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, BE18 and BE22 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

09. The approved landscaping scheme shall be carried out in accordance with the approved details and in accordance with timescales that shall first be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policies

GD2 and NE37 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

10. Prior to first occupation of the development, a management plan for the provision and subsequent maintenance of the landscaping to the site shall be submitted to the Local Planning Authority for approval. The development shall thereafter be implemented and maintained in complete accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policies GD2 and NE37 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

11. Prior to the commencement of development a scheme to dispose surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in accordance with the Flood Risk and Drainage Impact Assessment Revision C - 2018102-FRA-001 - September 2019 and Overland Flow Report Revision D – 2018102 – OFR-001 – September 2019.

Additional details of the attenuation tanks, pipes, pumps and the rate of pumping with emphasis on increasing the rate after 24 hours where possible shall be submitted to the local planning authority for approval.

The development shall thereafter be implemented in accordance with the approved details prior to the development being brought into first use.

Reason: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

12. Prior to the development being brought into use details of the adoption and maintenance of all surface water drainage features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all surface water drainage features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity. This schedule shall also include details of the pumps, testing regime and required maintenance.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

13. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

14. Prior to the first occupation of each phase of the development as shown on plan reference 3536-FBA-00-XX-DR-A (01) 20 (P1) - Site Phasing Plan, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- as built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- construction details (component drawings, materials, vegetation);
- Health and Safety file;
- details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

15. Prior to first occupation of each building, a flood plan for each unit and component of the proposed development within each phase, as shown on plan reference 3536-FBA-00-XX-DR-A (01) 20 (P1) - Site Phasing Plan, shall be undertaken, submitted to and agreed by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved details.

Reason: To ensure the users of the development are aware of flooding and to have a suitable plan in the event of flooding to protect its users, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

16. Prior to the commencement of development details of how surface water can flow into the site and pass freely into the car park area shall be submitted to and agreed with the Local Planning Authority.

Ground levels pre and post development shall be stated with no ground raising allowed in this area. This area shall be void of any street furniture in perpetuity.

The development shall thereafter be undertaken and implemented in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase off site, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

17. Notwithstanding the details submitted with the application, prior to their installation, full details of all new perimeter fencing/means of enclosure to and within the boundaries of the site shall be submitted to and agreed with the Local Planning Authority. The perimeter fencing shall be designed to allow overland flows to pass freely into the development site. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To achieve a satisfactory form of development in the interests of the visual amenity of the area and to ensure the risk of flooding does not increase off site, in

accordance with Policies GD2, BE18 and BE22 of the Tynedale Local Plan, Policies BE1 and GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

18. Prior to first being brought into use, a health and safety assessment of the car park shall be undertaken, submitted to and approved in writing by the Local Planning Authority. As part of this assessment any precautionary measures such as signage, warning lights etc. shall be fully detailed. All agreed measures shall thereafter be fully implemented and retained in accordance with the approved details.

Reason: To ensure any users of the car park are aware of flood risk and to ensure the safety of users, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

19. The development shall not be brought into use until the car parking areas indicated on the approved plans, including any disabled car parking spaces contained therein, have been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policy GD7 of the Tynedale Local Plan and the National Planning Policy Framework.

20. Development shall not commence until details of the proposed highway works to the Alemouth Road roundabout at the junction of the A6079 and the U8291 have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

21. The development shall not be brought into use until the cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with the National Planning Policy Framework.

22. Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

- details of and results from an initial staff travel to work survey;
- clearly specified ongoing targets for staff travel mode shares;
- a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and
- a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

23. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied.

Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

24. Development shall not commence until a Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of amenity and highway safety, in accordance with Policies GD2 and GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

25. The development shall not be brought into use until the details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework.

26. Prior to the installation of any external lighting in association with the development hereby permitted, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include:

- The specific location of all external lighting units;
- Design of all lighting units;
- Details of beam orientation and lux levels; and

- Any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme for shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, BE18, BE21 and BE22 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

Outline Planning Permission

27. Approval of the details of the layout, scale, appearance of the building(s), access and landscaping of the site relating to the outline element of the scheme, hereinafter called the reserved matters, shall be obtained from the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

28. Applications for the approval of the reserved matters for the individual plots shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

29. The development of the outline plot hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

30. The proposed floorspace submitted in outline shall only be used within Classes A1 to A4 (inclusive). The gross floorspace shall not exceed 1,600 sq.m and shall not be subdivided to any more than two separate units, with the minimum floorspace within any one unit not measuring less than 500 sq.m (gross).

Reason: In the interests of managing the impact of the development upon the Town Centre and use of the site in accordance with Policy RT1 of the Tynedale Core Strategy and the National Planning Policy Framework.

31. Prior to the commencement of development on the outline plot, details of how surface water can flow into the plot from the south-east and pass freely into the car park area to the north-west shall be submitted to and agreed with the Local Planning Authority.

Ground levels pre and post development shall be stated with no ground raising allowed in this area. This area shall be void of any street furniture in perpetuity.

The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase off-site, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

Overall Development (Full and Outline Permission)

32. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk and Drainage Impact Assessment dated September 2019.

The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5604 and ensure that surface water discharges to the surface water sewer at manhole 5612.

The surface water discharge rate shall not exceed the available capacity of 10l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy CS27 of the Tynedale Local Plan, Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

33. The development shall be carried out in accordance with the submitted Flood Risk and Drainage Impact Assessment dated September 2019, and the following mitigation measures it details:

- Finished floor levels shall be set 600mm above existing ground levels; and
- There shall be no ground raising in the car parking areas that lie within flood zone 3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to reduce the risk of flooding from the removal of floodplain, in these areas which are at risk of flooding at 1 in 100 year flood event, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

34. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday - Friday - 0800 - 1800, Saturday 0800-1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

Reason: To safeguard the amenity of neighbouring properties and uses, in accordance with Policy CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

35. No development shall take place until emergency contact telephone numbers in the event of a dust complaint being received and a scheme specifying (Dust Management Plan) the provision to control/mitigate dust emanating from the site, have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full and maintained until the construction process has been completed.

(Guidance on the assessment of dust from demolition and construction can be found at the following: www.iaqm.co.uk).

Reason: To safeguard the amenity of neighbouring properties and uses in accordance with Policy CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

36. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Reason: To retain control over floodlighting in the interests of visual amenity, in accordance with the National Planning Policy Framework.

37. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

A) As identified in the Phase 2: Ground Investigation Report, Dated 9th Jan 2019, Project No: 18-830, A written Method Statement detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

B) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future end users of the land and premises are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future end users in accordance with

Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

38. If during development contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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.

Reason: To ensure that any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the public and end users, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

39. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases for that building, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health and amenity of the occupants of the respective properties, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

40. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 39 for that individual building, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to the health of the future occupiers, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework..

41. The noise rating level from the development shall not exceed the following values at the boundary of the nearest noise sensitive premises, as identified in the Apex Environmental Noise Report ref: 7068.2, when measured using BS4142:2014.

Garden Terrace

07:00 - 23:00 hours LAeqT: 50 dB
23:00 - 07:00 hours LAeqT: 43 dB

Alemouth Road

07:00 - 23:00 hours LAeqT: 61 dB

23:00 - 07:00 hours LAeqT: 38 dB

* T shall be assessed as one hour during daytime (0700 – 2300) and five minutes at night time (2300 – 0700).

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policy CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

42. During commissioning testing and before the scheme is brought into use, or continues in use, the Operator(s) shall employ a competent acoustic consultant to assess the level of noise emissions from the development at the nearest noise sensitive properties.

The assessment shall be undertaken in accordance with the methodology described in BS4142:2014. The Operator(s) shall submit a validation report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the levels stated in condition 41, at the nearest noise sensitive premises, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

* T shall be assessed as one hour during daytime (0700 – 2300) and five minutes at night time (2300 – 0700).

Reason: to protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policy CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

43. Prior to the installation of the extraction system, the system being brought into use or continue in use, the applicant shall provide full details of the odour treatment system to be installed into the development which shall provide a Very High level of odour control, as defined in the he Publication of Control of Odour and Noise from Commercial Kitchen Exhaust Systems , Dated 5 Sept 2018 By EMAQ The details shall be submitted to the Local Planning Authority for its written approval with the approved scheme implemented in full and maintained for the lifetime of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against odour, in accordance with Policy CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

44. Before the scheme is brought into use, the applicant shall submit a report to the Local Planning Authority for its written approval detailing the lighting scheme to be used on site and demonstrating compliance with the pre and post curfew Lux levels contained for Environmental Zone E3, as defined in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light. The approved scheme shall be implemented in full and maintained for the lifetime of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against light, in accordance with Policy GD2 of the Tynedale Local Plan and the National Planning Policy Framework.

45. An ecological enhancement and management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any site clearance and demolition commencing. This report shall incorporate the recommendations of the report 'Ecological Appraisal - The Bunker Site, Hexham (January 2019 - E3 Ecology). The development shall thereafter be undertaken fully in accordance with the approved details.

Reason: To maintain and enhance the biodiversity value of the site in accordance with Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

46. No development shall take place unless in strict accordance with the recommendations of the report Ecological Appraisal - The Bunker Site, Hexham (January 2019 - E3 Ecology) including;

- areas of species-rich hedge will be planted;
- provision of other species-rich habitats including brownfield type wild flower seeding
- associated with the landscape planting and retaining walls;
- external lighting that may reduce bat use of the site margins will be avoided;
- light spillage to areas likely to be used by foraging or commuting bats should be less than 2 Lux;
- gabion type walls will be planted up with a diverse range of flowering species to help
- support invertebrate populations;
- gabion and vertical walls associated with the road junction will include bird nesting and bat roosting opportunities.
- three poles, each supporting three bat boxes, will be provided along the boundary with the railway line to provide alternative roosting opportunities;
- vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests;
- works affecting the stone wall will follow a further bat checking survey and a precautionary method statement;
- any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°;
- the roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012;
- a checking survey for badger shall be carried out within one month of the works
- commencing.

Reason: To maintain and enhance the biodiversity value of the site in accordance with Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

Background Papers: Planning application file(s) 19/00277/FUL and 19/01082/LBC