



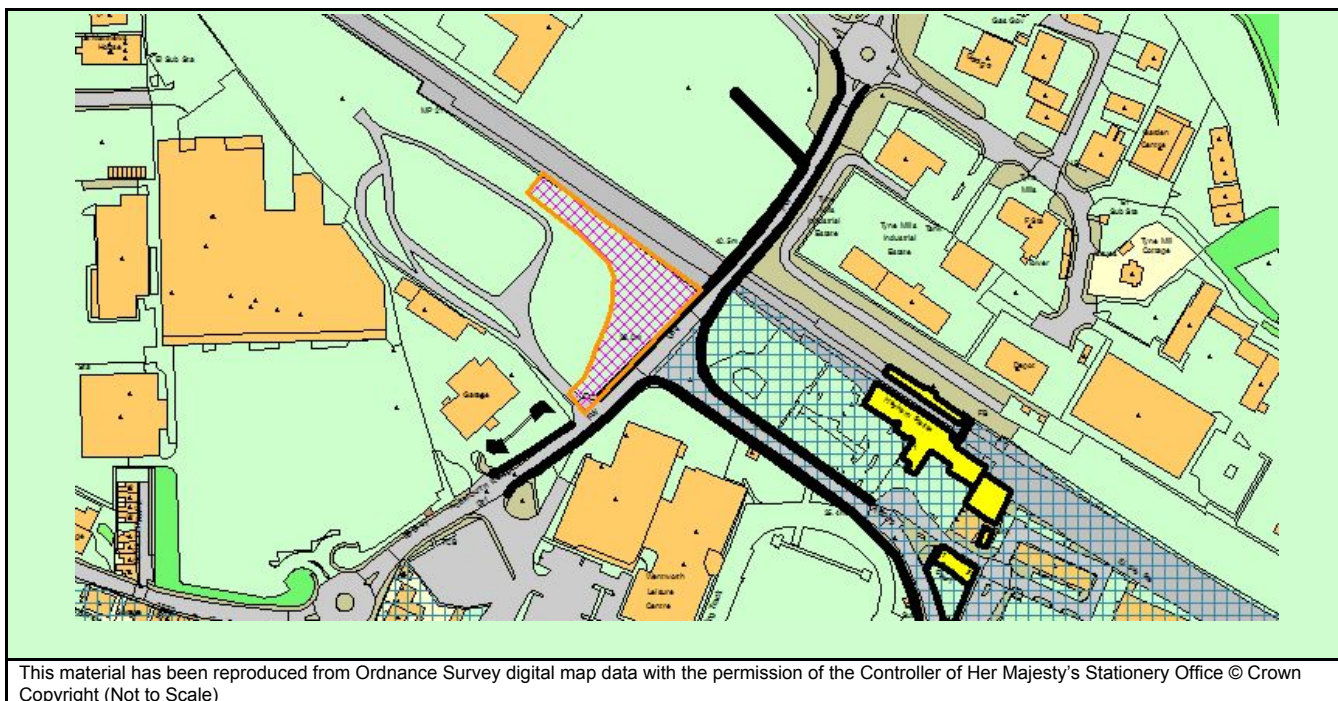
# Northumberland

## County Council

### Strategic Planning Committee 5 November 2019

<b>Application No:</b>	19/01082/LBC		
<b>Proposal:</b>	Listed Building Consent: Works to relocate Listed Wall (as amended)		
<b>Site Address</b>	Land North East Of Tesco, Alemouth Road, Hexham, Northumberland		
<b>Applicant:</b>	Mr Peter Carruthers, Union Property Development (Hexham) Ltd, Cobalt 3.1, Silver Fox Way, Newcastle upon Tyne, NE27 0QJ	<b>Agent:</b>	Mrs Helen Marks, Youngs RPS, Shakespeare House, 18 Shakespeare St, Newcastle Upon Tyne, NE1 6AQ
<b>Ward</b>	Hexham Central With Acomb	<b>Parish</b>	Hexham
<b>Valid Date:</b>	11 April 2019	<b>Expiry Date:</b>	8 November 2019
<b>Case Officer Details:</b>	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED consent



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## **1. Introduction**

- 1.1 This application is brought to the Strategic Planning Committee under the scheme of delegation due to the impact and the nature of the works in this location in conjunction with planning application 19/00277/FUL for wider development of the overall site area that is also presented to this Committee.

## **2. Description of the Proposals**

- 2.1 Listed building consent is sought for works to a Grade II listed wall and abutments, including the relocation of a section, in connection with works to provide access to the site as part of a related planning application submitted under reference 19/00277/FUL. That application has been submitted as a hybrid proposal that seeks full planning permission for a new food store (Use Class A1) (2,177m<sup>2</sup>) with associated customer car parking and servicing, a four storey 69 bed hotel (Use Class C1) (2,540m<sup>2</sup>) 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 1,600m<sup>2</sup> of development in Use Classes A1-A4 in two units with associated car parking.
- 2.2 The larger application site of the hybrid application 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 that are the subject of this application. The site is outside of, but immediately adjacent to, the Hexham Conservation Area
- 2.3 The development of the site 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 wall structures that are being proposed.
- 2.4 Amended plans and additional information have been submitted during the course of this and the related hybrid application in response to issues raised by consultees and in discussions with officers. This includes amendments to the overall 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.

## **3. Planning History**

**Reference Number:** 18/04525/SCREEN

**Description:** Screening request for construction of 69 bed Travelodge Hotel (2,540sqm) with associated car parking, Lidl food store (2,177sqm) with associated car parking, 250 space public car park and development of up to two retail units A1 (non food) to A4 with associated car parking

**Status:** Pending

**Reference Number:** 19/00277/FUL

**Description:** 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 (as amended)

**Status:** Pending

**Reference Number:** T/87/E/305

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

**Status:** Permitted

#### 4. Consultee Responses

Hexham Town Council	The Council notes the Conservation Officer's comments but believes, in the wider interests of developing the site, to not object but note that the wall should be rebuilt sympathetically.
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"><li>1. Archaeological monitoring and recording works including:<ul style="list-style-type: none"><li>• Historic building recording of the listed wall</li><li>• 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</li></ul></li><li>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.</li></ol>

Historic England	No objection to proposal – provides comments in respect of works to listed wall and associated means of enclosure that can be secured by condition.
Building Conservation	<p>Building Conservation consider that the proposed loss of this long section of the grade II listed parapet wall in its current position which flanks one of the main routeways into Hexham will cause substantial harm to the physical fabric of this section of the wall and to the overall linear character and appearance of the entire length of this listed wall. In addition the proposed works will involve fill abutting the western face of the listed wall and hence causing substantial harm to the visual amenity of this section of the wall.</p> <p>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.</p>
National Amenity Societies	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	1
Number of Support	0
Number of General Comments	1

### Notices

Site Notice - Listed Building Consent: 16 April 2019

Press Notice - Hexham Courant: 25 April 2019

### Summary of Responses:

Two representations have been received, including from Hexham Civic Society, which support the principle of bringing the Bunker site back into use, although state that the applications do not preserve the building and its setting. The damage to the wall and sterilisation of the ground level access arches results in substantial harm contrary to the NPPF and Hexham Neighbourhood Plan. It is not clear that the applicant has exhausted other options or design of maintaining the arches.

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=PP522VQSMYY00>

## **6. Planning Policy**

### **6.1 Development Plan Policy**

Tynedale District Local Plan (2000)

GD2 Design criteria for new development

NE37 Landscaping in developments

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

Tynedale Core Strategy (2007)

BE1 Built environment

### **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

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

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

ENV 7 Historic environment and heritage assets

Hexham Neighbourhood Plan - Submission Draft March 2019

HNP2 High quality sustainable design in the Neighbourhood Area

HNP7 Designated heritage assets

## **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 The application seeks listed building consent for works affecting the existing listed walls and therefore the main consideration under this application relates to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires the local authority to have special regard to the desirability of preserving the listed building its setting and any features of special architectural or historic interest which it possesses.
- 7.5 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.
- 7.6 With regard to impacts specifically on heritage assets 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. 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.

- 7.7 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.
- 7.8 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;"*.
- 7.9 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.
- 7.10 The overall proposed development would introduce a substantial form of development onto this vacant site with the proposed access works directly impacting upon heritage assets, including the Grade II listed abutments and retaining walls that are the subject of this application. Whilst there are impacts that are being assessed in a wider sense under application 19/00277/FUL, 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.
- 7.11 During the course of the application the applicant has provided additional information in relation to one of the main areas of concern with the overall

proposals - the construction of the new access into the site from Alemouth Road, which results in the demolition 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.

- 7.12 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.
- 7.13 Within its original consultation response on this application Historic England highlight that the works will require substantial alterations to the listed building and will result in a considerable degree of harm to the heritage asset because of the physical and visual impact to its fabric, altering its original construction and detracting from our ability to understand the relation the viaduct established with the surrounding fields. The comments note the design has considered mitigation measures such as the re-use of the parapet wall in the new walls to be constructed and the protection of the sections of the wall which will be obscured, ensuring a certain degree of reversibility. However, it is stated that such mitigation measures only reduce the harm to its significance by a small degree, as the relationship of the viaduct with the surrounding fields will be lost.
- 7.14 In comments submitted for the related hybrid planning application Historic England had advised that the principle of the overall development was supported as it will upgrade a poorly maintained plot and has the potential to enhance important views of the Conservation Area. Historic England also acknowledged 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.
- 7.15 Historic England highlights that in addition, the formalisation of the site boundary with the rail lines - particularly, the retaining walls proposed to this side - will require careful consideration, as it may be potentially disruptive to



important views of the conservation area. The submitted details show this will be resolved with two walls of different incline and material, terramesh and concrete, and they have concerns that this may have a detrimental visual impact in to the views and appreciation of this part of the conservation area due to the potential lack of consistency between both walls in terms of colour, texture and appearance.

- 7.17 Historic England consider that the level of harm to the significance of the listed building can be considered in line with paragraph 196 of the NPPF, namely that harm needs to be weighed against the public benefits of the proposal. In the case of paragraph 196 of the NPPF this refers to where development will lead to 'less than substantial' harm. They acknowledge that improved access could be considered by the LPA to be an economic public benefit and that there may be other heritage benefits resulting from the enhancement of a former brownfield site within the setting of the conservation area. In making that balanced judgement, Historic England asks the LPA to take into account its advice on heritage impact and to ensure whether sufficient has been done to minimise and integrate impact.
- 7.18 The initial comments of the Council's Conservation team in respect of Building Conservation raised concerns with regard to fencing that would extend into the site, which should be replaced with the use of natural stone to face both sides of the retaining wall (at the current time concrete is shown for the inner face) in order to produce a visually acceptable form of development. Building Conservation highlight 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. Ideally it would be better to preserve the listed wall in its current form, especially at the lower level within the site. The proposal for fill to directly abut this wall will obscure it visually and will directly impact upon its physical fabric, potentially causing issues in terms of its maintenance and its structural integrity for the future. Building Conservation had sought further justification for the requirement to fill directly up to the listed wall and the exploration of alternatives, which should involve the continued exposing of the wall at the lower level. Further detail and a method statement were requested prior to determination of the application as well as details of details of the condition of the existing stone and potential for reuse along with elevations of the proposals.
- 7.19 Building Conservation has 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.
- 7.20 With regard to archaeological impacts affecting the wall, the Conservation Team has raised similar issues to those provided on the related application 19/00277/FUL. These conclude 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.

- 7.21 The applicant has submitted additional information in relation to the design and construction of the access ramp and retaining walls, including a Design Statement and Preliminary Construction Method Statement. The application now proposes a larger extent of stone wall being constructed down the ramp and into the site.
- 7.22 Following reconsultation on the amended plans and additional information 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. It is noted that the submitted design and construction method statement is helpful to understand the choice of materials for the retaining wall and provides a methodology for ensuring the protection of the stone wall that will be covered. However, there is no detail on the proposed northern retaining wall. 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.
- 7.23 Building Conservation has provided further detailed comments on the works affecting the listed wall in conjunction with this application. These accept 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.

- 7.24 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.
- 7.25 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.
- 7.26 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*

- 7.27 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”.*

- 7.28 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.
- 7.29 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.
- 7.30 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.
- 7.31 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.*

- 7.32 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.
- 7.33 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 the heritage asset in order to clearly justify a grant of consent. This is a similar exercise to the weighing of public benefits in respect of the harm identified with the related full planning application. In weighing these in the balance officers have again 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.
- 7.34 The proposed development would result in the loss of employment land, although this is not felt to justify a refusal of the hybrid planning 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.

- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 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.

- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 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.

- 7.44 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”*.
- 7.45 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.
- 7.46 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.
- 7.47 As with the hybrid application, 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.
- 7.48 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.



## Other Matters

### Equality Duty

- 7.49 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

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

### Human Rights Act Implications

- 7.51 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.
- 7.52 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.
- 7.53 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 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 having regard to the NPPF.

## **9. Recommendation**

That this application be GRANTED consent subject to the following:

### Conditions/Reason

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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

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

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

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

03. Notwithstanding any description of the materials in the application, no construction of the relocated walls or any retaining structure shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority. The materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To ensure works are carried out in a manner consistent with the character of the heritage asset in accordance with the provisions of Policies GD2 and BE21 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. Prior to the commencement of any works to the listed walls and abutments, a detailed method statement in relation to the removal of the sections of the wall and the relocation and rebuilding of the wall, shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- method for removal of the required sections of wall
- measures to retain and re-use the existing stone
- measures to incorporate any new stone that may be required
- details of pointing
- measures to repair existing sections of wall to be retained
- method of tying in rebuilt wall with the existing wall

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

Reason: To ensure works are carried out in a manner consistent with the character of the heritage asset in accordance with the provisions of Policies GD2 and BE21 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site Specific Requirements document (dated 22/10/19) and Historic England's 2016 Guidance document 'Understanding Historic Buildings. A Guide to Good Recording Practice'. The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site Specific Requirements and Historic England 'Understanding Historic Buildings' documents have been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site Specific Requirements and Historic England 'Understanding Historic Buildings' documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site Specific Requirements and Historic England 'Understanding Historic Buildings' documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest, in accordance with Policies BE27, BE18 and BE29 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy.

06. In the event that construction endangers the preservation and stability of the stone arch and tunnel in the grade II listed wall (shown on Section A-A of Drawing 05-011 Rev. F), construction works shall cease in this area, and prior to any further works being undertaken to this area, an updated scheme of works shall be submitted to and agreed in writing with the Local Planning Authority to ensure that this part of the designated heritage asset is preserved in situ. The development shall thereafter be undertaken in accordance with the approved details.

Reason: The site is of archaeological interest and to ensure the satisfactory preservation of the listed structures, in accordance with Policies BE27, BE18 and BE29 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy.

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