

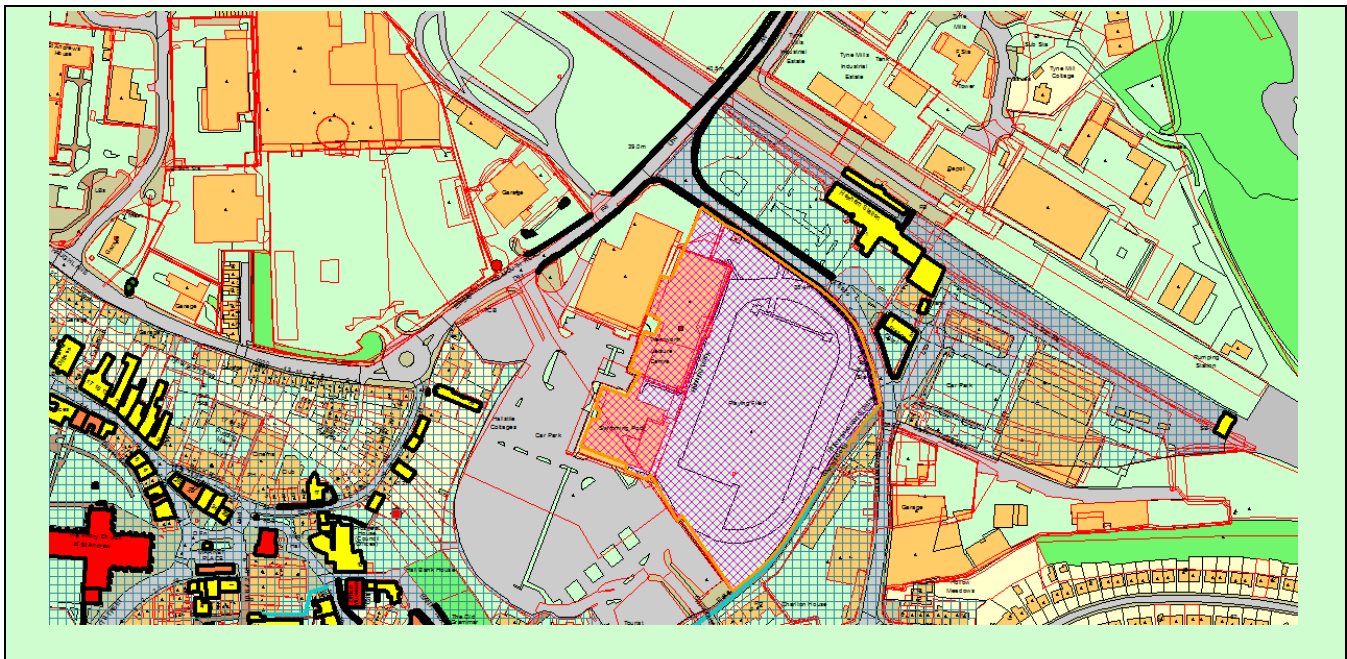


# Northumberland County Council

## Tynedale Local Area Council 11 December 2018

<b>Application No:</b>	18/03733/CCD		
<b>Proposal:</b>	Partial change of use (3 no rooms from Class D2 to Class D1) and Internal conversion works with minor external alterations (introduction of 3no new window openings) .		
<b>Site Address</b>	Wentworth Leisure Centre , Alemouth Road, Hexham, NE46 3PD		
<b>Applicant:</b>	Mr Kevin Newbould County Hall, Morpeth, Northumberland, NE61 2EF	<b>Agent:</b>	Mr Paul Strong 1 Fore Street, Hexham, NE46 1ND,
<b>Ward</b>	Hexham East	<b>Parish</b>	Hexham
<b>Valid Date:</b>	5 November 2018	<b>Expiry Date:</b>	31 December 2018
<b>Case Officer Details:</b>	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

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



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## 1. Introduction

1.1 The application is being brought to the Tynedale Local Area Committee to determine as the applicant is Northumberland County Council.

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

2.1 Planning permission is sought for internal conversion works, the introduction of 3 new windows openings and the change of use of three rooms from Use Class D2 (assembly and leisure) to Use Class D1 (non-residential institutions). The proposal would convert two exercise studios and a storeroom to four classrooms and a reception area all accessed from within the existing building for Northumberland Adult Learning Services. It also includes the conversion of changing rooms to a new exercise area. The new windows which would be inserted on the south-west elevation would be powder blue coated aluminium to match the existing windows.

2.2 Wentworth Leisure Centre is a well established swimming and leisure facility within the centre of Hexham. It is adjacent to the main car parking area within the town. It is located in Flood zone 3.

## **3. Planning History**

**Reference Number:** C/07/00041/DCD

**Description:** Reroofing works to existing leisure centre, formation of new door opening to east elevation, erection of new fence and gate to form secure courtyard, amendments to fence to create new access to athletics track and installation of 1 cabin

**Status:** No objection

**Reference Number:** 11/01905/CCD

**Description:** Installation of solar photo voltaic panels on the building roof.

**Status:** Permitted

**Reference Number:** 11/02629/CCD

**Description:** Resubmission - Installation of solar photo voltaic panels on the leisure centre roof.

**Status:** Permitted

**Reference Number:** 18/02175/FUL

**Description:** The conversion of four existing car parking bays into four electric vehicle parking bays to include two new charging units, two new signs and one new feeder pillar. Bays to be painted green with logos and rubber bump stop.

**Status:** Permitted

**Reference Number:** T/20070474

**Description:** Variation of condition 19 of planning permission 20061025 - Construction of a new swimming pool complex connected by a new link corridor to the existing Wentworth Leisure Centre and incorporating a new 25m six lane pool, studio pool, fun and splash pools,

**Status:** Permitted

**Reference Number:** T/20070187

**Description:** Reroofing works to existing Wentworth Leisure Centre, formation of new door opening to east elevation, erection of new fence and gate to form secure courtyard, amendments to fence to create new accessway to athletics track and installation of 1 no. cabin

**Status:** Permitted

**Reference Number:** T/86/E/448

**Description:** Additional use of sports centre and bowling hall as leisure centre (incorporating Classes XVI and XVII and XVIII of the Town and Country Planning Use Classes Order 1972).

**Status:** Permitted

**Reference Number:** T/84/E/224

**Description:** Proposed sports centre and superstore development.

**Status:** Permitted

**Reference Number:** T/990634

**Description:** Construction of new fitness suite and internal alterations

**Status:** Permitted

#### 4. Consultee Responses

Hexham Town Council	No objection
Building Conservation	No objection. Do not consider that the proposals will cause any harm to the significance of the Hexham Conservation Area.
Lead Local Flood Authority (LLFA)	No objection. Recommend an informative
Countryside/ Rights Of Way	No objection subject to Public Footpath No. 33 being protected throughout.
Strategic Estates	No comment
Environment Agency	No objection

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	12
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Number of Objections	0
Number of Support	0
Number of General Comments	0

## Notices

Site notice: expires 6 December 2018

Press notice: expires 29 November 2018

## Summary of Responses:

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=PGUHXQSJRR00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Tynedale LDF Core Strategy (Adopted October 2007)

GD1 General development principles

BE1 Principles for the built environment

CS1 Community services and facilities

Tynedale District Local Plan (April 2000)

GD2 Design criteria for development

GD4 Range of transport provision for all development

GD7 Car parking standards within the built up areas of Hexham, Haltwhistle, Prudhoe and Corbridge

LR19 Safeguard existing and promotion of new public rights of way

TP27 Protection and enhancement of Public Rights of Way

### 6.2 National Planning Policy

National Planning Policy Framework (2018)

National Planning Practice Guidance (as updated 2018)

### 6.3 Emerging Planning Policy

Northumberland Local Plan – Draft Plan for Regulation 18 Consultation (July 2018)

## **7. Appraisal**

7.1 The main issues in the determination of this application are:

Principle of development

Design and impact on residential amenity  
Impact on Public Right of Way  
Flood risk  
Parking

#### Principle of development

7.2 The site is located in the town of Hexham where Core Strategy Policy GD1 states that the towns, such as Hexham are the main focus for development. Core Strategy Policy CS1 sets out the principles of retaining existing services and seeking to develop new ones where needed. The creation of classrooms within the building would extend the use of the building to a D1 use, which would satisfy the current needs of the leisure centre and its users. The use of the building for some D1 rooms would still allow the retention of the primary function as a leisure but would provide alternative services, in line with the NPPF.

#### Design and impact on residential amenity

7.3 The majority of the works are internal apart from the introduction of three new windows on the south-west elevation of the existing single storey block that currently contains the exercise studios. These windows would match the existing windows on the building and would be appropriate to the character of the site and accord with Core Strategy Policy BE1 and Local Plan Policy GD2. The creation of the new facilities in the building are not considered to affect the amenity of any neighbouring buildings and users and would accord with Local Plan Policy GD2 and the NPPF in this respect.

#### Impact on Public Right of Way

7.4 Hexham Town Public Footpath No. 33 passes adjacent to the south-east of the site. The Rights of Way team who have been consulted on the application have no objection to the proposal subject to the footpath being protected throughout. The application would accord with Local Plan Policies LR19 and TP27.

#### Flood risk

7.5 The site is in Flood zone 3. Both the Environment Agency and the Lead Local Flood Authority have been consulted on the application and have no objection to the application, which does not include any extension of existing building. The Lead Local Flood Authority has recommended, because the site is within a high surface water flood risk, that consideration is given to improving the resilience of the building and recommends an informative to be attached to any grant of planning permission. It is considered that the application would accord with Core Strategy Policy GD5 and the NPPF.

#### Parking

7.6 The development would not impact on any of the adjoining car parking area which users of the building would continue to use. In terms of parking it would accord with Local Plan Policies GD4 and GD7.

## Other Matters

### *Equality Duty*

7.7 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*

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

### *Human Rights Act Implications*

7.9 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.

7.10 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.

7.11 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The application has been assessed against the relevant development plan policies and the NPPF. The change of use of part of the building to a D1 use and the external alterations to the building are considered to be acceptable.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

2 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:

#### Location Plan

Drawing no: 11579 L(2)-01A Proposed classroom plans

Drawing no: 11579 L(2)-02B Proposed exercise room plans

Drawing no: 11579 L(0)-04 Floor plan

Drawing no: 11579 L(2)-11A Proposed elevations

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

3 The windows shall match the existing in terms of material and colour.

Reason: To ensure works are carried out in a manner consistent with the character of the building and the area in accordance with Core Strategy Policy BE1 and Local Plan Policy GD2.

### *Informatives*

No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

**Background Papers:** Planning application file(s) 18/03733/CCD