



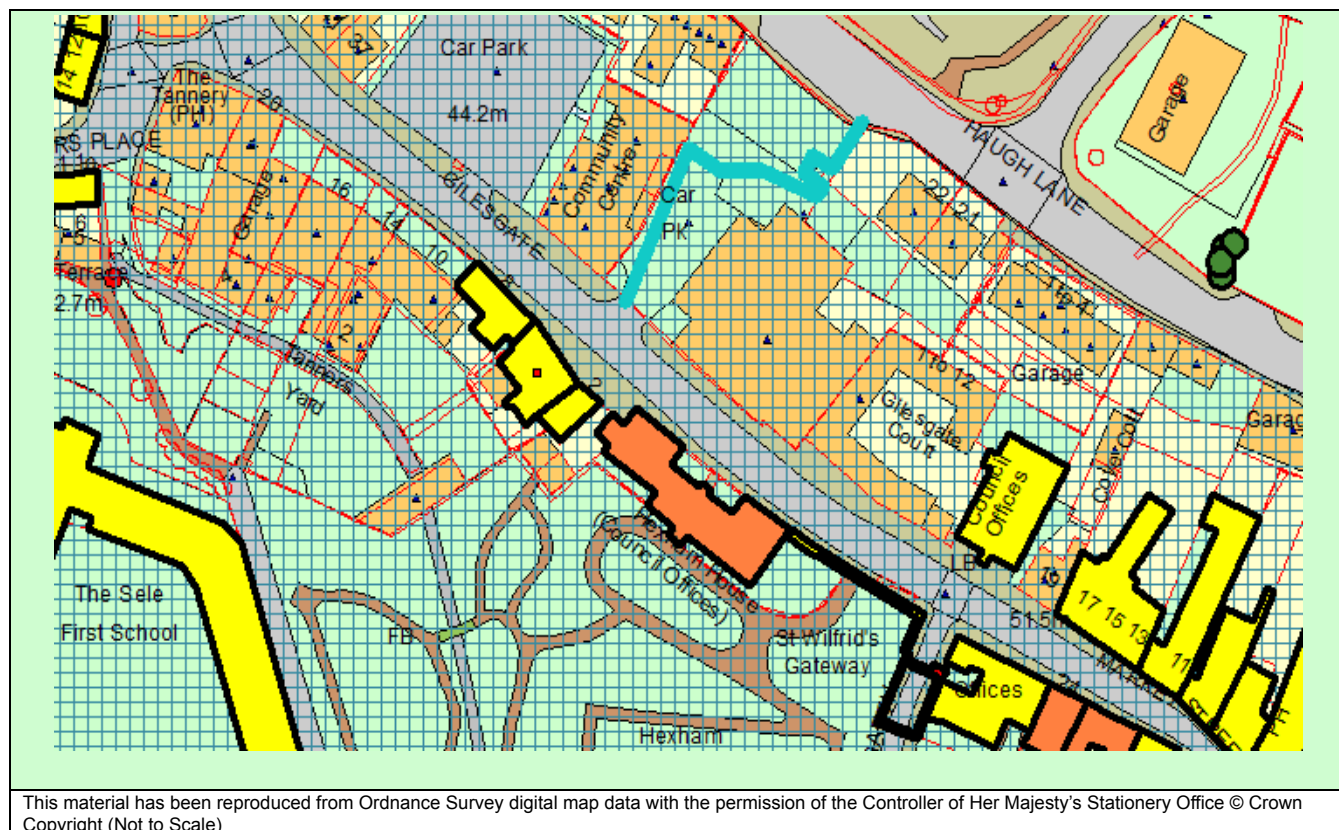
# Northumberland

## County Council

### Local Area Committee – Tynedale: 9 July 2019

<b>Application No:</b>	19/00764/LBC		
<b>Proposal:</b>	Listed building consent to create an opening in wall and a temporary opening to be made to facilitate building work under applications 18/00090/FUL and 18/00091/LBC		
<b>Site Address</b>	Bouchon Bistro, 4 - 6 Gilesgate, Hexham, Northumberland NE46 3NJ		
<b>Applicant:</b>	Mr Greg Bureau Bouchon Bistro, 4 - 6 Gilesgate, Hexham, Northumberland NE46 3NJ	<b>Agent:</b>	Mr Ollie Currie 1 St Wilfred's Road , Corbridge, Northumberland, NE45 5DE
<b>Ward</b>	Hexham Central With Acomb	<b>Parish</b>	Hexham
<b>Valid Date:</b>	11 March 2019	<b>Expiry Date:</b>	6 May 2019
<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



## 1. Introduction

1.1 The application relates to the construction of openings through a wall which is in the ownership of Northumberland County Council. Consequently the scheme of delegation requires that the application is determined by the Local Area Committee.

## 2. Description of the Proposals

2.1 Listed building consent is required for the creation of two openings within a wall between 4-6 Gilesgate, and the car parking area and bicycle storage area for Hexham House. The openings, one of which would be on a permanent basis, and the other for a temporary use during the course of building operations, is to facilitate an extension and refurbishment at Bouchon Bistro which has previously been given planning permission ref: 18/00090/FUL and listed building consent ref: 18/00091/LBC.

2.2 4-6 Gilesgate is a three storey building constructed of rubble sandstone and dates to the late 18<sup>th</sup> century. It has been extended to the rear including a flat roofed, modern extension. The building is listed grade II and is within the centre of the town and the Hexham Conservation Area. The brick and stone wall which lies to the south-west of 4-6 Gilesgate, is listed as it is attached to, and is within the curtilage of the grade II\* listed Hexham House, which is owned by Northumberland County Council. The wall is some 900mm in depth and is some 4 metres in height.

2.3 Submitted with the application were the following :

- Design and Access Statement
- Heritage Statement
- Addendum to Heritage/Design and Access Statement
- Structural appraisal (RWO Associates Ltd 18 June 2019)

## 3. Planning History

**Reference Number:** 18/00090/FUL

**Description:** Application for the partial demolition of rear and construction of single and two storey extensions and alterations to the rear of the existing building to make new and improved kitchen facilities, additional dining space and dining terrace, and the creation of office space at upper floor.

**Status:** Permitted

**Reference Number:** 18/00091/LBC

**Description:** Listed Building Consent application for the partial demolition of rear and construction of single and two storey extensions and alterations to the rear of the existing building to make new and improved kitchen facilities, additional dining space and dining terrace, and the creation of office space at upper floor.

**Status:** Permitted

**Reference Number:** 19/00722/DISCON

**Description:** Discharge of conditions 3 (Materials), 5 (Extract/odour treatment), and 6 (Construction Method Statement) relating to approved planning application 18/00090/FUL.

**Status:** Pending consideration

**Reference Number:** 19/007643/LBC

**Description:** Listed building consent for 1no. conservation roof light to rear elevation

**Status:** Permitted

**Reference Number:** T/20090983

**Description:** Listed building consent to affix one steel wall mounted bracket to front elevation

**Status:** Permitted

**Reference Number:** T/20060145

**Description:** Change of use of ground floor of restaurant to wine bar

**Status:** Permitted

**Reference Number:** T/89/E/LB/212

**Description:** Alterations and demolition of workshop forming part of offices.

**Status:** Permitted

**Reference Number:** T/20041233

**Description:** Amendment to 20040570 - Internal and external amendments to approved scheme allowing change of use to restaurant

**Status:** Permitted

**Reference Number:** T/83/E/349

**Description:** Change of use from existing office/showroom to office.

**Status:** Permitted

**Reference Number:** T/20040571

**Description:** Listed Building Consent - internal and external alterations to form new restaurant (as amended)

**Status:** Permitted

**Reference Number:** T/20040570

**Description:** Change of use from mixed residential/commercial to restaurant and associated internal and external alterations (as amended)

**Status:** Permitted

**Reference Number:** T/20020752

**Description:** Listed Building Consent: Installation of three fire doors at

**Status:** Permitted

**Reference Number:** T/990644

**Description:** Change of use of ground floor to residential plus Internal alterations and external alterations to include dormer and external rear staircase (as amended by letter dated 3/9/99 received from F. Scott)

**Status:** Permitted

**Reference Number:** T/990643

**Description:** Listed building consent: Internal alterations and external alterations, dormer and external rear staircase

**Status:** Permitted

**Reference Number:** T/990238

**Description:** Change of use of first and second floors to residential use

**Status:** Permitted

**Reference Number:** T/20020596

**Description:** Change of use of first and second floors from residential to retail and internal alterations at

**Status:** Permitted

**Reference Number:** T/20000045

**Description:** Change of use from offices to retail of part ground floor at

**Status:** Permitted

## **4. Planning Policy**

### 4.1 Development Plan Policy

Tynedale Local Development Core Strategy (2007)  
BE1 Principles for the environment

Tynedale District Local Plan (Adopted April 2000)  
GD2 Design criteria  
BE21 Alterations to listed buildings

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019)  
ENV 7 Historic environment and heritage assets

### 4.2 National Planning Policy

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

## **4. Consultee Responses**

Building Conservation	No objection subject to conditions.
Strategic Estates	Strategic Estates are aware of this application and are in correspondence with the applicant.
Hexham Town Council	No objection.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site notice: expired 11 April 2019

Press notice: expired 11 April 2019

### 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=PNUCE6QS0J400>

## 7. Appraisal

7.1 The Draft Northumberland Local Plan has been published. In line with paragraph 48 of the NPPF, the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF. At this stage some weight can be given to the emerging Local Plan policies.

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

7.3 The proposal is to open up previously blocked doorways with lintels within the brick and stone wall. The bricks and stone would be removed and carefully stored,

and the temporary access would be infilled at the end of building work with the reclaimed bricks and a lime mortar.

7.4 A Structural Appraisal (RWO Associates Ltd) was submitted following a request from the Local Planning Authority which involved a visual examination of the wall and considered that there were no major structural concerns with the wall and that the proposed openings would be structurally adequate subject to some recommendations.

7.5 The Conservation Officer has assessed the proposal and the structural appraisal and has stated that the proposed permanent access is a single brick skin and no objections are raised to the reopening of this access subject to the height and width being exactly that of the formerly infilled opening. The Officer has recommended that details of the means of support shall be submitted, as well as suitable recording, a sample panel and details of the proposed mortar mix. The Officer has stated that the structural report recommends the installation of a new stone lintel above the proposed permanent opening to ensure that the full width of the wall is supported prior to any demolition works, which should be conditioned, as should the temporary lintel and details of the retention of stonework, the infill of existing holes in the wall and details of any foundations or support required for the proposed steps.

7.6 It is considered that the creation of the two openings, subject to the considerations outlined above and relevant conditions, would not harm the listed wall. The application would use traditional materials which would retain the character of the wall in accordance with Core Strategy Policy BE1, Local Plan Policies GD2 and BE21, Draft Local Plan Policy ENV 7 and the NPPF.

#### 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 It is considered that, subject to relevant conditions, the application would use traditional materials and not harm the listed wall in accordance with Core Strategy Policy BE1, Local Plan Policies GD2 and BE21, Draft Local Plan Policy ENV 7 and the NPPF.

## **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 18 of the Planning (Listed Buildings and Conservation Areas) 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: 1112 L(7) 01 Wall alterations and details proposed

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

3 Detailed recording of both sides of the wall, including photographic recording, following the clearance of undergrowth and climbers, shall be undertaken and submitted to the Local Planning Authority within two months of the commencement of works.

Reason: To ensure the proper recording of a listed structure in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

4 Details and a sample of the new stone lintel for the permanent and temporary openings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of their insertion. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the works are appropriate and consistent with the character of the building in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

5 All existing stone and bricks shall be retained for the future blocking up of the temporary doorway. Details of the construction method for this blocking, including a sample panel with details of the proposed mortar mix shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the infilling. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the works are appropriate and consistent with the character of the building in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

6 Existing holes within the wall which have historically been left open shall be infilled with brickwork and/or mortar, and details of this shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the infilling. Thereafter the development shall not be completed other than in accordance with the approved details.

Reason: To ensure that the works are appropriate and consistent with the character of the building in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

7 Following the removal of the infill panels photographic evidence of the resultant openings shall be submitted to the Local Planning Authority including details of how the exposed areas of brick and stone are going to be treated. This shall be approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the works are appropriate and consistent with the character of the building in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

8 Details of the means of support for the wall whilst the works are being undertaken shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.



Reason: To ensure that the works are appropriate and consistent with the character of the building in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

9 Details of any foundations or means of support required to support the proposed steps shall be submitted to and approved and approved in writing by the Local Planning Authority prior to the commencement of any installation.

Reason: To ensure that the works are appropriate and consistent with the character of the building in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

10. The Local Planning Authority shall be informed in writing when the work to open the doorways commences and the temporary doorway shall be infilled and completed to the agreed specification within 6 months of the start of this work.

Reason: To ensure that the works are appropriate and are completed within an agreed timescale in accordance with Core Strategy Policy BE1 and Local Plan Policy BE21.

**Date of report:** 26.06.2019

**Background Papers:** Planning application file(s) 19/00764/LBC