



Northumberland

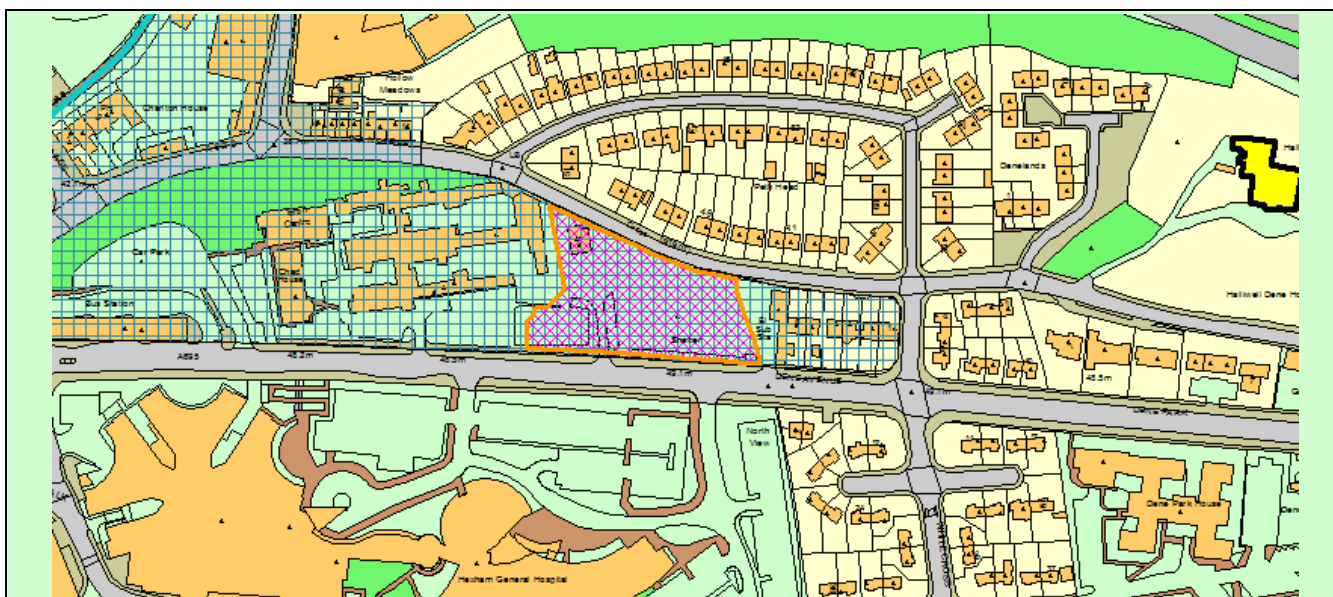
County Council

Tynedale Local Area Council Planning Committee

10 December 2019

Application No:	19/01296/FUL		
Proposal:	Erection of 43no. Retirement Living Housing (category II type accommodation), communal facilities, landscaping and car parking, following demolition of existing building (as amended)		
Site Address	Car Park East Of Fairnington Centre, Corbridge Road, Hexham, Northumberland, NE46 1QJ		
Applicant:	McCarthy And Stone Retirement Lifestyles Ltd C/o Mr William Bird, Aspen House (Northminster B.Park), Wykeham Road, Upper Poppleton, York, YO26 6EW	Agent:	Mr Andrew Mangham, The Planning Bureau, Aspen House, Northminster Business Park, Upper Poppleton, York YO26 6EW
Ward	Hexham East	Parish	Hexham
Valid Date:	13 May 2019	Expiry Date:	20 December 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 this application be GRANTED permission subject to completion of a Section 106 Agreement to secure a financial contribution of £290,250 to Affordable Housing and £17,400 to healthcare provision



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1. Introduction

- 1.1 This application is brought to the Planning Committee given the strategic nature of the proposals and the application site and objections received from the Town Council and other parties.

2. Description of the Proposals

- 2.1 Full planning permission is sought for the construction of 43no. new retirement living housing apartments (category II type accommodation) with communal facilities and associated works, including the demolition of the existing Fever Building associated with the Hexham Workhouse buildings to the west.
- 2.2 The application site extends to 0.45 hectare in area, is located to the east of the centre of Hexham and is currently used as a private pay and display car park. The site is adjoined to the south by mature trees and the A695 highway (Corbridge Road) from where vehicular access is currently taken, with the large modern buildings and car park of Hexham General Hospital located to the south side of this road. To the north of the site are residential properties at Peth Head and the boundary of the site is formed by a stone wall. To the east of the site is the Hadrian Veterinary Practice with residential properties on Dene Avenue beyond.
- 2.3 The site is located within and towards the eastern edge of the Hexham Conservation Area. None of the buildings on the site or immediately adjacent, including the Hexham Workhouse buildings are listed. The nearest listed buildings are the Grade II listed Halliwell Dene around 225 metres to the east and the Grade II 1 – 4 Orchard Place and Grade II* listed Orchard House around 235 metres to the west of the site.
- 2.4 The application was originally submitted seeking permission for a four-storey building on the site that would provide 53 units comprising 30 x one-bedroom units and 23 two-bedroom units. During the course of the application, and in response to comments and objections raised during the consultation process, the scale of the building has been reduced to three-storeys. The scheme as now proposed therefore seeks permission for 43 apartments that would comprise of 24 x one-bedroom units and 19 x two-bedroom units. Car parking would be located to the west of the building with a communal garden area to the rear (north) and a landscaped area between the site frontage and Corbridge Road.
- 2.4 In addition to a reduction to the overall scale and massing of the proposed flat roof building and changes to some design elements, the applicant has also amended the proposed materials. The most recent elevations propose a buff coloured artstone to the ground floor level with an artstone band course with brickwork to the two upper floors and further artstone band course and coping detail. Recessed sections to the front facing south elevation would use a rendered finish to provide a contrast. The windows are proposed to use a heritage glass-fibre off-white colour frame. A new sub-station is proposed to the north-western corner of the site.

3. Planning History

Reference Number: 18/00278/COU

Description: Retrospective - Change of use from private car park to public pay-per-use car park

Status: Permitted

Reference Number: T/20110141

Description: Advertisement consent for one non illuminated car park sign

Status: Permitted

Reference Number: T/20101011

Description: Retrospective: Change of use from private car park to public pay-per-use car park

Status: Permitted

Reference Number: T/20080945

Description: Conservation Area Consent: Demolition of several single storey buildings including free-standing brick walls surrounding compounds

Status: Permitted

Reference Number: T/79/E/42

Description: Erection of incinerator.

Status: Permitted

Reference Number: T/980896

Description: Outline application for hospital redevelopment and housing

Status: Permitted

Reference Number: 14/02912/FUL

Description: Proposed external works on existing mental health outpatient department.

Status: Permitted

Reference Number: T/20110141

Description: Advertisement consent for one non illuminated car park sign

Status: Permitted

Reference Number: T/20101011

Description: Retrospective: Change of use from private car park to public pay-per-use car park

Status: Permitted

Reference Number: T/20080945

Description: Conservation Area Consent: Demolition of several single storey buildings including free-standing brick walls surrounding compounds

Status: Permitted

Reference Number: T/980896

Description: Outline application for hospital redevelopment and housing

Status: Permitted

Reference Number: T/20080945

Description: Conservation Area Consent: Demolition of several single storey buildings including free-standing brick walls surrounding compounds

Status: Permitted

Reference Number: 16/02273/TREECA

Description: Trees in a Conservation Area: Proposed works: Crown thinning by 30% as part of maintenance works due to overgrowing and excessive shading to T1 - Lime, T2 - Leyland cypress, T3 - Leyland cypress, T4 - Leyland cypress, T5 - Leyland cypress, T6 - Leyland cypress, T7 - Leyland cypress, T8 - Beech and Hedge 1

Status: Permitted

Reference Number: 19/01380/FUL

Description: Demolition, refurbishment and extension of Old Hexham Workhouse buildings into 34 No. Flats

Status: Pending

Reference Number: T/20110141

Description: Advertisement consent for one non illuminated car park sign

Status: Permitted

Reference Number: T/20101011

Description: Retrospective: Change of use from private car park to public pay-per-use car park

Status: Permitted

Reference Number: T/20080945

Description: Conservation Area Consent: Demolition of several single storey buildings including free-standing brick walls surrounding compounds

Status: Permitted

Reference Number: T/980896

Description: Outline application for hospital redevelopment and housing

Status: Permitted

4. Consultee Responses

Hexham Town Council	<p><u>June 2019</u></p> <p>The Council welcomes the principle of this site being developed for retirement homes and the contribution this would make to the town but has serious concerns regarding the privacy and impact on Peth Head residents, as demonstrated by their petition received by the County Council on 29th May. Their concerns must be addressed. Also, the design should be compatible with the Old Workhouse application (19/01380/FUL). The Council also has concerns regarding no references to sustainability, affordable housing, access from Corbridge Road and into the McCardle site, and consider a way to reduce the impact of the frontage should be made and the wall at the back should not be raised.</p>
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	<p><u>October 2019</u></p> <p>The Council continues to welcome the principle of this site being developed for retirement homes but notes its serious concerns submitted regarding the original application have not been addressed by the amended plans, apart from the removal of a fourth storey. The following concerns therefore remain: the privacy and impact on Peth Head residents, as demonstrated by their petition received by the County Council on 29 th May; the design should be compatible with the Old Workhouse application (19/01380/FUL); there are no references to sustainability, affordable housing, access from Corbridge Road and into the McCardle site; and that a way to reduce the impact of the frontage should be made and the wall at the back should not be raised. It is also now noted that there are concerns regarding the proposed materials including the colours of the PVC and brickwork. The Hexham Neighbourhood Plan requires “high quality design” and, if this development goes ahead as currently planned, the Town Council objects to it.</p>
Historic England	No comments.
Highways	No objection subject to conditions.
Building Conservation	<p>The amended plans illustrate the omission of the fourth storey of the proposed building. This is to be welcomed and the scale of the building has been reduced. However the bulk, massing, design and materials of the proposed building are still of very poor quality. The flat roofed nature of the building is totally out of keeping with the character and appearance of the Hexham Conservation Area which is characterised by “ with a rich variety of built form predominantly of stone with steeply pitched rooflines”.</p> <p>In addition the building consists of a monolithic block of approximately 55 meters in length to its front elevation with only three very small indents to break up the monotony of this facade. The ground floor is to be of render, scored to look like stone. This will result in a very poor pastiche of the technique which was used in Georgian architecture, where the render would have been high quality stucco lime render and the scoring was done in a very specialized and exacting manner. The other two storeys are to be all of buff brick and whilst there are a number of balconies and cast stone plinths to add interest, these facades are considered to be very flat and bland and do not reflect any local distinctiveness or character. The windows are to be upvc modern top opening lights, in contrast to the elegant timber sliding sash windows of the adjacent workhouse</p>

The following pre-application advice was given on 7/8/2018 (ref: 18/00499/preapp) *"The proposed elevations should be subservient in scale and massing to the adjacent existing workhouse buildings so as not to over dominate this important heritage asset. Their design should be such that it respects the architectural character and appearance of these buildings and of the historic market town of Hexham. The design should be high quality and the materials should be complementary to the stonework of the Workhouse buildings. The scheme should reflect the rural and market town nature of its surroundings and whilst good modern design is acceptable it should not be urban in its approach."*

This pre application advice has been completely ignored and hence Building Conservation consider that the current flat roofed 3 storey proposal, by virtue of its height, bulk, massing and design, is not subservient to the adjacent existing workhouse buildings and as such it over dominates this important heritage asset. It is considered that the poor design and the proposed brick and render elevations, with modern upvc windows, do not complement the design and stonework of the Workhouse buildings with its painted timber sliding sash windows. It is also considered that the proposal is very urban in character and does not reflect the nature of its surroundings.

As such Building Conservation cannot support this proposal, which is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it neither preserves nor enhances the character or appearance of the Hexham Conservation Area and it is also considered to cause substantial harm to the significance of this Conservation Area.

It is also considered to be contrary to the advice given in paragraphs 193 & 197 of the NPPF and to the advice given in Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets 2015 in so far as it causes harm to the setting of the historic Workhouse.

The site is located in a prominent position facing onto Corbridge Road, which is one of the main approaches to the town centre and hence would be highly visible to visitors to this historic market town, presenting a very negative setting to this important asset.

Building Conservation advise that the proposed development is of poor design and fails to take the opportunities available for improving the character and quality of an area and hence it is also contrary to the advice given in paragraphs 124 & 130 of the NPPF.

	<p>Building Conservation cannot support the demolition of the easternmost of the Workhouse buildings to facilitate this unacceptable scheme.</p> <p>A better designed scheme, using a varied palette of higher quality materials and incorporating a pitched roof and gabled projections, taking into account the advice given at pre-application stage, would be welcomed. Dormer windows could be incorporated into this pitched roof to facilitate further accommodation. In addition the windows to the front elevation should be timber with a painted finish and should be sliding sash in design. The rest of the development could incorporate colour coated aluminium windows</p>
County Archaeologist	<p>Groundworks across the rest of the site are unlikely to impact on significant below ground archaeological remains.</p> <p>I considered the proposed demolition of the Fever Hospital and subsequent redevelopment of the site in the context of the conversion and continued survival of the majority of the workhouse buildings to the immediate west, the undesignated status of the buildings, Historic England's Conservation Principles and paragraphs 184, 189, 190, 197 and 199 of the NPPF.</p> <p>I have concluded that the demolition of the Fever Hospital is acceptable from an archaeological perspective in this instance, providing that an appropriate and proportionate level of recording is carried out on both the standing historic building and below ground remains in a defined area.</p>
County Ecologist	No objection subject to condition.
Public Protection	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
West Tree And Woodland Officer	Advice provided on proposed tree protection measures and potential for future works.
Northumbrian Water Ltd	No objection subject to condition.
Health Care CG	Contribution requested for healthcare provision of £17,400.
Fire & Rescue Service	No objection in principle.
Architectural Liaison Officer - Police	Provides comments and suggestions in respect of Secured by Design standards and measures that could be incorporated.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	52
Number of Objections	10
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Statutory Publicity & Affecting Conservation Area: 23 May 2019

Press Notice - Hexham Courant: 23 May 2019

Summary of Responses:

Following consultation and publicity on the plans as originally submitted for 53 units 8 objections had been received, which included an objection from the local elected Member. A petition with 13 signatures had also been submitted in objection.

Re-consultation has taken place on the amended plans and a further 3 objections from parties who had already contributed have been received that reiterate original objections and concerns.

The objections received raise the following issues:

- welcome the principle of some development on the site but objections over the scale, massing and design of the new development;
- adverse impact upon the Hexham Conservation Area – the proposal does not preserve or enhance the Conservation Area;
- impact of proposed boundary treatment to Corbridge Road;
- does not take account of Hexham Neighbourhood Plan, which seeks to encourage walking and cycling, sustainability, connections to Public Transport and good design;
- no public permeability through the site and no connectivity with adjacent Workhouse development. Should be an entrance on Dean Street/Peth Head as well as Corbridge Road;
- impacts on the amenity and quality of life of adjacent residents: loss of sun/daylight, loss of views/outlook, loss of privacy;
- proposal and materials are out of scale and character with site and surrounding development/area;
- adverse impact on property prices;
- harm to Conservation Area due to demolition of the Fever Ward building and lack of justification;
- proposed increase in height of proposed boundary wall to Peth Head;
- affordable housing would be preferable for the site and meet an identified need in Hexham;

The above is a summary of the comments. The full written text is available on our website at:

6. Planning Policy

6.1 Development Plan Policy

Tynedale District Local Plan (2000)

GD2 Design criteria for new development
GD4 Range of transport provision
GD7 Car parking standards
NE27 Protected Species
NE33 Tree protection
NE34 Tree felling
NE35 Tree Preservation Orders
NE37 Landscaping in developments
BE17 Demolition of buildings in conservation areas
BE22 Setting of listed buildings
BE27 Archaeology
BE28 Archaeological assessment
BE29 Development and preservation
H4 Commuter pressure area housing site allocations
H16 Community facilities and infrastructure requirements associated with housing development
H32 Residential design criteria
LR11 Outdoor sports facilities for new development
LR15 Play areas in new residential developments
CS21 Location of noise sensitive uses
CS23 Development on contaminated land
CS24 Development adjacent to or in the vicinity of contaminated land
CS27 Sewerage

Tynedale Core Strategy (2007)

GD1 Location of development
GD2 Prioritising sites for development
GD4 Transport and accessibility
GD5 Flood risk
GD6 Planning obligations
NE1 Natural environment
BE1 Built environment
H1 Principles for housing
H2 Housing provision and management of supply
H3 Location of new housing
H5 Housing density
H6 Change of use of existing buildings to housing
H7 Meeting affordable housing needs
H8 Affordable housing on market sites
EN1 Principles for energy
EN3 Energy conservation and production

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2018, as updated)

National Design Guide (2019)

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

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

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

HNP8 Housing site allocations

HNP9 New housing development

HNP10 Affordable housing and community-led housing

HNP17 Hedgerows, trees and verges in Hexham

HNP 21 Walking and cycling in Hexham

6.4 Other Documents/Strategies

Hexham Conservation Area Character Appraisal (March 2009)
The Setting of Heritage Assets (Historic England – December 2017)

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 main issues for consideration include:
- Principle of development
 - Affordable housing
 - Design and impacts on heritage assets
 - Residential amenity
 - Highway safety
 - Ecology and trees
 - Flood risk and drainage
 - Planning obligations

Principle of Development

- 7.5 Having regard to the Tynedale Local Plan, the larger overall site including the Hexham Workhouse and the car park land the subject of this application is allocated for housing development under saved Policy H4 (site H4.4 – Hexham Hospital North) and this continues to be a saved policy at this time. Policy GD1 of the Tynedale Core Strategy identifies Hexham as a main town

that will be the focus for new development, whilst the development of the site for housing would also be in accordance with Policies H1 and H3 of the Core Strategy.

- 7.6 The emerging Northumberland Local Plan has been informed by much more up-to-date evidence than the previous 'saved' plan policies, with that evidence base also being a material consideration of reasonable weight in itself. In terms of housing, the emerging Local Plan allocates this wider 1.15ha former workhouse/hospital site in Policy HOU 4 for circa 80-85 dwellings as part of meeting the Plan's distributed housing needs for the Hexham area (a minimum 530 net additional dwellings as set out in Table 7.1 and Policy HOU 3 for the corresponding designated Neighbourhood Plan area). The proposed development would therefore be in accordance with this draft allocation. The supporting text to Policy HOU5 also highlights the identified needs for providing smaller 1 and 2-bedroom homes (as informed by the latest needs in the 2018 Strategic Housing Market Assessment Update), and particularly the provision of homes in accessible central locations suitable for older and vulnerable people.

- 7.7 The draft Neighbourhood Plan is broadly consistent with the emerging Local Plan in respect to this site, allocating the 1.3ha Workhouse (Old Hospital) site on Dean Street and Corbridge Road under Policy HNP8 for housing and more specifically in Policy HNP8.1 for at least 41 dwellings. The specific policy allocation at Policy HNP8.1 states:

This site is allocated for housing development. Any proposal on this site must demonstrate through a Design and Access Statement how the following have been incorporated into the scheme:

- a) Retention of existing buildings, which are non-designated heritage assets which make a positive contribution to the conservation area. This will be best determined through submission of a Heritage Statement; and*
- b) How the development will preserve or enhance the character and appearance of the Hexham Conservation Area; and*
- c) High quality landscaping along the frontage and within the development; and*
- d) Safe access for vehicles, pedestrians and cyclists into the site.*

New build on undeveloped parts of the site will be appropriate and should comprise high density development due to the central location of the site.

The site can accommodate 41+ dwellings.

- 7.8 The supporting text in the Plan also goes on to state that *"This site is proposed for a mixed-use, affordable housing scheme including some employment and business use. Support will be given for a community-led housing scheme on this site. A key principle for any development on this site will be the retention and where possible interpretation of the historic buildings*

related to the Workhouse. The total site is 1.3ha and could accommodate at least 41 dwellings and other small-scale uses."

- 7.9 The application must be assessed on its own merits against relevant saved development plan policies and material considerations, including the NPPF and the emerging Northumberland Local Plan and Hexham Neighbourhood Plan and their associated evidence base. The application site is a previously-developed 'brownfield' site within the Green Belt-defined settlement boundary for the town, and situated within the town's Conservation Area. The site is allocated for residential development in extant/'saved' development plan policies as well as the emerging Local Plan and Neighbourhood Plan. As such the proposal would be in general accordance with these allocations, while also making effective use of 'brownfield' land for homes and avoiding low densities as encouraged by the NPPF, as well as helping to meet identified local housing needs for smaller 2-bedroom homes in particular. Subject to achieving a satisfactory design and satisfying other matters to be discussed in more detail, the proposal could deliver a sustainable form of development within a suitable location having regard to the NPPF.

Affordable Housing

- 7.10 Evidence prepared to inform the emerging Northumberland Local Plan is a material consideration in the determination of planning applications. In particular, the Northumberland Strategic Housing Market Assessment Update (SHMA, June 2018) indicates a residual countywide affordable housing need for the period 2017-22. In the context of the evidence based housing requirement in the emerging Northumberland Local Plan for the plan period 2016-2036, this equates to a residual need for 17% of homes on new permissions to be affordable.
- 7.11 In order to meet the affordable housing identified in the SHMA, a minimum of 17% of homes on new permissions will be expected as affordable housing products unless up to date evidence indicates a higher contribution is required to meet local needs. The most recent Hexham Housing Needs Assessment (HHNA - 2016) states that all new developments within Hexham should provide 30% of affordable homes. Given the level of affordable housing need identified by the HHNA, housing demand identified by Homefinder and the potential capacity to accommodate housing over the next five years or beyond, there is a strong case to seek a substantial affordable housing contribution from all new developments in Hexham.
- 7.12 Following advice from the Council's Affordable Housing Team it is understood that Registered Providers are very keen for affordable units to be supplied in Hexham but do have some concerns about service charges incurred on apartments which may make them unaffordable. The Affordable Housing Team have identified that supporting information provided by the applicant in their Planning Obligation and Affordable Housing Statement states that *"Notwithstanding the above appraisals and policy advice, it is well-established that affordable housing provision cannot be provided on-site within a single retirement apartment block with its associated management regime and charges. The development economics of retirement development are also*

distinct from general needs housing development in several respects, which typically render policy compliant provision non-viable”.

- 7.13 The Affordable Housing Team accepts that this type of development does not lend itself to on-site affordable housing and therefore, as much as on site affordable homes are needed in Hexham, an off-site sum will be required for this site. The sum should be based on 30% affordable housing provision, and having regard to the average prices from the development and the Council's Affordable Housing Protocol, this will equate to an off-site sum of £290,250 in this instance.
- 7.14 The applicant had also submitted a viability appraisal suggesting that it would not be viable to deliver affordable housing provision as part of the development. This has been independently reviewed by relevant Council officers who have since advised that a scheme fully compliant with planning policy is viable. Following this advice and further discussions, the applicant has agreed to pay the required affordable housing contribution, and propose to stagger the payments: £51,000 would be paid on the commencement of the development and subsequently, at the stage where 75% of the scheme is occupied, the applicant would pay the balance of the total of £290,250 (i.e. £239,250).
- 7.15 On this basis, and following the advice of the Affordable Housing team, a commuted sum equivalent to 30% affordable housing provision is considered to be acceptable in this instance, which if Members are minded to approve, can be secured by Section 106 Agreement.

Design and Impacts on Heritage Assets

- 7.16 In addition to Policy GD1 of the Core Strategy, which requires the scale and nature of development to respect the character of the town or village concerned, Policies GD2 and H32 of the Local Plan seek to ensure that development is appropriate for its location in terms of matters such as layout, scale, design and impact upon the amenity of residents. Policy BE1 of the Core Strategy seeks to conserve and enhance Tynedale's built environment and conservation areas.
- 7.17 The NPPF also supports good design in new development that is appropriate for its location. 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”*. Paragraph 130 states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. This goes on to state that *“conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to the development”*.
- 7.18 Section 16 of the NPPF, and in particular paragraphs 189 – 202, also set out the framework for considering applications affecting the historic environment.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. The proposed development is not considered to result in any effects on the setting of listed buildings.

- 7.19 Consideration has also been given to emerging Policies QOP 1, QOP 2, QOP 4, QOP 5, QOP 6, ENV 1, ENV 7 and ENV 9 of the Northumberland Local Plan and Policies HNP2, HNP3, HNP4, HNP7 and HNP9 of the Neighbourhood Plan in respect of design and the historic environment. Although not listed buildings and designated heritage assets in this respect, Annex A of the Neighbourhood Plan identifies the adjacent Workhouse buildings as a non-designated heritage asset that are considered to justify definition within the Neighbourhood Plan as significant non-listed heritage assets.
- 7.20 As referred to above the site, along with the adjacent Workhouse buildings site, is allocated for housing development, therefore it is considered acceptable in principle for new development in this location. The proposals could represent a good opportunity to re-develop the site and previously-developed land for an acceptable use in this location alongside proposals for the development of the Workhouse buildings to the west. Officers therefore welcome the development of the site, and feel that there is an opportunity for a good and high quality form of development to be achieved.
- 7.21 The proposal would introduce a relatively substantial, predominantly three-storey flat-roofed building onto the site in a prominent location and within the Hexham Conservation Area. Existing buildings in the vicinity of the site are largely two-storey in scale, although the modern hospital building to the south is of a larger scale in relation to existing development. An important material consideration in this case is therefore the impact of the development upon the designated heritage asset comprising the Conservation Area and the setting of the non-designated heritage asset at the Workhouse buildings.
- 7.22 Consideration has also been given to the proposed demolition of the fever building, which forms part of the Workhouse group of buildings, in order to accommodate car parking for the proposals. Previous officer advice has set out the need for clear and convincing justification for the demolition of buildings.
- 7.23 Historic England have been consulted on the proposed development and raise no comments, advising that the views of the Council's specialist conservation and archaeological advisers are sought. The application, including the amended plans, has been assessed by Building Conservation who highlight the prominent location of the site within the Conservation Area and the importance of the adjacent Hexham Workhouse. Building Conservation highlight that a Conservation Area Character Appraisal was adopted for Hexham in 2009 (HCACA), which describes the character of the area and its importance to the town. It describes Hexham as a town of great historic and architectural significance with a rich variety of built form, predominantly of stone with steeply pitched rooflines, making for an

interesting townscape. With regard to the Workhouse the HCACA describes it as follows: *“in spite of its size it has a sober, domestic quality which is very attractive, and it commands a key position on Corbridge Road, marking the entrance to the town centre and giving a foretaste of the important buildings to come”*.

- 7.24 Building Conservation have welcomed the reduction in the scale of the building as a result of the omission of the fourth storey. However, they consider that the bulk, massing, design and materials of the building are still of poor quality, stating that *“the flat roofed nature of the building is totally out of keeping with the character and appearance of the Hexham Conservation Area”*. Concern has also been raised over the front elevation and its appearance as a *“monolithic block”* with only three small indents to break this up. Furthermore, concerns are raised with regard to the previously proposed materials of scribed render and uPVC, and whilst balconies and cast stone plinths would add some interest, these facades are considered to be very flat and bland, and do not reflect any local distinctiveness or character.
- 7.25 Building Conservation have expressed concerns that pre-application advice on the proposals, including advice on the scale, massing and design of the development, has not been followed by the applicant in this submission. They therefore consider that *“the current flat roofed 3 storey proposal, by virtue of its height, bulk, massing and design, is not subservient to the adjacent existing workhouse buildings and as such it over dominates this important heritage asset. It is considered that the poor design and the proposed brick and render elevations, with modern upvc windows, do not complement the design and stonework of the Workhouse buildings with its painted timber sliding sash windows. It is also considered that the proposal is very urban in character and does not reflect the nature of its surroundings”*.
- 7.26 Building Conservation have advised they cannot support the proposal, and consider it contrary to Section 72 of the 1990 Act on the basis that it neither preserves nor enhances the character and appearance of the Hexham Conservation Area. It is also considered that the development causes substantial harm to the significance of the Conservation Area, and causes harm to the setting of the historic Workhouse. In addition they conclude that the proposed development is of poor design and fails to take the opportunities available for improving the character and quality of an area and hence it is also contrary to the NPPF. The demolition of the easternmost of the Workhouse buildings to facilitate this unacceptable scheme also cannot be supported by Building Conservation.
- 7.27 As part of the assessment of the application officers have taken into account the above conclusions of Building Conservation, as well as the applicant's Heritage Statement and the HCACA. The Heritage Statement considers the significance of the Conservation Area and Workhouse buildings having regard to the HCACA and the Character Area that the site falls within.
- 7.28 The application site is located within 'The Industrial Belt' Character Area of the HCACA, and which lies to the east of 'The Town Centre' area. In terms of key buildings within the Industrial Belt the HCACA recognises the old Workhouse as the outstanding building in this area. It goes on to state that *“apart from the*

old workhouse and railway station, which are domestic in scale and built of sandstone and slate with restrained classical detailing, buildings are generally large, low and flat-roofed faced with brick or sheet cladding with little attempt at architectural detail". Furthermore, apart from the ropery, the railway station, the eastern edge of Hall Orchard Road and the Workhouse, the Industrial Belt area can be seen as having a neutral or negative effect on the Conservation Area. It should be noted that the extent of the Conservation Area boundary has been reduced in area following the 2009 review, which now excludes some of the Industrial Belt.

- 7.29 The applicant's Heritage Statement considers that the site does not contribute positively to the special architectural and historic interest of the conservation area. It states that by developing the site the proposals would replace the poor quality car park and bring forward repairs to the stone boundary wall to Peth Head to the north, removing the sense of a 'brownfield site' within Conservation Area and on the eastern approach to the town centre. It is suggested that the proposals would enhance the character and appearance of the Conservation Area. The Heritage Statement acknowledges there would be harm as a result of the loss of the fever building, although suggests this would be a low level of harm, which would need to be assessed against the public benefits of the scheme.
- 7.30 The Council's Archaeologists identify that the proposed development site incorporates the eastern side of the Hexham Workhouse complex including the Fever Hospital and the potential for below ground remains associated with the function and development of the workhouse. Groundworks across the rest of the site are unlikely to impact on significant below ground archaeological remains.
- 7.31 The Archaeologists have considered the proposed demolition of the Fever Hospital and subsequent redevelopment of the site in the context of the conversion and continued survival of the majority of the workhouse buildings to the immediate west, the undesignated status of the buildings, Historic England's Conservation Principles and the NPPF. They conclude that the demolition of the Fever Hospital is acceptable from an archaeological perspective in this instance, providing that an appropriate and proportionate level of recording is carried out on both the standing historic building and below ground in a defined area.
- 7.32 Having regard to the above considerations and the comments of Building Conservation it is officer opinion that the introduction of a development of the scale proposed will clearly result in some change to the character of the area. Despite the submissions in the applicant's Heritage Statement, it is officer opinion that there would be some harm to the significance of the Conservation Area and the setting of the Workhouse buildings due to the scale and design of the new building and the loss of the Fever building to accommodate the proposals.
- 7.33 Building Conservation have clearly raised concerns over the scale and design of the development, including impacts on the setting of the adjacent Workhouse buildings as a non-designated heritage asset, and identify substantial harm to the Conservation Area.

- 7.34 Paragraph 195 of the NPPF 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”.*
- 7.35 Paragraph 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*
- 7.36 With regard to impacts upon the setting of the Workhouse buildings, a non-designated heritage asset, paragraph 197 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 7.37 In this context officers have given careful consideration to the level of harm to the significance of the Conservation Area, in particular whether this would result in ‘less than substantial harm’ or ‘substantial harm’. A judgment will also need to be made in relation to effects on the Workhouse buildings. This assessment has also taken into account the submissions within the application and the applicant’s Heritage Statement.
- 7.38 The existing site is used for car parking and features the Fever building, which is to be demolished. It is located to the eastern edge of the Conservation Area where there are a mix of buildings in the locality, including housing and more modern development at the hospital and the new bus station. Views into the site from the south and on the approaches along Corbridge Road are filtered by the existing mature trees to the boundary, and therefore the Workhouse buildings and the new development would be seen in this context rather than as clear and uninterrupted views from those aspects and heading into and out of the Conservation Area. From the northern aspect the views are more open along Peth Head, although this features the existing stone wall, and the new building would again be seen in the context of the adjacent Workhouse.
- 7.39 Given the introduction of the proposed scale and design of the new building it is officer opinion that there would be some harm to this part of the Conservation Area and to the setting of the Workhouse. The site is relatively

large and allocated for housing development, and it is felt appropriate for an apartment-type development of the form proposed rather than a housing development of semi-detached/detached/terraced housing. This could also provide a strong frontage to Corbridge Road alongside the Workhouse, albeit screened to a degree by the existing tree planting.

- 7.40 Further discussions with the applicant in light of the comments of Building Conservation, the representations received and initial concerns over the original form of development, have resulted in the current revised scale and design of development. This includes improvements to the appearance with new design features, breaking up of the front elevation and more appropriate and sympathetic use of materials. As a result of these design improvements, the layout and scale of development, and the character of the site at this part of the Conservation Area it is officer opinion that, on balance, there would be less than substantial harm to the Conservation Area as a whole and the setting of the adjacent Workhouse. However, notwithstanding this assessment, officers have also considered the proposal in the context of there being substantial harm, as concluded by Building Conservation.
- 7.41 On this basis, where less than substantial harm has been identified, it is necessary to weigh this harm against the public benefits of the proposal and arrive at a balanced judgement having regard to paragraph 196 of the NPPF, as well as paragraph 197 in respect of the setting of the Workhouse being a non-designated heritage asset. In the context of substantial harm consideration needs to be given to paragraph 195 of the NPPF, and whether the harm is necessary to achieve substantial public benefits that outweigh the harm. Officers have taken into account the existing and proposed allocation of housing development on the site, as well as identified need for smaller one and two-bedroom homes informed by the 2018 SHMA update, and particularly the provision of homes in accessible central locations suitable for older and vulnerable people. This is also a long-standing vacant site associated with the adjacent Workhouse and there is an opportunity to improve the visual appearance of the area that would result in wider benefits. The development would also contribute to the ongoing regeneration of this area of Hexham as well as the wider town.
- 7.42 The application has been submitted separately from the proposed development at the Workhouse (19/01380/FUL), although a Memorandum of Understanding has been submitted to the authority by McCarthy and Stone and HMC Group, the latter being the owners of the application site and applicant for the Workhouse scheme. This sets out that there is an understanding between both developers to deliver a comprehensive redevelopment of the overall former Hexham General Hospital site with an agreed delivery programme.
- 7.43 Whilst the applications are required to be assessed on their individual merits, and the proposal has not been presented as an enabling development to deliver the scheme at the Workhouse, there is an understanding that the proposed development of the car park site could help to facilitate the development at the Workhouse. This would be to the benefit of the character and appearance of the site and Conservation Area, and the non-designated heritage asset.

- 7.44 The applicant has also provided information in terms of the benefits of applying Modern Methods of Construction (MMC) and reference has been made to information being developed by the National House Building Council. A supporting statement submitted by the applicant identifies the following benefits of the proposed lightweight and elements of off-site construction using MMC:

Environmental – reduced material waste and embedded energy with prefabricated panels being delivered to site.

Reduced construction impact on the local community – reduction in the construction period by 20% with reduced disruption to residents and reduced foundation requirements and site excavations.

- 7.45 Having regard to the above it is officer opinion that the proposed development would result in substantial public benefits that would, on balance, outweigh the harm in this instance to the Conservation Area and the harm to the setting of the Workhouse buildings as a result of the proposals.
- 7.46 It is acknowledged that the building would be a large addition to the site and this part of the Conservation Area. Furthermore, the design is a large flat-roofed structure that is different in scale and character to the adjacent Workhouse and other more traditional pitched roof forms of development within the town and Conservation Area. However, this scale and design in itself is not considered to result in an unacceptable form of development upon the site.
- 7.47 Consideration has been given to the scale, design and appearance of the new building, including the use of materials, and the retention of trees where possible and the stone wall to the north. The scale of the building has been reduced and changes to the design and use of materials, further details of which would be secured by condition, are considered to result in a more acceptable form of development in this location. The proposal is therefore considered to be acceptable having regard to Policies GD2 and H32 of the Local Plan, Policy BE1 of the Core Strategy and the NPPF.

Residential Amenity

- 7.48 As well as looking to achieve a good quality of design in new residential development, Policies GD2 and H32 of the Local Plan set out the requirements for developments to ensure there would be no adverse effects upon residential amenity, and future occupants would also achieve acceptable standards of amenity.
- 7.49 Officers have given careful consideration to potential impacts on the amenity of existing residents as a result of development, including loss of light, privacy and outlook. Members will note that objections have been received on the basis of the impacts of the development upon residential amenity and living conditions, particularly in relation to potential impacts upon the two-storey properties to the north on Peth Head.

- 7.50 As well as giving rise to concerns over the design and impact on the character of the area, officers were also concerned that the scale of the four-storey building could have adverse impacts upon residential amenity. The reduction in the overall height and massing is therefore also welcomed by officers in relation to reducing impacts upon residential amenity.
- 7.51 The proposed layout and scale of the building has been designed so that the section nearest to the properties on Peth Head is limited to two-storeys in height. Policy H32 of the Tynedale Local Plan looks to secure a minimum of 25 metres between the rears of new two-storey dwellings and existing dwellings. This rear elevation would have a separation distance of 25 metres from the property directly to the north and would have a height of 6.6 metres.
- 7.52 The rear elevation of the larger three-storey sections of the building, which have a height of 9.4 metres, would have a separation distance from the properties facing it on Peth Head ranging from 27.4 metres to 35.5 metres. The side elevation of the new building would be around 14.3 metres from the Hadrian Veterinary Group to the east of the site. The Workhouse buildings would be around 20.4 metres – 22.9 metres from the western elevation of the two-storey side section of the new building.
- 7.53 The applicant has provided solar study modelling that look to show the impacts of the development at various times during the day/year upon sunlight. The proposed plans also show that the existing 2.2 metre high stone wall to the northern boundary of the site with Peth Head will be retained and renovated to maintain privacy.
- 7.54 The concerns of the adjacent residents in terms of the layout, scale and design of the building and potential for loss of amenity are fully acknowledged, whilst it is clear that there will be some change and impacts in relation to visual amenity and other effects as a result of new housing development on a site currently used for car parking, largely with no buildings. However, it is officer opinion that the proposed design has sought to limit and mitigate the impacts on amenity from new development on the site having regard to its layout, scale and separation between existing and proposed development.
- 7.55 It is considered that the proposed development in its reduced scale would result in an acceptable form of development that is not considered to result in significant or unacceptable harmful impacts upon the amenity of existing residents, surrounding uses and future occupants in relation to matters such as loss of visual amenity, privacy, outlook and daylight/sunlight.
- 7.56 Furthermore, the Council's Public Health Protection team has raised no objection to the development subject to conditions that would mitigate any potential effects upon existing and future residents in respect of potential noise impacts from the development, as well as from road noise for the occupants of the new apartments. The proposed development is therefore considered to be in accordance with Policies GD2, H32, CS19 and CS21 of the Local Plan and the NPPF.

Highway Safety

- 7.57 The proposal has been assessed having regard to Policies GD4 and GD7 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF. The NPPF, at Paragraph 109, advises 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.
- 7.58 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 pedestrian routes, public transport and cycles; road safety; travel plan; car parking; highway works; and refuse storage/servicing.
- 7.59 Given the location of the site, HDM consider it to be acceptable in terms of accessibility with good levels of connectivity across the wider area and access to sustainable travel. Officers concur that this is a suitable and sustainable location for new residential development with good accessibility and connectivity that would deliver sustainable development in accordance with Policies GD1 and GD4 of the Core Strategy and the NPPF.
- 7.60 Comments have been received that the proposal does not allow permeability through the site between Peth Head and Corbridge Road. However, this does not currently exist through the site and would require breaking through the existing stone boundary wall to Peth Head. It is not felt that this would be necessary to make the development acceptable through a private development and would not justify a refusal of the application.
- 7.61 The applicant has submitted additional information and amendments to address other matters raised in the initial response from HDM. As a result HDM have raised no objection to the proposal subject to conditions securing details of road surface materials; specification for the vehicular access; parking management strategy around the junction bellmouth to tie in with existing restrictions on the A695; car and cycle parking; construction method statement; and a refuse strategy.
- 7.62 On this basis it is felt that this is a suitable site for development with good accessibility and connectivity. Furthermore, there are not considered to be any other significant or adverse impacts in respect of highway safety. 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.

Ecology and Trees

- 7.63 The Local Plan, Core Strategy and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area. The proposed development will also impact upon existing trees within and to the boundaries of the site. Policies NE27, 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.

- 7.64 The Council's Ecologists have been consulted on the application and supporting ecology reports. They comment that the building to be demolished is in poor condition, having been subject to fire and vandalism. Three bat activity surveys were carried out on the building, two in 2018 and one in 2019. These found the building to support a day roost for common pipistrelle. Bat foraging was also noted on site and in and around the building.
- 7.65 The site largely comprises hard standing, with areas of amenity grassland and trees. A number of the trees are to be removed as part of the proposals. These trees were inspected for their suitability for roosting bats and were found to have negligible potential for roosting bats.
- 7.66 The Ecologists highlight that recent case law has shown that where a planning application is likely to have implications for European protected species, explicit consideration must be given to the three tests enshrined in Regulation 55 of the Conservation of Habitats and Species Regulations 2017. The three tests are:
- the proposal must be required for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative to the proposal; and
 - the proposal will not be detrimental to the maintenance of the favourable conservation status of the species in its natural range.
- 7.67 Regarding the first of these, the test of imperative reasons of overriding public interest seems to be considered to have been satisfied if a proposal accords with the relevant development plan, and hence can be seen to be meeting an identified development need. On this basis the proposal would be in accordance with the development plan, with the principle of development being supported as well as this being an allocated housing site to meet an identified need.
- 7.68 The second test concerns whether the development need which the application is seeking to meet can be met in any other way which has no or a lesser impact on the species concerned. In this instance the site is allocated for development, and demolition of the existing building and removal of trees is considered to be necessary in order to facilitate the development of the site.
- 7.69 The third test has been considered in terms of the mitigation proposals submitted by the applicants. Compensation for the loss of the bat roost is provided in the submitted report, however, is not currently shown on the architect's drawings, which is required. There is a need to provide compensation for the loss of the trees and mitigation to ensure that the proposals do not interfere with bats using the site for foraging.
- 7.70 Subject to the bat compensation being provided on the architect's drawings the Ecologists raise no objections on ecological grounds on condition that avoidance, mitigation and enhancement measures are secured by planning condition. The compensation measures have been shown on the proposed site plan, whilst this detail can also be secured under the same condition

securing the mitigation to ensure that the plans clearly show the proposed mitigation.

- 7.71 Whilst the loss of seven trees is unfortunate also in terms of visual amenity, it is considered that this would not result in any significant or harmful impacts. An important consideration is the retention of the remaining mature trees that form an attractive avenue along Corbridge Road. These are shown as being retained as part of the development on the submitted plans with crown raising to 4 metres being proposed. The proposed building is set back from the southern boundary with Corbridge Road by between 7.3 – 7.5 metres to take account of the existing trees. The applicant has also shown suitable tree protection measures that can be secured by condition. As the trees are located just within the boundary of the Conservation Area then any potential future works would be subject to notification to the Local Planning Authority.
- 7.72 On the basis of securing these tree protection measures during construction, as well as recommended avoidance, mitigation and enhancement measures, including additional landscaping, the development is considered to be in accordance with the above development plan policies and the NPPF.

Flood Risk and Drainage

- 7.73 The site is located within flood zone 1, which is therefore at a lower 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.
- 7.74 Consultation has taken place with Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA). NWL raise no objection subject to a condition securing details within the drainage report regarding proposed foul and surface water discharge.
- 7.75 The LLFA had requested further information requiring surface water drainage rates and a soakaway for a small portion of the site. Following the submission of further details the LLFA raises no objection subject to conditions. On this basis the proposal is considered to be acceptable having regard to Policy GD5 of the Core Strategy and the NPPF.

Planning Obligations

- 7.76 Policy GD6 of the Core Strategy sets out that planning obligations will be sought where necessary to prescribe the nature of development; or secure compensation from the developer for loss or damage caused by the development; or mitigate the impact of a development. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

- 7.77 Paragraph 57 of the NPPF and the Planning Practice Guidance (PPG) states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, whilst the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances of the case. The PPG states that in plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.
- 7.78 As referred to earlier consideration has been given to affordable housing provision and officers have reviewed the applicant's viability assessment suggesting that the scheme would not be viable if contributions were paid. Following this assessment the applicant has agreed to enter into a Section 106 agreement that would secure the affordable housing commuted sum of £290,250.
- 7.79 Consultation has also taken place on the application with NHS Northumberland Clinical Commissioning Group (CCG) with regard to the scale of development and need for any contribution to healthcare. The CCG has considered the likely need for a contribution having regard to the scale of development and the location. Officers have been advised that due to current capacity pressure on the GP practices located in and around Hexham, the CCG consider an expansion of healthcare infrastructure will be needed.
- 7.80 A formula has been applied that the CCG has adopted throughout Northumberland and based upon the proposed housing mix. On this basis the CCG has requested a single payment of £17,400 from the developer as a Section 106 contribution to allow a smooth implementation of the required surgery capacity expansion, which should be on completion of the first apartment to ensure the new health capacity is in place as the flats are occupied.
- 7.81 The applicant has raised some concerns with this contribution and does not necessarily agree with the requirement or that it meets the tests referred to above in the NPPF for securing planning obligations. Notwithstanding their position, the applicant's agent has advised that in order to avoid the potential delay and cost of an appeal, and as a matter of commercial expediency, the applicant is reluctantly prepared to offer a "good-will" contribution towards local community services in the equivalent sum of £17,400.
- 7.82 Notwithstanding the applicant's position, officers maintain that a contribution to healthcare is required and this meets the tests set out at paragraph 56 of the NPPF. Further correspondence with the CCG has stated that in terms of the specific healthcare contribution, it is clear the Healthier and Happier Homes for Later living report provided by the applicant to dispute the need does not seek to suggest there will not be a need for GP attendance by residents, but suggests there will be a slightly less intensive use of GP and A and E services for elderly residents in a retirement development when compared to those of that age living in traditional homes, particularly when they are not well heated or maintained.

- 7.83 The CCG does not discriminate by age, race or gender and they advise that there are peaks and troughs in the need for healthcare, and there is no evidence provided to suggest the need for healthcare by residents of a McCarthy and Stone development is lower than the average need for healthcare. Furthermore, the CCG highlights there is evidence to show increased need for healthcare as we all get older.
- 7.84 In light of the above it is considered that the proposed affordable housing and healthcare contributions are reasonable and necessary having regard to Policy GD6 of the Core Strategy and the NPPF and should be secured through a Section 106 agreement to make the scheme acceptable.

Other Matters

Equality Duty

- 7.85 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

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

Human Rights Act Implications

- 7.87 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.
- 7.88 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.

- 7.89 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 principle of the development on this previously-developed and allocated housing site within Hexham is considered to be acceptable and in accordance with the adopted development plan, emerging planning policy and the NPPF. This is an accessible and sustainable location for new housing and the development would meet an identified housing need.
- 8.2 Key aspects that have been assessed during the application are the layout, scale and design of the development and its impact upon the character and appearance of the site and wider area, particularly the Hexham Conservation Area and the setting of the adjacent Hexham Workhouse buildings, and the amenity of adjacent residents. The proposal would introduce a large form of development onto the site in relation to adjacent buildings and harm to heritage assets has been identified. However, it is considered that the reduction in the scale of the building and improvements to the design, along with the benefits of developing the site referred to earlier in the report, would result in an acceptable form of development with the benefits outweighing the harm. There are not considered to be significant or unacceptable harmful impacts on the amenity of adjoining residents and users.
- 8.3 The proposal is also considered to be acceptable in respect of other matters such as highway safety, ecology, trees and drainage/flood risk, subject to conditions to mitigate any impacts as required. The applicant has also agreed to enter into a Section 106 agreement to secure contributions to affordable housing and healthcare that officers consider reasonable and necessary to make the development acceptable, as required by the NPPF.
- 8.4 The proposal would therefore deliver an acceptable and sustainable form of development overall in respect of economic, social and environmental objectives that would be in accordance with the development plan and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the completion of a Section 106 Agreement to secure a financial contribution of £290,250 to Affordable Housing and £17,400 to healthcare provision and 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 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:-

NE-2592-03-AC-001 - Site Location Plan

NE-2592-03-AC-002 Revision G – Proposed Site Plan (incorporating ecology mitigation)

NE-2592-03-AC-003 Revision B – Ground Floor Plan

NE-2592-03-AC-004 Revision E – Floor Plans

NE-2592-03-AC-005 Revision D – Elevations 1 of 2

NE-2592-03-AC-006 Revision D – Elevations 2 of 2

NE-2592-03-AC-013 – Proposed Sub Station

P90852 /103 Revision M - Proposed Surface Water Drainage

Drainage Building Regulations Package for Proposed Retirement Living Development at Dene Avenue, Hexham (Ref: P90852 Issue 4 dated 18 November 2019)

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 development above damp proof course level 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 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 and H32 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. Prior to their installation, precise details of the windows and doors to be used, including materials and colour finishes, 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 and H32 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. Notwithstanding any description of the boundary treatments in the application, prior to their construction precise details, to include materials, of all proposed

boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include the methods for tree protection during the course of their construction for new boundary treatments to the southern boundary of the site. 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 and H32 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

06. Notwithstanding the details submitted with the application, a detailed landscaping scheme, showing both hard and soft landscaping proposals, and including measures for the long-term management of the approved landscaping, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the creation of areas of hardstanding, pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved details not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority, fully implemented prior to first occupation and subsequently maintained in accordance with the approved management details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

07. All trees and hedges within, and to the boundaries, of the site identified on the Tree Protection Plan (Smeeden Foreman – TPP01 Rev. A) and Arboricultural Report (Smeeden Foreman - Revision C November 2019) shall be retained and protected throughout the course of development in accordance with the details shown on the Tree Protection Plan. These measures shall be implemented in complete accordance with the approved scheme and shall be provided and remain in place throughout the course of the construction of the development.

Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity, in accordance with the provisions of Policies GD2, NE33, NE37 and H32 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

08. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Bat Risk Assessment & Nocturnal Survey Report Dene Park, Hexham, NE46 1QJ Total Ecology Sept 2019') and this condition, including, but not restricted to;

1. installation of a minimum of 2no. bat boxes for crevice dwelling species on trees on site prior to demolition commencing, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
2. adherence to timing and working methods
3. adherence to 'Bat Conservation Trust. Guidance Note 08/18. Bats and artificial lighting in the UK Bats and the Built Environment series'
4. no demolition, tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
5. production and implementation of a landscaping plan (including long-term management), to be fully implemented during the first full planting season (November – March inclusive) and tree species to comprise species native to Northumberland, to be submitted to and agreed in writing with the Local Planning Authority prior to construction commencing and fully implemented as approved. The approved scheme shall be implemented in full prior to first occupation.
6. root protection zones will be implemented around all retained trees and hedgerows in accordance with the guidance given in BS5837
7. adherence to timing restrictions to avoid the bat hibernation period (mid-November to mid-March inclusive).
8. installation of a minimum of 4no. integrated bat boxes, designed for crevice dwelling bats and 4no. integrated bird boxes. Numbers, types and positions of which to be submitted to and agreed in writing with the Local Planning Authority prior to construction commencing and thereafter fully implemented as approved prior to occupation.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site, in accordance with Policies GD2 and NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

09. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site Specific Requirements document (dated 4/6/19) 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 in the area specified within Figure 1 of the above Standards and Site Specific Requirement document until a written scheme of investigation based on NCCCT Standards and Site Specific Requirements and Historic England 'Understanding Historic Buildings' documents has 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 and historic interest, in accordance with Policy BE28 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

10. Prior to their construction, samples of the materials to be used in the construction of the external surfaces of the access roads shall be submitted to and approved in writing by the Local Planning Authority to ensure no loose or unbound materials within 6.0m of the edge of carriageway with the A695. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with Policies GD2 and GD4 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

11. Notwithstanding the details submitted, the development shall not be occupied until a means of vehicular access has been constructed in accordance with Northumberland County Council Type 'C' construction specification with 6.0m wide bellmouth at the tangent point of the radii and 6m radius kerb lines including 2.0m wide footways on either side with drop crossings and tactile paving on either side of the access with the A695 in accordance with the approved plans. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

12. Notwithstanding the details submitted, the development shall not be occupied until a scheme for parking management strategy around the junction bellmouth to tie into existing restrictions on the A695, has been implemented, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety, including that of pedestrians, in accordance with Policies GD4 and GD7 of the Tynedale Local Plan and the National Planning Policy Framework.

13. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area 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 Policies GD4 and GD7 of the Tynedale Local Plan and the National Planning Policy Framework.

14. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

15. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

16. Development shall not commence until a Construction Method Statement including plan(s) has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the demolition/ construction period. The Construction Method Statement shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development.

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

17. The development shall not be occupied until details of refuse storage strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The details shall include the arrangements 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 waste in accordance with the National Planning Policy Framework.

18. If during re-development contamination not previously considered is identified, then a 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 within the site are dealt with in an appropriate manner to afford protection to the public, the buildings and the environment, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

19. Prior to the first occupation of the approved development, details of the final glazing and ventilation option(s) in accordance with Table 4: Building Envelope Enhanced Insulation Options, contained within the LA Environmental Noise Assessment, reference HMC/HFW/00, dated 03 April 2018 shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic glazing and ventilation scheme shall be implemented in full before the first residential occupation and shall be maintained thereafter for the life of the approved development. The glazing and ventilation scheme shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, H32 and CS21 of the Tynedale Local Plan and the National Planning Policy Framework.

20. The rating level of sound emitted from fixed plant shall not exceed the following levels at the boundary of the nearest noise sensitive premises in lawful existence at the time of this planning permission. All measurements shall be made in accordance with the methodology of BS414 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

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

23:00 - 07:00 hours LAeqT: 36 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 Policies GD2, H32 and CS21 of the Tynedale Local Plan and the National Planning Policy Framework.

21. During the demolition and 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 to Friday - 0800 to 1800, Saturday 0800 to 1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in an investigation as to whether a statutory nuisance is being caused.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, H32 and CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

22. Deliveries to and collections from the site during the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, H32 and CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

23. No development shall commence, including any works of demolition, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect residential amenity and provide a commensurate level of protection against dust, in accordance with Policies GD2 and H32 of the Tynedale Local Plan and the National Planning Policy Framework.

24. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Drainage Building Regulations Package Issue 04 dated 18 November 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the 975mm combined sewer via the existing site connection, with surface water discharge being restricted to 4.7l/sec.

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

25. Prior to first occupation of the development, details of the adoption and maintenance of all SuDS features shall be submitted to and approved in writing by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development, shall be comprised within and be implemented thereafter prior to first occupation and in perpetuity.

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.

26. Prior to the commencement of development, 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.

27. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall 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-statutory technical standards, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

28. 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 and H32 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

29. Prior to the commencement of development on the proposed building, 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 and the amenity of residents, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

Background Papers: Planning application file(s) 19/01296/FUL