

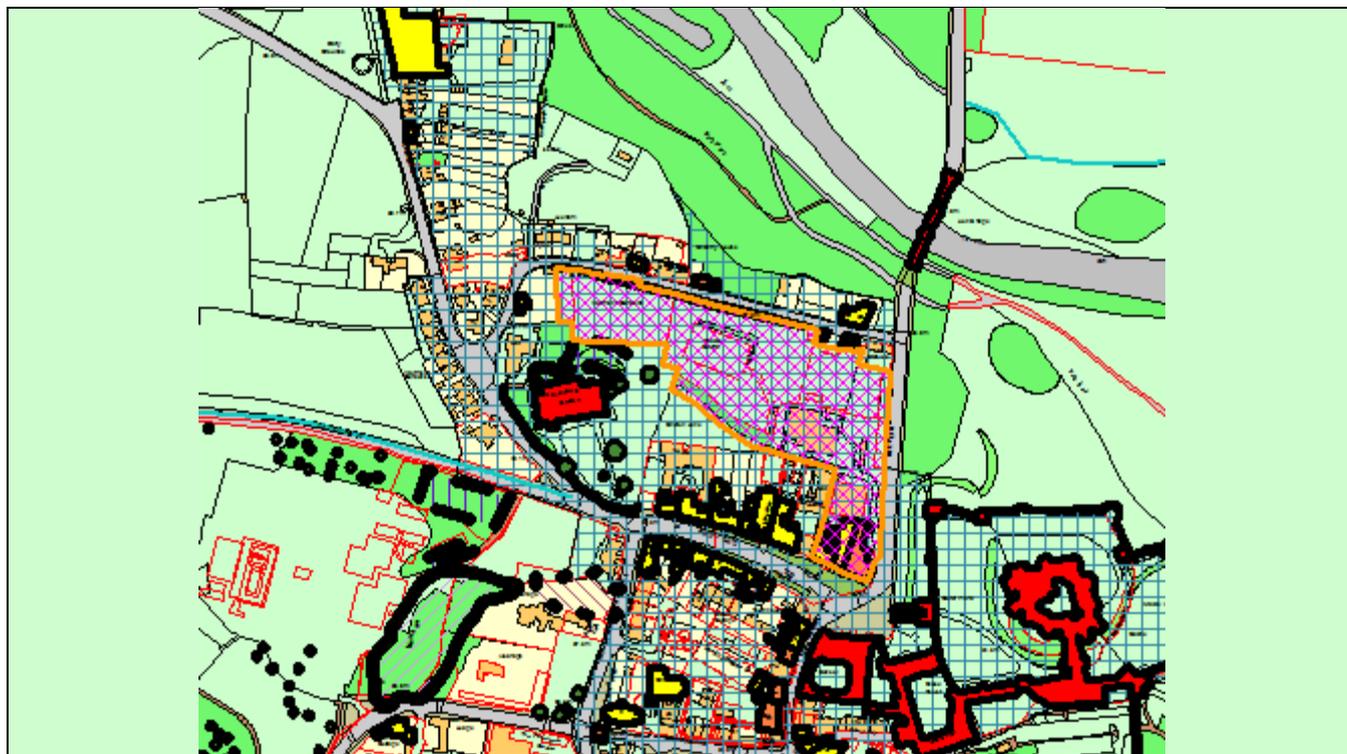


# Northumberland County Council

## North Northumberland Local Area Council Planning Committee January 2020

<b>Application No:</b>	20/01239/LBC		
<b>Proposal:</b>	Listed Building Consent: The conversion of no. 2-8 Bailiffgate to hotel (Use Class C1), demolition of rear of no. 2-8 Bailiffgate, construction of new build hotel (Use Class C1), refurbishment works to former gym block (Use Class D2), new vehicular access, landscaping and associated ancillary works.		
<b>Site Address</b>	Duchess High School Annexe, 2 Bailiffgate, Alwick, Northumberland NE66 1LZ		
<b>Applicant:</b>	Guy Munden Quayside House, 110 Quayside, Newcastle, NE1 3DX	<b>Agent:</b>	None
<b>Ward</b>	Alwick	<b>Parish</b>	Alwick
<b>Valid Date:</b>	30 April 2020	<b>Expiry Date:</b>	29 <sup>th</sup> January 2021
<b>Case Officer Details:</b>	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED, subject to conditions.



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## 1. Introduction

1.1 This application is deemed appropriate for consideration at virtual Strategic Planning Committee following consideration through the Virtual Delegation Process.

## 2. Description of the Site and the Proposal

2.1 The site to which the application relates is located on Bailiffgate, Alnwick and on the land immediately to the North. The listed buildings, 2, 4 and 6-8 Bailiffgate formerly housed the Duchess School. The site is situated on the outskirts of Alnwick town centre, it sits within the Conservation area and immediately to the West of Alnwick Castle. The site is accessed via the public road on Bailiffgate, the north of the site is accessed via a private single carriage road accessed off The Peth. The existing access road tracks to the north and then forms a gravel track to towards the West providing some access to the rear of St Michaels Church.

2.3 The terraced buildings on Bailiffgate site at the top of the slope which forms 'The Peth'. The site slopes gradually down to Walkergate to the North. It is bounded to the East by an existing retaining wall alongside 'The Peth', the West a series of existing stone walls forming the boundary with St Michaels Church. To the north Walkergate forms the boundary with a stone retaining wall alongside the road.

2.4 The proposal to which this application relates is for listed building consent for the conversion of no. 2-8 Bailiffgate to form 14no. hotel suite /apartments, including a new restaurant and bar area. It is proposed that this will be connected by a glazed link to a new-build hotel block extension to the rear, providing 33no. hotel rooms. This totals 47no. hotel rooms.

2.5 The proposed development therefore consists of the conversion of no. 2-8 Bailiffgate, demolition of the rear of 2-8 Bailiffgate and the boundary wall to the east (to allow for vehicular access off The Peth), the refurbishment of the existing gymnasium block and a new build extension.

2.6 It is understood that the gross floor space of the proposal is to be 5630m<sup>2</sup> with this composed of 4654m<sup>2</sup> hotel (C1 use) and 976m<sup>2</sup> (D2 use) Assembly and Leisure use, which is ancillary to the primary function of the proposal as a hotel.

## **3. Planning History**

**Reference Number:** C/09/00074/CCD

**Description:** Removal of existing mobile unit and replacement with 2 double mobile units

**Status:** PER

**Reference Number:** 13/02288/LBC

**Description:** Listed Building Consent - Roof repairs to replace stolen lead roof

**Status:** WDN

**Reference Number:** 15/00563/VARCCD

**Description:** Variation of condition 1 from application C/09/00074/CCD (Removal of existing mobile unit and replacement with 2 double mobile units).

**Status:** APPRET

**Reference Number:** 18/02544/LBC

**Description:** Listed Building Consent: General repairs and reinstatement works following cessation of use as school in order to improve aesthetics and make premises wind and watertight. There will also be timber decay repairs, asbestos removal and plaster repairs internally.

**Status:** PER

**Reference Number:** 19/04192/LBC

**Description:** Listed building consent for localised repair of existing pitched roofs, to include replacement of natural slates, lead work, roof lights and cast iron rainwater goods. Install new thermal insulation throughout roof voids at rafter level and removal of existing ceilings throughout the upper floors to expose the roof voids. Redecorate retained existing cast iron rainwater goods.

**Status:** PCO

**Reference Number:** 20/01238/FUL

**Description:** The conversion of no. 2-8 Bailiffgate to hotel (Use Class C1), demolition of rear of no. 2-8 Bailiffgate, construction of new build hotel (Use Class C1), refurbishment works to former gym block (Use Class D2), new vehicular access, landscaping and associated ancillary works.

**Status:** PCO

#### 4. Consultee Responses

Alnwick Town Council	<p>Alnwick Town Council (ATC) believes that the development of hotel, restaurant and gymnasium facilities on the site of the former Duchess High School will bring significant benefits to the town. It will bring back into use buildings which have lain empty since 2016 and provide additional employment opportunities for the residents of the town and its surrounding district. High quality hotel accommodation in the town centre will reinforce Alnwick's stature as one of the premier tourist destinations in Northumberland. As importantly, at a time when the future of the local economy looks uncertain, such a significant investment will signal renewed faith in the future development of the town.</p> <p>For all of these reasons, ATC accepts the general principle of development. ATC has, however, a number of specific concerns and must OBJECT until these are adequately addressed. These fall into three areas; massing, parking and related issues, and access.</p>
Building Conservation	<p>While we support necessary measures to find a new use for 2-8 Bailiffgate we suggest all harm should be avoided. However, if harm is demonstrably necessary it should be minimised. There is no evidence that a building on the scale of the proposed hotel is necessary to bring about the reuse of 2-8 Bailiffgate. In order to bring about the necessary traffic circulation around the proposed development a significant length of listed wall would be sacrificed. We consider the development would give rise to less than substantial harm within the terms of paragraph 196 of the Framework and consequently we object.</p>

Historic England	<p data-bbox="552 96 895 129">Historic England Advice</p> <p data-bbox="552 170 1445 1305">Historic England's remit with the application is the impact the proposal would have on the significance of the grade II* listed 2 Bailiffgate and Alnwick Conservation Area where it is defined by the western entrance of Alnwick Castle, itself a grade I listed building. The existing condition of 2 Bailiffgate and its neighbours 4 and 6-8 is of concern since the Duchess High School vacated the buildings. Internally their characters have been much altered by decades of school use but they retain in their layout and some surviving details a sense of their origins as 18th and 19th century town houses. Externally the buildings make a contribution to the historic coherence and appearance of Bailiffgate and the return of No2. Is overlooked by the imposing curtain walls of the castle with views of the Lion Bridge and grade II* registered park and garden in the distance. On the whole their proposed conversion to hotel use is handled with sensitivity, working with historic layout and restoring features. The loss of the rear ranges and a further erosion of the plot boundaries are the most noticeable negative impacts but probably justifiable in the context of creating a viable hotel. The eradication of dry rot should be directed by understanding and stopping the cause of moisture that leads to the environmental conditions necessary for the rot to take hold. I recommend conditioning a methodology for this aspect of the proposal. The new hotel wing is respectfully sited in relation to the rear of No2 and to The Peth, in turn this helps its relationship to the curtain wall of the Castle in that it feels rooted in the town layout and so maintains the distinction between castle and settlement. The size is large for a rear plot development but manages not to dominate No2 or obscure too much of its rear elevation. It is probably of the maximum size that could be respectful here.</p> <p data-bbox="552 1346 1437 1711">A uniform hotel unit plan produces a very regular set of elevations but monotony is avoided through careful detailing of material and texture and inspiration from the town's simple yet ordered 18th and 19th century town houses. All told the application presents a good balance between finding a new viable use for the listed buildings whilst creating a relatively large new building for this part of Alnwick Conservation Area. It accords with paragraph 193 of the National Planning Policy Framework asks that great weight be given to the conservation of designated heritage assets.</p> <p data-bbox="552 1751 799 1785">Recommendation</p> <p data-bbox="552 1825 1445 1895">Historic England has no objection to the application on heritage grounds.</p>
National Amenity Societies	No response received.
County Archaeologist	There are no objections to the proposed development on archaeological grounds subject to a programme of

	archaeological mitigation being undertaken in association with the proposed development. This advice is consistent with paragraph 199 of the NPPF.
	Conditions suggested

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	477
Number of Objections	2
Number of Support	0
Number of General Comments	1

### Notices

Site notice - Listed Building Consent, 22nd May 2020

Morpeth Herald 14th May 2020

### Summary of Responses:

2 Representations of objection have been received. These raise concerns regarding the following matters:

- Highway and Transport Issues (e.g. access, road safety and parking)
- Impact on Amenity of Nearby Occupiers

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q958I9QSFXQ00>

## 6. Planning Policy

### 6.1 Development Plan Policy

Alnwick LDF Core Strategy (ACS)

S15 Protecting the built and historic environment

S16 General design principles

Alnwick and Denwick Neighbourhood Plan ('Made' Version 2017) (ADNP)

CF5 - Future Development of the Middle Schools

HD1 -Protecting Landscape SettingHD2 - Heritage Assets at Risk

HD5 - Design in the Wider Town

### 6.2 National Planning Policy

National Planning Policy Framework (2018)

National Planning Practice Guidance (2018, as updated)

### 6.3 Other Documents/Strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019) (NLP)

Policy QOP 1 Design principles (Strategic Policy)  
Policy QOP 2 Good design and amenity  
Policy QOP 5 Sustainable design and construction  
Policy QOP 6 Delivering well-designed places  
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 7 Historic environment and heritage assets

National Design Guide 2019

## **7. Appraisal**

7.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses. The main issues in the consideration of this application are:

- Principle of Development;
- Impact on Listed Buildings; and,
- Impact on Archaeology.

### The Principle of Development

7.2 The NPPF is a material planning consideration in the assessment of the application. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets.

7.3 Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm' or, 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.3 The Adopted Development Plan where the site is located, comprises the saved policies of the Alnwick and Denwick Neighbourhood Plan ('Made' version 2017) (ADNP), Alnwick District Local Plan 1997 (ADLP) and The Alnwick District local Development Framework Core Strategy 2007 (ACS). ACS Policy S15 seeks to conserve and enhance a strong sense of place by conserving the districts built and historic environment. It requires that all development involving a heritage asset should conserve and, where possible, enhance the asset for the future.

7.4 The emerging Northumberland Local Plan, together with its up to date evidence, is a material consideration in the determination of planning applications. As per Para 48 of the NPPF the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF.

7.5 The principle of providing an appropriate level of sympathetic development to help secure the future and retention of an appropriate use, which will in turn help secure the future of the listed building, is supported. The proposal would accord with local plan policy S15 and the provisions and intentions of the NPPF.

## Heritage Matters

7.6 The NPPF, ADLP and the NCS seek to protect heritage assets within the plan area. The site includes the listed buildings of the former Duchess School and is adjacent to the Conservation Area Boundary to the north of the site.

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

7.8 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, as decision makers, in considering whether to grant Planning Permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.9 The local planning authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.10 Policy S15 of the ACS is the most relevant policy in relation to the Historic Environment in the former Alnwick District Area, and Policies HD2 and HD5 from the ADNP covering specifically the Alnwick, Denwick and Denwick (detached) parishes with NPPF Chapter 16 providing the national context.

7.11 HD2 of the ADNP "*Where a development proposal helps to secure a sustainable future for a heritage asset at risk, or threatened by decay and under use, this will be a factor in its favour. Such proposals are encouraged.*"

7.12 The National Planning Policy Framework (NPPF) is a material Planning consideration in the assessment of the application. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.13 In terms of significance the following is important to note: Within the given red line are the following designated heritage assets will be directly affected: 2 Bailiffgate: grade II\* listed; 4 Bailiffgate: grade II listed; 6-8 Bailiffgate: grade II listed; Retaining Walls [Walkergate] grade II listed. The red line boundary is wholly within the Alnwick Conservation Area. The development has the potential to affect the setting of further designated heritage assets including some of the highest national importance including Alnwick Castle (grade I listed) and the Alnwick Castle Registered Park and Garden (grade I listed).

7.14 In terms of commentary from the Conservation Area Character Appraisal, the following is offered in terms of townscape "*The area is centred on the Castle, which is experienced in different ways from the various roads leading to it. From The Peth,*

*leading in to the Conservation Area from the north, the Castle is viewed as a whole, the open views to the east contrasting with the walls and vegetation to the west side of the road. Baliffgate forms a processional way, focussing on the Castle gatehouse that is visible along its whole length. The tall canyon of Narrowgate forms a surprising contrast to the open space in front of the Castle, which is of similar size and proportions to the marketplace, but dominated by roads and car parking which give it a diffuse, open character. High boundary walls are a feature of the area, where the tall facades of the Riding School and Castle Bailey contribute to a strong sense of enclosure, impinging on the streetscape of Narrowgate, Baliffgate and The Peth, and emphasising the separateness and power of the Castle"*

7.15 In terms of key buildings, the following is offered: *"Apart from the Castle, the key building in Baliffgate is the Museum, whose vertical architectural style and small front yard create an interesting interruption to the horizontal, linear nature of the remainder of the street. The Grade II\* listed three-storey houses at the east end of Baliffgate emphasise the importance of the Castle"* It is these three storey houses at the east end of Baliffgate that form part of the proposal, and indeed its frontage.

7.16 With specific reference to the host properties the conservation area appraisal states the following *"Baliffgate had always been directly held by the Castle, and was traditionally the home of Estate employees; the Duchess' School building was originally a dwelling for the Duke's agent, and the house next door for his librarian."*

7.17 The interiors of 2-8 Bailiffgate have been significantly altered through its period of use as a school with the removal of many internal walls and associated features and the addition of other subdivisions. To some extent the changes proposed allow a better understanding of room proportions and in some cases restore their wholeness allowing a better appreciation of the significance of the heritage asset.

7.18 A further key consideration with regard to the interior is the treatment of dry rot within the zone marked on the proposed plans. The eradication of dry rot which is well established in the building will result in wide scale loss of original plaster and internal timber structure with its important joinery details. Where parts of the existing interior must be discarded to treat the dry rot they must be replaced like for like in matching detail and materials. A suitable condition is appended to the associated LBC report to cater for this requirement.

7.19 Extensive demolition is proposed to the rear of 2-8 Bailiffgate. It is accepted that not all parts of the listed buildings have equal significance. Also, some C20 additions have marginal significance and their demolition is not resisted. While the loss of certain C18 and C19 rear extensions is regrettable their loss is accepted as part of a balance required to find a new use compatible with the significant historic fabric of 2-8 Bailiffgate within the terms of the Framework and Planning Practice Guidance.

7.20 It will be prudent to require the submission of a window schedule detailing the windows to be affected and the work proposed to them for the prior approval of the LPA. It is noted that it is proposed to clean the stone of the existing building and this will be conditioned. Building Conservation have raised no objection to the reuse of the gym block.

7.21 A suitable materials condition has been attached to this report to ensure the quality of the materials used in the final proposal are satisfactory, and as anticipated.

7.22 The proposal has been examined by both the Building Conservation Officer and the County Archaeologist, and Historic England. The Building Conservation Officer has considered the application to form less than substantial harm (further commentary below) and the County Archaeologist has no objection and has offered the commentary below, subject to conditions. These conditions have been appended to this report. Historic England have no objection to the proposal on heritage grounds, and have offered the following *“A uniform hotel unit plan produces a very regular set of elevations but monotony is avoided through careful detailing of material and texture and inspiration from the town’s simple yet ordered 18th and 19th century town houses. All told the application presents a good balance between finding a new viable use for the listed buildings whilst creating a relatively large new building for this part of Alnwick Conservation Area. It accords with paragraph 193 of the National Planning Policy Framework asks that great weight be given to the conservation of designated heritage assets.”*

7.23 The County Archaeologist has commented *“The proposed development layout is as set on the 'proposed general arrangement' plan (added to Public Access website 05 August 2020). Buildings fronting Baliffgate and the existing gymnasium building to the rear of will be retained. Any archaeological remains surviving below the footprint of these buildings will not be affected. Buildings to the rear of 2-8 Baliffgate to be demolished are identified on the 'Demolition Survey' (plan added to the Public Access website 10 August 2020). Details of construction methodologies, depths and foundation techniques for the new buildings are not currently available. Development of this scale will typically include site clearance, landscaping, construction activities, construction of temporary compounds, soil storage and service utility connections. The extent of development proposed as part of the present application is illustrated on the 'proposed general arrangement' plan. However, the 'proposed site layout' plan and red line boundary also includes two areas annotated 'principle of residential development established by planning permission A/2010/0450'. No detailed proposals are identified in this area as part of the present application, though the areas are included within the proposed development boundary. For the purposes of this response it is therefore assumed that the whole of the site within the red line boundary will be impacted by the proposed development. Given the scale and nature of development proposed, it is assumed that any archaeological remains present within the site will be either wholly destroyed by the development process or truncated to the extent that the significance of any surviving remains is substantially compromised unless the applicant is able to demonstrate otherwise.”*

7.24 Further to the above, the County Archaeologist has commented *“Taking into account the results of archaeological assessments undertaken across the site to date and the impact of the proposed development on the significance of the known and unknown archaeological remains, I recommend that the developer is required to commission a programme of archaeological mitigation work. The required archaeological work can be secured by condition in line with paragraph 199 of the NPPF. In order to ensure that an agreed programme of archaeological work can be effectively implemented it will be necessary for the applicant's archaeological consultant / contractor to liaise with other members of the project team to ensure that the archaeological works are accommodated in the development programme and budget.”*

7.25 The proposal is therefore deemed to be acceptable from an Archaeological perspective, subject to conditions, according with relevant heritage policy and legislation in relation to Archaeological matters, appropriate conditions are suggested to the planning officer and have been appended to this report.

7.26 The Building Conservation Officer has provided the following comments *"A significant concern for Building Conservation is the new hotel building. The proposed 33 bed hotel extension over four levels is considerably greater in mass, height and overall impact than the building it would replace. The key concerns are the setting of Alnwick Castle and the adverse impact on The Peth street scene and consequently on the character of the conservation area. The new hotel would be an unusually tall and bulky building travelling along the Peth in a location where the castle walls presently dominate. Its significant height would be underlined by most of its length being on a level platform rather than following the gradient of the Peth. While we recognise the mitigation through design, stepping down at the north and selection of materials we believe harm within the terms of the Framework would remain by virtue of the overall height of the hotel building. A further concern is the impact on Walkergate. We found no discussion in the HIA of the direct physical impact on the grade II listed Retaining Wall. At 6.48 we are told: "The retaining wall does make a positive contribution to Walkergate and therefore to the conservation area..." Further, at 6.49 "The high retaining walls along the Peth and Walkergate will be unaffected by the proposals. Given the new exit for traffic from the hotel will be onto Walkergate a significant portion of the listed fabric would have to be removed. While the plans bear a note relating to the 2010 consent for housing and depict it (implying the exit point already enjoys in principle support) it is not clear if A/2010/0450 is extant. This is harm within the terms of the Framework."*

7.27 In terms of a final position Building Conservation offer the following is offered *"While we support necessary measures to find a new use for 2-8 Bailiffgate we suggest all harm should be avoided. However, if harm is demonstrably necessary it should be minimised. There is no evidence that a building on the scale of the proposed hotel is necessary to bring about the reuse of 2-8 Bailiffgate. In order to bring about the necessary traffic circulation around the proposed development a significant length of listed wall would be sacrificed. We consider the development would give rise to less than substantial harm within the terms of paragraph 196 of the Framework and consequently we object."*

7.28 Therefore the level of harm identified within the scheme (less than substantial harm) must be weighed up against the public benefits of the scheme.

#### Public Benefits (In relation to Heritage Matters)

7.29 A number of public benefits of the scheme have been identified. These include, but are not limited to:

- The proposed development has been prepared in a holistic manner through a Masterplan for the delivery of the whole site, including the conversion of the former Duchess School alongside the new development. This is a positive approach to planning and encouraged to ensure that the site is delivered in a holistic manner and all necessary and appropriate mitigation and public benefits are secured.
- The proposed development that it will bring a currently vacant Grade II Listed Building back into use and prevent it from falling into a further state of disrepair.

- The addition of further hotel in Alnwick to allow the General Public to enjoy Alnwick, Northumberland, and the wider region, as well as providing accommodation from which the county's historic environment can be experienced.
- The proposal will provide a welcome boost to the local economy, through the provision of new jobs.
- The securing of planning obligations (CMS contribution) associated with the delivery of the accompanying application.

7.30 It is considered that these public benefits as set out above, outweigh the level of harm identified by the Building Conservation Officer and comply with the relevant provisions of the development plan (both ACS and the ADNP) in relation to heritage assets, when balanced with the provisions of the NPPF.

7.31 The proposal is considered to accord with the provisions of ACS policy 15, ADNP policy HD4 & HD5 and the provisions and intentions of the NPPF; and the emerging Local Plan, where this can be given weight. Appropriate Conditions have been appended to either this LBC report or the associated report relating to the full planning permission, where appropriate, to make the development acceptable in planning terms.

#### Other Matters

7.32 Conditions in relation to safeguarding the public against potential pollution sources have been appended to this 'LBC' report, rather than the 'Full' application. This is to ensure that these are taken into full consideration during the conversion of the existing buildings and the construction of new structures/buildings within the site curtilage.

#### Equality Duty

7.33 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

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

#### Human Rights Act Implications

7.35 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.

7.36 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.

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

## **8. Conclusion**

8.1 The application has been considered against the relevant policies and accord is considered to accord with the development plan and the relevant sections within the NPPF. On balance, the less than substantial harm on the setting of the listed building is considered to be outweighed by the public benefit of helping to secure an appropriate and viable use for the listed building into the future.

## **9. Recommendation**

That this application be GRANTED subject to the following conditions:

### Conditions/Reason

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Landscape Layout Plan - Former Gym Area Dwg No. 1004-8-2 Dated Mar 2020 (Rev C 17.008.20)

Landscape Layout Plan - Former Gardens Dwg. No 1004-8-3 Dated Mar 2020 (Rev D 17/08/20)

Proposed GF Plan Dwg No. AL(0)21 Date March 2020 (Rev F 27/03/20)

Landscape Layout Plan - Courtyard Area Dwg No. 1004-8-1 Dated March 2020 (Rev C 03/08/20)

Landscape Layout Plan - Former Gym Area Dwg No. 1004-8-2 Dated March 2020 (Rev B 03.08.20)

Landscape Layout Plan - Former Gardens DWg No. 1004-8-3 Dated MArch 2020 (Rev C 03/08/20)

Proposed Site Plan Dwg No. AL(0)20 Dated March 2020 (Rev E 05/08/20)

Gym Block Proposed Ground Floor Plan Dwg. No. AL(0)40 Dated March 2020 (Rev C 05/08/2020)

Proposed Road General Arrangement Dwg No. NT14789-006 Dated 30.03.20 (Rev A 13/07/20)

Gymblock Proposed Roof Plan Dwg No. AL(0)42 March 2020 (Rev C 17/07/20)

Gym Block Proposed Elevations South and East Dwg. No. AL(0)43 Dated March 2020 (Rev C 17/07/20)

Gym Block Proposed Elevations North and West Dwg No. AL(0)44 Dated March 2020 (REv C 17/07/20)

Gym Block Proposed First Floor Plan Dwg No. AL(0) 41 Date March 2020 (Rev B 27/03/20)

Gym Block Proposed Ground Floor Plan Dwg. No AL(0)40 Dated March 2020 (Rev B 27/03/20)

Proposed Site Plan Dwg No. AL(0)20 Dated March 2020 (Rev D 27/04/20)

Location Plan Dwg No. AL(0)01 Dated March 2020 (Rev A 03/04/20)

Application Form [As uploaded to DMS 21st April 2020]

Existing Basement Floor Plan - Proposed Demolition Dwg No. AL(0)15 Dated March 2020 (Rev C 14/02/20)

Existing Elevations 01 - Proposed Demolition Dated March 2020 (Rev B 27/03/20)

Existing Elevations 02 - Proposed Demolition Dwg. No AL(0)18 Dated March 2020 (Rev B 27/03/20)

Existing Elevations 03 - Proposed Demolition Dwg No. AL(0)19 Dated March 2020 (Rev B 27/03/2020)

Existing First Floor Plan - Proposed Demolition Dwg No. AL(0)13 Dated March 2020 (Rev B 27/03/20)

Existing Ground Floor Plan - Proposed Demolition Dwg No. AL(0)12 Dated March 2020 (Rev B 27/03/2020)

Existing Roof Plan - Proposed Demolition Dwg No. AL(0)16 March 2020 (Rev B 27/03/20)

Existing Second Floor - Proposed Demolition Dwg No. AL(0)14 Dated March 2020 (Rev B 27/03/20)

Existing Site Plan - Proposed Demolition Dwg No. AL(0)11 Dated March 2020 (Rev B 27/03/20)

Car Park and Gym Block External Lighting Layout DWg No. 2019001-2-96-L002 Date March 2020 (Rev P01 27/03/20)

Hotel and Courtyard External Lighting Layout Dwg No. 2019001-2-96-L001 Date March 2020 (Rev P01 27/03/20)

Landscape Layout Plan - Courtyard Area Dwg No. 1004-8-1 Dated March 2020 (Rev B 27/03/20)

Landscape Layout Plan - Former Gardens Dwg No. 1004-8-3 Dated March 2020 (Rev B 28/03/20)

Landscape Layout Plan - Former Gym Area Dwg No. 1004-8-2 Dated March 2020 (Rev A 27/03/20)

New Build Hotel Long Section Dwg No. AL(0)27 Dated March 2020 (Rev B 27/03/20)

New Build Hotel Short Section Dwg No. AL(0)28 Dated March 2020 (Rev B 27/03/20)

Proposed Basement Floor Plan Dwg No. AL(0)25 Dated March 2020 (Rev C 27/03/20)

Proposed East Elevation (The Peth) Dwg No AL(0)30 Dated March 2020 (Rev B 27/03/20)

Proposed Baliffgate Elevation Dwg No. AL(0)29 Dated March 2020 (Rev B 27/03/20)

Proposed 1st Floor Plan Dwg No. AL(0)22 Dated March 2020 (Rev F 27/03/20)

Proposed GF Plan Dwg No. AL(0)21 Dated March 20 (Rev F 27/03/20)

Gym Block Proposed Elevations North and West Dwg No. AL(0)44 Dated March 20 (Rev B 27/03/20)

Proposed North Elevation AA Dwg No. AL(0)31 Dated March 2020 (Rev B 27/03/20)

Proposed North Elevation BB Dwg No AL(0)32 Dated March 2020 (Rev C 03/04/20)

Road Cross Sections Dwg No. NT14789-009 Dated 30-03-20 Rev -

Proposed Road General Arrangement Dwg No. NT-14789-006 Date 30-03-20

Proposed Road Levels Plan Dwg No. NT14789-007 Dated 30/03/20 Rev -

Road Longsections Dwg No. NT14789-008 Dated 30.03.20 Rev -

Proposed Road Plan Dwg No. AL(0)26 Dated March 2020 (Rev C - 03/04/20)

Gym Block Roof Plan Dwg No AL(0)42 Dated March 2020 (Rev B 27/03/20)

Proposed 2nd Floor Plan Dwg No AL(0)23 Dated March 2020 (Rev F 03/04/20)

Gym Block Proposed Elevations South and East Dwg No. AL(0)43 Dated March 2020 (Rev B 27/03/20)

Proposed South Elevation Dwg No. AL(0)34 Dated March 2020 (Rev B - 27/03/20)

Proposed 3rd Floor Plan Dwg No. AL(0)24 Dated March 2020 (Rev E 27/03/20)

Proposed West Elevation (Courtyard) Dwg No. AL(0)33 March 20 (Rev B 27/03/20)

Arboricultural Method Statement Tree Protection Plan (AMS TPP) Dwg No. AMS TPP Dated 09.04.20 Rev - By All about Trees Ltd.

Drainage Strategy Drawing Ref NT14789-005 REV A dated 01/09/2020 issue 2

Drainage Strategy and Flood Risk Assesment Ref NT14789 001 issue 2 Dated Aug 2020 produced by Wardell Armstrong

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

03. Prior to the commencement of work to windows a detailed schedule and annotated plan shall be submitted showing the type and condition of all existing windows. The schedule shall show which windows are to be retained and details of the windows that are to be replaced. No window shall be removed or replaced other than in accordance with the approved schedule. New or replacement windows shall match exactly the form, proportions and details of the originals in every respect including the design and profile of glazing bars and other mouldings.

New or replacement roof lights shall be flush fitting and metal framed.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

04. All existing internal decorative features including fireplaces, doors, architraves, skirtings, decorative plaster work and panelling shall be retained in situ unless expressly specified in the Mawson Kerr Internal Features Survey dated February 2019. No additional such features may be removed or altered without the prior written consent of the LPA. Any further features, being removed, or removed and replaced will be submitted to and agreed in writing by the LPA.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

05. Before masonry cleaning begins any proposals must be approved in writing by the LPA. Prior to cleaning a test panel shall be undertaken in an inconspicuous area for inspection by the LPA and the work executed only in accordance with the written the approval.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

06. Before the installation of services begins the position and type of all new and relocated services shall be specified and agreed in writing with the LPA wherever such installations are to be externally visible. No new plumbing, ducts, pipes, flues, extracts or vents shall be fixed to the external faces of the building other than with the prior written consent of the LPA.

Reason: To ensure the Historic Significance of the Listed Property is conserved and enhanced, in line with the NPPF.

07. Prior to the commencement of development the applicant must either:

a) Investigate the site for ground gases to the satisfaction of the Local Planning Authority (LPA), to ascertain whether gas protection measures are required. Where measures are required, the details shall be submitted to, and approved by, the LPA. or, b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

In either circumstance all required measures shall be installed before the development is first occupied and a building surveyor's certification that the work has been done will need to be supplied to the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

08. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a 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. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

09. Prior to the commencement of development above damp proof course level samples of the proposed facing and external materials (including roof materials) of the new build element of proposal shall be submitted to and approved by the Local Planning Authority. This can either be in the form of a physical submission, or in the form of a materials board provided on the site. The materials as approved shall be used in the construction of the extension hereby approved.

Reason: To ensure satisfactory preservation of the Listed Building.

**Background Papers:** Planning application file(s) 20/01239/LBC