

Parish:	Committee date:	15 November 2018
Ward:	Officer dealing:	Mr Peter Jones
1a	Target date:	29 November 2018

18/01849/FUL

Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses.

**At East Road Northallerton North Yorkshire DL6 1NP
For Central Northallerton Development Company**

This application is referred to Planning Committee as the application site is owned by the Central Northallerton Development Company. The application is also brought owing to the complexity of the policy issues raised and the public interest in the application.

1.0 SITE, CONTEXT AND PROPOSAL

Site Description

- 1.1 The application site comprises the site of the former H M Prison, Northallerton located to the east of East Road, north of The Link and west of Crosby Road. The site extends to 1.46ha and comprises the former prison site along with a small parcel of land immediately to the north of the prison which was used as a public garden. The prison was formally closed in December 2013 and is now vacant and in part demolished.
- 1.2 The site is located east of the High Street, adjacent to the designated boundary of Northallerton Town Centre and approximately 30m from the defined Primary Retail Area and is positioned between the High Street and a main town centre car park. The site is also located within the area of the Northallerton Business Improvement District. The area forms the transition between the town centre to the west and residential areas to the east and has been characterised by the tall walls of the prison boundary and east road which cuts through this part of the town. The area has been relatively austere in character owing to the high prison boundary wall and the dominance of East Road through this part of town.
- 1.3 The site was largely cleared by the Council in 2017 following demolition of the non-listed areas, including the boundary wall. The site consists of two distinct parcels comprising the remaining prison buildings (positioned to the north) and the cleared area at the south.
- 1.4 The remaining five buildings (on the northern portion of the site) have a statutory Grade II Listing. The Quadrangle (comprising the Staff Tenement Range, The 1818 Female Wing, The Governor's House and Link Building) and the 1852 Female Wing.
- 1.5 Retail and commercial uses are located to the west and south west, including the Tesco Superstore and commercial uses on Zetland Street. Northallerton Fire Station

is located to the east, alongside several terraced residential properties. North Yorkshire Police Headquarters is located to the south east in the former Rural Payments Agency building and Crosby Street car park is located immediately to the east of the site.

- 1.6 The Northallerton Conservation Area is situated to the west of the Site. The Conservation Area boundary is centred on the pre-1900 developed area of the Town Centre, the area around the church and South Parade. The Site is not within the boundary, although most of Zetland Street (to the east of the Site) is included along with the Victorian properties and gym on the west side of East Road, whilst the Tesco Store is excluded.

Proposed Development

- 1.7 The Site was acquired by Hambleton District Council in 2015 given its strategic importance to the economic and community well-being of Northallerton. In 2017 the Site was transferred to Central Northallerton Development Company. Wykeland Properties Limited were selected as the preferred development partner by HDC.
- 1.8 The application can be broken down into two main areas. To the north the listed buildings are proposed to be re-used and a new cinema building constructed at the northern end of the site.
- 1.9 To the south 3 new build retail units are proposed, including parking for the whole of the development.
- 1.10 *Schedule of Accommodation (GIA Gross Internal Area)*

Southern Plot

Unit 1 – New build food retail - 744sqm over 2 floors

Unit 2 – New build food retail – 1977sqm

Unit 3 – New build food retail – 124sqm

Northern Plot

Cinema – New build 4 screen Cinema 1267sqm (including ground floor entrance.

Restaurant beneath cinema – 306 sqm

Restaurant beneath cinema – 269 sqm

Restaurant beneath cinema – 297 sqm

Staff Tenement Building. Block A – *Listed Building conversion to 2 retail units and 2 residential units*

- *Retail of 53sqm and 56sqm to ground floor*
- *Residential 32sqm (entrance)*
- *Residential Unit 1: 148sqm to 1st floor*
- *Residential Unit 2: 148sqm to 2nd floor*

Governor's House Block B – Listed Building conversion to restaurant unit over two floors.

- 350sqm over 2 floors

The Female Wing Block C – Listed Building conversion to Office use over three floors.

- 211sqm to ground floor

- 212sqm to 1st floor

- 211sqm to 2nd floor

1818 Female Wing Block D – Listed Building conversion and extension to form office uses and restaurant.

- Ground Floor restaurant

- 149sqm to 1st floor

- 19sqm circulation space at ground and first floors

Link Building Block E - Listed Building Conversion to Office use

- 302sqm office circulation space over 3 floors

- Will form the foyer for Block C and will include an area for a small heritage centre for display of memorabilia and archives from the prison.

Summary of Accommodation

Food Store Retail – 2845sqm

Retail - 109sqm

Residential - 328sqm

Restaurant - 1604sqm

Leisure - 1267sqm

Office - 1123sqm

1.11 The application has been accompanied by the following supporting documentation:

Bat Survey, Archaeology Report, Design and Access Statement, Drainage Impact Assessment, Flood Risk Assessment, Travel Plan, Heritage Statement, Noise Assessment, Retail and Leisure Impact Assessment, Geo Environmental Appraisal, Statement of Community Involvement, Structural Report, Sunlight Study

1.12 The materials submitted for the proposed new build elements include; red facing bricks, shingle cladding and Reglit glass cladding for the cinema. For the supermarket and retail units the materials would consist of red facing brick, fibre cement shingle, standing seam metal cladding, horizontal metal louvres and Kalzip standing seam roof.

1.13 Improvements have been secured as follows:

- Additional information and clarification
- Daylighting Assessment
- Changes to the design of the cinema including the re-positioning of bulky elements of the proposal
- Removal of the external screen to cinema addressing concern about external noise
- Travel Plan to address issues about access in the vicinity of the application site including left turn problems out of the site onto Crosby Road.
- Amendments to the noise assessment

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There have been a number of Government related notifications and applications relating to the operation of the Prison site. The applications considered most relevant to the current proposals are:
- 2.2 74/0707/FUL 29.08.1974 Construction of Garden Building
- 2.3 05/00596/GOV 03.05.2005 Granted. Application for roof replacement
- 2.4 15/02538/PND 05.01.2016 Granted. Prior Notification for the demolition of the unlisted parts of former prison and boundary wall
- 2.5 17/02591/ADV 08.02.2018 Granted. Advertisement consent for a mesh banner fixed to existing boarding

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP10 - The scale and distribution of new employment development
 Core Strategy Policy CP10A - The scale of new employment development by sub-area
 Core Strategy Policy CP11 - Distribution of new employment development
 Core Strategy CP13 - Market towns regeneration
 Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP17 - Retention of employment sites
 Development Policies DP18 - Support for small businesses/working from home
 Development Policies DP19 - Specific measures to assist market town regeneration
 Development Policies DP20 - Approach to town centre development

Development Policies DP21 - Support for town centre shopping
Development Policies DP22 - Other town centre uses
Development Policies DP23 - Major out of centre shopping and leisure proposals
Development Policies DP24 - Other retail (and non-retail commercial) issues
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council – No Observations.
- 4.2 Highways England – No objections. The proposed development will have no impact on any junction onto the Strategic Road Network.
- 4.3 Historic England – (summarised) Historic England has raised a number of areas of concern with the proposed development in terms of the level of alteration and extension proposed, the justification and mitigation for these changes and whether the degree of public benefit to be derived, which would otherwise off-set the harm caused, could be derived from a scheme which had less impact on the significance of the Listed Buildings.

Based on these concerns Historic England make the following recommendation:

“Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 184, 193, 194, 196 and 200 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your Authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.”

- 4.4 NYCC Highway Authority – The Highway Authority is yet to provide their formal response to the proposals. However, they have provided the following interim response, summarised below:

There are matters within the TA & TP which would require amendment for the LHA to fully support the documents. There is not disagreement with the overall principles and conclusions within these reports.

The proposal to provide traffic signals at the junction of the Link and East Road is welcomed. There will need to be the ability for the signals to be linked to the other signalised crossing sites on East Road using some form of intelligent signal control system.

There will be the need for a 'hurry call' for the fire station to enable the signals to assist with exiting The Link when attending emergency calls.

The detailed design of pedestrian links along Zetland Street will need to be addressed to ensure pedestrians are encouraged and accommodated. Zetland Street must not be a barrier which results in additional vehicle rips.

Whilst improving the footway links between the site, East Road and the High Street is welcomed consideration will need to be given to the suitability of routes for modern day use.

The location of the access for all vehicles from Crosby Road is welcomed.

The provision of 2.0 metre wide footways all round the site is welcomed; however the LHA would welcome the provision of a wider footway on the East Road frontage.

There will be a need for a parking management plan –to ensure the owners and tenants are responsible for controlling the use of the parking on site.

There will be a need for a delivery management plan. This will need to cover the timing of deliveries; the safety of deliveries; the routing of deliveries etc. The plan will need to stop the potential of any HGVs trying to leave Crosby Road in northerly direction or from making a right turn into the northern end of Crosby Road from East Road.

Both delivery and parking plans will need to be reviewed regularly - perhaps every 3 years. This could be linked to Travel Plan monitoring.

In conclusion the LHA does not consider there are any matters which would prevent a positive formal recommendation being issued.

- 4.5 NYCC – Planning Services – No comments to make.
- 4.6 NYCC Archaeology - The application includes a report on a major community archaeology excavation, carried out by the York Archaeological Trust. These extensive excavations have successfully recorded a number of significant features and this has greatly enhanced our understanding of the prison. I understand that the report for the archaeological work will be revised with the results of a more discrete and very recent archaeological project that completes this recording. Given the extensive research and excavation that has already taken place I have no further archaeological recommendations to make.
- 4.7 NYCC Lead Local Flood Authority - The submitted documents demonstrate a reasonable approach to the management of surface water on the site. No objections subject to conditions.
- 4.8 North Yorkshire Police - It is pleasing to see that the applicant has taken cognisance of the suggestions made and have reflected this in the design & layout of the scheme. I am satisfied that the current proposals should provide a safe and secure environment for all users.
- 4.9 Ministry of Defence – No objections on safe-guarding grounds.

- 4.10 Environment Agency – Have no detailed observations to make on the proposals.
- 4.11 Fire and Rescue Service - No objection to the proposed development.
- 4.12 Yorkshire Water – No objections subject to conditions relating to surface water run-off, oil and grit separation and foul water disposal.
- 4.13 Hambleton District Environmental Health (Contaminated Land) – Confirm that the methodology and findings are acceptable. No objections subject to conditions.
- 4.14 Hambleton District Council CCTV - A large proportion of the Treadmills site is already covered by Hambleton District Council's Public Space Surveillance System; this will continue to be monitored through the existing arrangements of the system. It is proposed that the provision of at least two additional cameras is to be considered on the site, and that these are networked into the Hambleton District Council system to allow for live time monitoring and reactive police response requests if needed.
- 4.15 Public comments – The application was advertised by way of site notices on Crosby Road, East Road and The Link on 17 September 2018. The application was also advertised in the Darlington and Stockton Times on 21 September 2018.

12 Individual objections to the proposals have been received. These are summarised below:

- There are insufficient public toilets in Northallerton and this application should be an opportunity to deal with that provision.
- This is an ill thought out development, with no thought for the local community.
- Too much development crammed into the northern part of the site.
- The Cinema is massive. The 3 stories height of the cinema is not comparable in this locality.
- Detrimental impact on the Forum, which is a community project and should be offered protection
- Development will be overbearing
- Harmful impact to residential amenity for property on Crosby Road.
- Loss of privacy to properties on Crosby Road. Windows of restaurants will look directly into neighbouring residential properties.
- Inappropriate design adjacent to a heritage site (the former prison buildings).
- Cinema height would be better without the restaurants below.
- What is the purpose of the external screen?
- Events in the square will result in noise and disturbance.
- The Noise Assessment is unreasonable in that it suggests that noise impacts can be mitigated by closing windows or turning the TV up.
- Extensive bin store will lead to smells and unsightly appearance.
- Design looks to the East Road frontage and pays no attention to the residents of Crosby Road.
- Cinemas are out-dated and no longer an attraction. What will happen to this building when the cinema fails?
- Noise and vehicular pollution from increased pedestrian and vehicular traffic to and from the site.

- This facility would be better located at North Northallerton or an existing leisure site.
- Additional concentration of traffic in this area will lead to problems.
- There are already a significant number of shop units available in the High Street, this development is not necessary.
- Money should go into the High Street rather than this site.
- Development will draw people away from the High Street
- The high unsightly part of the development should be in the south, opposite Tesco, rather than near residential and listed buildings in the north.
- Problems of anti-social behaviour and litter
- Impact of daylight for neighbouring properties
- Too few disabled and parent and child parking spaces
- Only one exit for vehicles in case of terror attack
- Concern over vehicles waiting for Aldi trucks to manoeuvre
- Lack of designated crossing points on Crosby Road and The Link
- If trucks leave the site and turn North, they cannot make the turn into Lascelles Lane, this is also a problem for vehicles unloading in the layby as there is no way to make a U turn
- No designated parking for residents of the flats
- Noise and disturbance from the outdoor screen
- The amenity of Crosby Road residents is not sufficiently taken into account
- Food and Beverage offer could be part of a gallery or museum offer and as such the cinema is not needed.
- Alleged benefits to Crosby Road residents is not quantified
- Outside seating will only attract late night anti-social activity
- The large scale retail unit is inappropriate and harmful to the retail function of the High Street
- Is the Victorian sewer able to cope with the demand put upon it by this development?
- The Forum provides other public functions which are effectively subsidised by the cinema offer
- Town Square is the heart of the Town and another civic space will erode this
- East Road was designed to ease congestion in town. Building in this location will result in delays to traffic in the area
- The historic character of the prison should be used to inform the proposed use of the site
- The Women's Wing should be given over to a museum. Northallerton Prison was the first purpose built prison and the site of the largest known Treadmill and as such should be protected for future generations to see
- Development will totally destroy the historic character of the site
- Proposed heritage display is insignificant
- Northallerton needs attractions and not just more retail
- Development will result in the loss of the internal features of the listed buildings

- 4.16 One letter of support has been received, summarised below:
- We need a cinema in the town, why should we have to go to another District to spend our money ?
- 4.17 The Forum has provided a detailed comment on the proposals, summarised below raising concerns about the impact of the proposed cinema:
- Concern about the impact of the proposed cinema on the viability of The Forum Northallerton.
 - This is a charitable business operated from 2012
 - It is a community use for the benefit of the whole of the community
 - Current offer is considered to be financially viable and self-sustaining. Risk losing part of customer base and income stream from screen based offerings at Treadmills
 - Not confident that this income stream can be replaced.
 - Not clear that the proposed “vibrant Northallerton night life” centred on the Treadmills, will have a positive and significant impact increasing attendance at non screen based offer events
 - Concern about potential loss of volunteers if the cinema offer is lost.
- 4.18 A local National retailer has objected on the following grounds, summarised below;
- Lidl is proposed to be located within an area outside of Northallerton Town Centre
 - There are no longer such significant differences between a “discount retailer” and a mainstream retailer and Lidl are really just another food-store operator
 - The site could be occupied by any food-store retailer
 - The sequential test undertaken by the applicant is poor and lacks detailed justification
 - There is no need for the Lidl to be part of this wider site and sequentially the store could be located on another, smaller site. The application fails to accord with the requirements of Paragraph 86 of the NPPF.
 - Evidence base for the new Local Plan includes a Retail and Leisure Study which was published in 2016 which shows the forecast expenditure growth over the study period will be unable to support any additional convenience floorspace over the plan period.
 - The current number of cinema screens in the study area is commensurate with the number which would be supported by the population of the catchment and as such no further screens are needed.
 - The approach taken by the applicant has led to an underestimation of the potential impact of the proposals
 - Question the suggested potential turnover of the Lidl Store which has been adopted in the assessment
 - Applicant has significantly underestimated the sales density and prospective turnover for the convenience element of the Lidl and therefore the impact on the town centre is also underestimated.

- Note that the anticipated trade draw for Lidl assumes only 28% of the store's trade to be drawn from Northallerton and 27% of trade being from other locations outside the study area. This contrasts significantly with the figures presented for the M&S proposal in Northallerton which is suggested to draw 70% of its trade from Northallerton.
- Impact on the significance of heritage assets.

4.19 Northallerton BID has written in support of the proposals, Northallerton BID welcome the redevelopment of the former prison site to complement Northallerton's future retail offering but raise the issues summarised below:

- The physical and visual linkage between Treadmills and the High Street is considered vital to benefit both.
- There is a clear view from Crosby Street car park down Zetland Street to the arched alleyway entrance at the Tickle Toby Inn. This should be retained.
- The design should acknowledge the importance of the location and create a high quality urban character to reflect this.
- Enhancements to the townscape character of East Road are welcomed and should be of a high standard.
- Opportunity to significantly upgrade the environmental character of East Road and Zetland Street.
- There is an opportunity for the Treadmills car park to set a new standard. This could include larger parking bays for ease of use, tree planting to provide shade, electric charging facilities, secure cycle parking, CCTV security, cashless/ticketless/app parking, high quality SUDS materials and boundary treatment, promoted links to greenspace trails and history trails

5.0 OBSERVATIONS

5.1.1 The main issues to consider are: (i)The principle of development in this location, including its compatibility with national and local policy and the impact on Town Centre services; (ii) the impact on residential amenity in the vicinity ; (iii) the impact of the proposals on the highway network, parking and connectivity; (iv) the impact of the proposals in terms of drainage and flooding; (v) the impact of the proposals on heritage assets including listed buildings and the setting of the conservation area; (vi) design and; (vii) matters relating to ecology.

The principle of development in this location

5.1.2 The Vision set out in Hambleton's Local Development Framework states that "by 2021 Hambleton's communities will have become sustainable, prosperous, safe, healthy and vibrant. This will all have been achieved in ways that reduce the impact of society on the environment, improve the quality of design of the built environment and protect and enhance Hambleton's environmental assets such as its historic heritage.

5.1.3 Northallerton is a Principle Service Centre as set out in the Spatial Principles within the Local Development Framework, where development will be directed due to the sustainability credentials of the Centre. The five market towns, designated as "Service Centres", will play the leading role in the future development and provision

of services within Hambleton. Most new development will be focused in these towns, with more development being in the main towns.

- 5.1.4 The site is located adjacent to, but outside of the defined town centre but within the development limits of Northallerton. The site is also considered to be previously developed (brownfield) land.
- 5.1.5 Core Policy 1 of the Local Development Framework sets out the sustainability requirements for new development and states that “Development should utilise previously developed land (“brownfield” land), where that land is in a sustainable location, in preference to greenfield sites.
- 5.1.6 Core Policy 2 states that development and the provision of services should be located so as to minimise the need to travel whilst Core Policy 3 states that support will be given to proposals and activities that protect, retain or enhance existing community assets, or lead to the provision of additional assets that improve community well-being.
- 5.1.7 CP4 states that development or activities of a scale and nature appropriate to secure the sustainability of each settlement, as identified in Spatial Principle 3 and in the Core Strategy policies, will be supported within the Development Limits.
- 5.1.8 Policy support for the principle of the scheme is provided by CP14 which provides support for maintaining and enhancing the viability and vitality of the districts town and district centres. The policy identified Northallerton as the Main Town Centre, with its function to serve the district. CP14 goes on to state that retail and other town centre development of a scale appropriate to the identified role will be supported provided that it respects the character of the environment of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function. It is noted that relevant impact and sequential tests will deal with whether the detail of the application itself is appropriate.
- 5.1.9 Further policy support for the application is provided by DP19 which provides policy support for the regeneration of the Market Towns, expressing support for a range of initiatives including the retention and development of a mix of retail, leisure and employment generating uses, support for residential accommodation, enhancement and development of tourism facilities, redevelopment of vacant and underused sites close to town centres, including public realm enhancements, maintenance and enhancement of the architectural and historical interest and the unique sense of place.
- 5.1.10 DP20 provides support for town centres and encourages uses, activities and investment that will sustain or enhance their character attractiveness, conservation, heritage, vitality and viability and lead to the centres becoming more vibrant and economically successful. It establishes the town centre boundaries for the purposes of the policy. DP20 also provides support for the element of the proposal that is related to the development of the evening and night time economy, subject to relevant checks and balances.
- 5.1.11 DP21 provides support for the shopping role of town centres, and designates the primary retail areas. It states that permission will be granted for appropriate retail development in order to maintain and improve provision in the Service Centres. Retail development will be approved of a type and scale that supports the functions of the town centre. In the case of Northallerton development that increases the range of comparison goods will be approved.

- 5.1.12 DP22 states that development of appropriate non-shopping town centre uses in the town centre boundaries, sites for appropriate non-shopping uses would be sought firstly within the defined Town Centres, before development would be considered acceptable on the edge (or outside) centres.
- 5.1.13 DP23 sets the policy approach to applications for major shopping proposals in locations outside the Primary Retail Areas designated under policy DP21, of more than 500 sqm gross floor area will not be permitted to protect the viability and viability of the existing town centres subject to appropriate sequential and impact tests.
- 5.1.14 The NPPF provides support for town centres as the heart of local communities, and indicates that policies and decisions should take a positive approach to the growth, management and adaptation of town centres (Paragraph 85). Paragraph 86 of the NPPF establishes the requirement for the sequential test for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan.
- 5.1.15 Paragraph 87 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 89 states that an impact assessment should be required if the retail/leisure development is outside the town centre and over a proportionate, locally set floor-space threshold (or 2500sqm, gross where no local threshold). The NPPF remains clear that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on investment in centre(s), or the vitality and viability of the town centre it should be refused.
- 5.1.16 The application site is located outside but adjacent the town centre boundary. The town centre boundary is located to the west of the site on the opposite side of East Road. East Road along the western boundary of the site. The site is outside the primary retail area, however it should be noted that the Primary Retail area extends along the southern side of Zetland Street. Zetland Street is located just to the west of the application site. The application seeks development of retail uses over and above the policy threshold of 500 sqm established in DP23, and 2500sqm in NPPF paragraph 89. Therefore a sequential test and impact test are required and have been submitted as part of the application. In this case the site is located 150m from the junction of Zetland Street and the High Street and the entrance to the larger of the retail units is approximately 300m. The site is also located between this point and a main town centre car park.
- 5.1.17 In conclusion, subject to examination of the impact of the proposals on the viability and vibrancy of the Town Centre, the principle of development in this location which is a short distance from the centre of the High Street and comprises a brownfield site, is considered to be acceptable.

5.2.0 **Retail Impact**

- 5.2.1 The applicant has submitted a detailed Retail and Leisure Impact Assessment. The Council has sought advice on the content and conclusions of this assessment from G L Hearn and their response is reported elsewhere in this report.
- 5.2.2 In general terms policy requires new retail and shopping facilities are to be directed to town centre locations, in order to protect the character, vitality and viability of the town centre, which remains the heart of the town.
- 5.2.3 DP20 sets out the approach to town centre development, noting that the application site is not within the defined town centre but immediately adjacent to it, DP20 seeks to encourage uses, activities and investment that will sustain or enhance their

character, attractiveness, conservation heritage, vitality and viability – and lead to the centres becoming more vibrant and economically successful.

- 5.2.4 DP21 further re-enforces the requirements of DP20 by setting out support for town centre shopping within the Town Centre boundaries designated under Policy DP20, giving priority to development in the Primary Retail Areas defined on the Proposals Map. In the case of Northallerton, development that increases the range of comparison goods retailing (including national multiples and small local independent traders) will be approved. It must be re-iterated that this policy expresses this support in terms of development within the defined Town Centre, but is useful in terms of setting the priority for development and the relationship of this site to the Town Centre.
- 5.2.5 Again DP22 sets out support for other town centre uses including the development of appropriate non-shopping town centre uses, such as commercial leisure and entertainment, cultural facilities, residential development, community facilities which attract users from a wide area, and town centre related office uses (non-retail commercial A2 uses), and potentially B1 offices, which will be encouraged to locate within the Town Centre boundaries. Sites for appropriate non-shopping uses should be sought firstly within the defined Town Centres, before development would be considered acceptable on the edge (or outside) centres.
- 5.2.6 Policy DP23 sets out the position for major out of centre shopping proposals, such as that now proposed, and states that major shopping proposals in locations outside the Primary Retail Areas designated under Policy DP21, of more than 500 m. sq. gross in size will not be permitted, in order to protect the vitality and viability of existing town centres, unless the proposal can be demonstrated to be acceptable.
- 5.2.7 The policy then sets out a number of criteria to be met to ensure that development is acceptable in terms of the policy:
- i. the need for the proposal, in quantitative and qualitative terms outweighs other planning considerations; and
 - ii. there are no suitable viable and available sites both within or on the edge of the existing Primary Retail Areas, being flexible about format, scale, design and parking provision; and
 - iii. there would be no adverse impact upon the vitality and viability of existing designated Primary Retail Areas; and
 - iv. the proposal would be accessible by a choice of means of transport (including public transport, cycling and walking), and the local transport system is capable of accommodating the potential traffic implications.
- 5.2.8 It should be noted that there is no requirement in national planning guidance to demonstrate the need for proposals. Furthermore the impact on vitality and viability needs to be considered on the basis of the centre as a whole, not just the PRA.
- 5.2.9 In order to assess whether the proposed development is able to meet the requirements of the above policy and national policy the applicant prepared a Retail and Leisure Impact Assessment which reaches the following conclusions (summarised):
- *it is demonstrated that there are no (alternative) available sites that are suitable to accommodate the proposed development*

- *it is demonstrated that the limited planned and committed investment within the study area will not be adversely affected*
- *any trade diversion experienced from Northallerton, and other retail facilities as a result of the Treadmills scheme is identified to be negligible.*
- *the leisure element of the Treadmills scheme will offer a point of differentiation from the existing offer in Northallerton town centre and beyond. It offers the scope to increase cinema participation through providing the only multi-screen facility in the district, and there will be no material competition or diversion of custom/trade from existing facilities*
- *there will be no significant adverse impacts on the vitality and viability of the Northallerton town centre*
- *it is demonstrated that the proposed development accords with the retail policy tests of the NPPF.*

5.2.10 In short, the applicant's study concludes that the proposed development will have no detrimental impact on the Town Centre or other Centres in the District and due to the improved mix and quality of the retail and leisure offer will improve the offer in Northallerton and actively improve customer spend across the Town.

5.2.11 The Council contracted G L Hearn to assess the methodology and conclusions set out in the applicant's submission in order to give assurance that the applicant's findings are reasonable. Their assessment concludes that:

- The application is supported by the necessary supporting retail information which covers the sequential approach to development and the impact of the proposal.
- There are no suitable or available sites to accommodate the application proposals.
- The health check assessments are supported
- There is a weakness in the overall leisure offer within Northallerton
- The proposal would have no significant adverse impact on any investment within Northallerton Town Centre.
- A sensitivity analysis has been carried out to look at the potential impact of a non-discount retailer. This analysis results in broadly the same conclusions.

5.2.12 G L Hearn conclude that the proposals accord with local and national retail policy.

5.2.13 In terms of the impact on trade and turnover, the original assessment utilised the turnover figures for Lidl for the entire development. This needed to be assessed further in the form of a sensitivity assessment and a number of elements needed some further clarification before a conclusion could be drawn as to whether the scheme would not result in significant adverse impact in order to comply with the retail policies of the Local Plan and the NPPF. This was provided by the applicants and the overall findings are supported by GL Hearn.

5.2.14 Whilst there are short term impacts on Thirsk town centre, this is principally due to the intended operator drawing trade from its own operation in Thirsk. However it should be noted that this store is significantly overtrading such that these are not considered to be significantly harmful and will effectively relocate trade from one town centre to another.

5.2.15 The evidence both from the applicant and the Council's own retail consultant is that there would be no significant harmful impact from the retail elements of the development on the vitality and viability of the Town Centre or wider retail catchment.

- 5.2.16 Nor would there be any significant adverse impact on existing, planned or committed public or private expenditure. Indeed the public sector investment proposed for Zetland Street and the pedestrian links with the High Street relate directly to the proposed prison site development which forms the main justification for this investment.
- 5.2.17 It has been demonstrated that there are no suitable viable and available alternative sites or sites likely to become available within the Primary Retail Area or the defined Town Centre. All the sites identified by the applicant have been individually reviewed by officers and the conclusion is that the applicant's assessment is broadly accurate.
- 5.2.18 Officers have reviewed all vacant property within the Town Centre. There are currently 10 such units within the Primary Shopping Frontage representing 6.7% of the frontage and 17 vacant units in the primary retail area as a whole (including the 10 in the Primary Shopping Frontage), representing 9.2% of the units. These are generally older properties providing individual smaller units with no vacant units of suitable size or form. There are thus no sequentially alternative sites or premises available.
- 5.2.19 Although outside the currently defined Town Centre boundary, in reality the site is within just a short walking distance of the centre of town; the Governor's House is approximately 350m from the Market Cross, via Zetland Street..
- 5.2.20 It is noted that the preferred (discount) operator has entered into a 25 year lease on the site and that the Council will purchase the site from the developer.
- 5.2.21 The question of the potential for the development of the site, in particular the cinema element, to impact on the Forum Northallerton has been expressed through the course of the pre-application consultation and re-iterated at application stage, including through observations made by the Forum representatives.
- 5.2.22 Development Policy DP5 seeks to prevent proposals that will lead to the loss of community facilities unless:
- i. there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii. retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
 - iii. an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.
- 5.2.23 Policy DP5 is not directly analogous because the proposals do not involve the loss of a community facility. However, the aims of the policy need to be considered here in understanding the potential impacts on the Forum Northallerton and the potential for harmful impact on the operation of the Forum.
- 5.2.24 The applicant's statement of community involvement states that "representatives of Central Northallerton Development Company Limited have entered close discussions with the Forum. A meeting was held between CNDC, Hambleton District Council, and the Forum on 29 June 2018 to discuss the Treadmills plans in more detail, understand the requirements of the Forum, and begin a process of agreeing how to work together to ensure both the new cinema and the Forum can thrive in Northallerton."
- 5.2.25 It is further noted that the submitted Retail and Leisure Assessment analyses this matter and concludes that "*the Treadmills will have no significant adverse impact on*

the Forum Leisure Centre. The statement demonstrates that there will be limited overlap in the offer between the proposed cinema and those existing destinations during certain times of the year and/or upon certain film releases.” It is noted that the Forum management do not agree with this assessment.

- 5.2.26 The applicant states that *“the Cinema proposed is operator demand led, with a bespoke design. This new Cinema offer will not directly compete with any existing provision in the area”,* going on to state that *“it fills a very clear gap between the local ‘art house / picture-house’ provision in Thirsk, Northallerton and Richmond, and the traditional multiplex offer at Catterick Garrison”.*
- 5.2.27 The GL Hearn response on behalf of the Council is silent on the specific impact on the Forum, and instead states that, *“it is noted that there is a weakness in the overall leisure offer within Northallerton which accords with the findings of the HRLS and hence the conclusions that the former Hambleton prison site could be suitable to accommodate these needs moving forward”.*
- 5.2.28 The application does not in itself result in the loss of the Forum Northallerton, nor do the proposals have a direct impact on the Forum Northallerton given the proposed differentiation in Cinema offer and as such Policy DP5 does not strictly apply. Generally these issues would be a matter of competition and as such not material to the consideration of the application. In this case the Forum performs a valued community function and as such potential impacts on its viability are considered to be material.
- 5.2.29 It is understood that the existing cinema offer at the Forum effectively cross-subsidises other community activities and as such supports the financial viability of the Forum. Notwithstanding the statements made by the applicant, it seems likely that the proposed cinema will have an impact on the cinema offer at the Forum, although it is unclear as to the severity of this impact or what alternative revenues the Forum might draw on should the proposed cinema impact on the Forum offer. It is for the Council to work with the Forum on initiatives that will ensure its sustainability and it is noted that liaison is underway, including discussions on Council assistance.

Conclusions

- 5.2.30 There are no sequentially preferable alternative sites to accommodate the proposed development and the new retail offer proposed on the site will not have a significant detrimental impact on the viability or vitality of the Town Centre and will contribute positively to the retail offer within the town. The proposal and particularly the mix of uses will make a positive contribution to Northallerton becoming a more vibrant and economically successful centre rather than creating harm. The proposals are considered to meet both national and local policy requirements.
- 5.2.31 The existing leisure offer in Northallerton has been identified as needing improvement particularly in relation to the night time economy and the proposals will result in a significant improvement to this offer as a whole, located in a sustainable location, close to other existing leisure offers within the town, providing a choice and breadth of offer.
- 5.2.32 The proposed leisure offer may have a detrimental impact on the viability of the Forum. , but this should be limited by differentiation in the cinema offer. Discussions are underway between the Applicants, the Council and the Forum to agree how to work together to ensure both the new cinema and the Forum can thrive in Northallerton.

5.3.0 Residential amenity

- 5.3.1 The majority of the proposed new build is relatively low and distant from existing property. However, the cinema at the north end of the site sits directly opposite residential properties on Crosby Road. Whilst some of these properties formerly had the boundary wall of the prison facing them and arguably the development will lessen the impact in terms of both daylighting and sunlight, the properties opposite the cinema formerly looked out onto the community garden.
- 5.3.2 A sunlight assessment has been submitted with the application, which effectively shows the degree of shadowing as a result of the development. This shows that the cinema results in significant shadowing to the houses to the north east of the cinema in the evening and to the north-west in the morning, compared to the existing situation.
- 5.3.3 This effect is relatively common in urban areas, where buildings intervene in the line of the sun and is not considered to have a significant harmful impact on residential amenity.
- 5.3.4 The cinema has been designed with a stepped elevation to the Crosby Road frontage in order to limit the potential for impact in terms of diffuse daylight to the properties opposite. The applicant has submitted a detailed daylighting assessment through the course of the application, which shows that the development complies with recognised daylighting standards. Whilst the Council does not have adopted standards in these terms, Officers consider that the requirements of Development Policy DP1, which seek to protect amenity are met. It is intended that the cinema would be open until 1am. Further discussions are underway with Environmental Health on this point, which will be reported to Committee.
- 5.3.5 Concern has been raised about the impact of the development creating an overbearing character, harmful to the amenity of residents and visitors to the area. The cinema increases in height in steps on the Crosby Road elevation, from 4.6m to 9.7m to 13.7m to the maximum height of 15.4m at the top of the building. The separation distances and stepped form to the west façade of the cinema significantly mitigate the potential impact of what is a large building of considerable height in this locality.
- 5.3.6 The character of the area will change significantly, although it is argued that the development will result in an improvement to the character and appearance of the area, over the former prison walls, excepting that not all properties now impacted by the proposals looked out onto the prison wall.
- 5.3.7 The types and form of use have potential to cause noise and disturbance to existing occupiers in the vicinity.

Nature and scale of use

- 5.3.8 Concern has been raised about anti-social behaviour as a result of an increased late night footfall due to the proposed uses, but also due to the physical layout of the site, likely to encourage people to loiter, in particular having left late night venues in the vicinity.
- 5.3.9 It is accepted that there will be a change to the character and uses in the area as a result of the development. Concern was raised by Environmental Health about outside seating and operating hours, in terms of residential amenity. These issues have been put to the applicant who has omitted the outdoor seating to the west of the 1818 Wing, facing Crosby Road and the area to the north of the cinema. Additionally it is recommended that controls over the remaining outdoor seating areas are applied in terms of the times that they are available. This would restrict the use of the area in front of Unit 7 to before 8 at night and to 11pm for the rest of the quadrangle. The

restaurant uses would be open until midnight, on the basis of last food orders at 10.00pm. Further conditions on this basis are being discussed and will be provided in the Committee up-date.

- 5.3.10 The remaining harm, which cannot be designed out of the scheme, is considered to be able to be mitigated through effective management of the site. The applicant has agreed to contribute toward the local expansion of the District Council's CCTV network. This will allow for the installation of two cameras to be installed, one on site and one adjacent, in order to give as close to 100% coverage of the site as possible.
- 5.3.11 The outdoor screen that was a feature of the cinema external wall has been omitted and as such concerns about amplified noise and large gatherings as a result of this, are no longer relevant.

Noise

- 5.3.12 A development such as this has the potential to generate noise from a number of sources which could cause nuisance to neighbours. These sources include fixed plant and equipment, such as heating and ventilation equipment, general vehicle movements in and around the site, noise from deliveries within and adjacent the site, noise from music within the site along with noise and disturbance from people visiting the site, in particular late at night, antisocial behaviour is dealt with elsewhere in this report. The final element to be considered is noise from construction.
- 5.3.13 The applicant has submitted a Noise Assessment prepared by White Young Green. This has been subject to scrutiny by the Council's Environmental Health Team.
- 5.3.14 The submitted report concludes that:
- *Through the use of appropriate mitigation it is considered that the proposed development will avoid noise giving rise to significant adverse impacts on health and the quality of life.*
 - *For proposed residential receptors there is the requirement for enhanced glazing at the most exposed facades facing East Road and, with regard to compliance with Part F of the Building Regulations, a means of alternative ventilation for habitable rooms on all facades will be required.*
 - *An assessment has been undertaken with regard to noise from the proposed commercial uses including deliveries, car parking and building services plant. The assessment has been undertaken with regard to potential and reasonable worst-case assumptions and establishes that with suitable considerations within the design, significant noise effects are not predicted.*
 - *With regard to deliveries to the foodstores, significant impacts are not predicted during daytime and night-time periods and no restrictions to deliveries to the foodstore are proposed. Deliveries to the other commercial units which are anticipated to occur on the layby's off Crosby Road, are proposed to be restricted to only occur between 07:00 – 23:00 and significant impacts are not predicted to occur.*
 - *Based on the assessments undertaken it is not considered that any existing businesses wanting to develop would be restricted by the proposals.*
 - *An assessment of the existing tranquillity level of the site has been undertaken and this identified that the site is not highly prized for its tranquillity and recreational value in terms of noise.*
 - *The proposed development is considered to have a negligible effect on local access to any areas of tranquillity.*
- 5.3.15 Concern has been expressed about noise and disturbance from deliveries. The retail units in the south part of the site are serviced from compounds within the site, whilst

the restaurants, offices and cinema to the north are serviced from two service bays on the west side of Crosby Road, opposite the housing on the east side of the road.

- 5.3.16 Late night operation of the service areas, in particular those on Crosby Road have the potential to lead to a significant loss of amenity to the residential properties in the locality.

The Environmental Health Officer has recommended that the service hours be limited to the following hours:

6.30am to 11pm 7 days a week.

The applicant is concerned that this would have a significant impact on the operation of the retail functions and suggests a temporary condition restricting deliveries to not more than 5 HGV deliveries during "night time" hours (23.00 hours to 06.00 hours), with the fall back of unrestricted deliveries between 6.30am (06.30 hours) and 11pm (23.00 hours). This matter is currently under discussion and an up-date on this matter will be brought to Committee.

- 5.3.17 Concern has been expressed about the operation of these uses and the expectation that at least some of these venues will be likely to have incidental music or music based events. These matters are considered to be adequately controlled through licensing of the sites concerned.

Construction Noise and disturbance

- 5.3.18 It is inevitable that the development of the site will result in a degree of disturbance to local occupiers. This disturbance is likely to come through vehicular movements, generation of dust and noise along with vibration from ground works. However, this impact will be transient and can be managed and mitigated through the use of a suitable Construction Management Plan, the requirement for which is a recommended condition of any approval. As such, whilst it is acknowledged that construction operations will have a detrimental impact it is considered that these impacts can be mitigated to an acceptable level. Conditions are recommended to be attached to any grant of planning permission covering operational hours of the site and a construction management plan.

Privacy

- 5.3.19 Owing to the layout of the site and position of fenestration on the proposed and existing buildings, the proposed development is not considered to be harmful in terms of direct window to window or window to private amenity space relationships.
- 5.3.20 The proposed development is likely to result in increased footfall in the vicinity of the application site along with an increase in vehicular traffic along Crosby Road. The relationships of private houses, to the footways in the vicinity will not change as a result of the proposals. Many of these footways are close to the front windows of the adjacent housing as is commonplace in urban environments.
- 5.3.21 It is accepted the proposed development will change this dynamic to some degree due to an increase in pedestrian footfall. However, given that the relationship is a pre-existing situation this change is not considered to be significant and as such is considered acceptable in this instance.

5.4 Parking and Highways

- 5.4.1 Access to and from the site and the relationship to the High Street and on and off site parking are crucial to the success of this development, if granted planning permission.
- 5.4.2 A number of comments have raised concern about the impact of the proposed development on the local highway network. Other issues to be considered include parking requirements, on-site safety and connectivity to the High Street.
- 5.4.3 The main vehicular access into the site is from Crosby Road. The vehicular access route is taken from East Road, via The Link to a point approximately half way along the site boundary with Crosby Road. This is the only vehicle access into the site.
- 5.4.4 Vehicles can access the main entrance from the north, from East Road, via the one way slip onto Crosby Road, from Lascelles Lane and effectively through Crosby Road Car Park, which can be accessed from Lascelles Lane.
- 5.4.5 Pedestrian Access is gained from a number of points about the site. However, principle access to the site is gained from two main areas; to the Civic Square in the North, from opposite Zetland Street and opposite Crosby Road Car Park, and in the South from East Road and The Link.
- 5.4.6 North to south access through the site for pedestrians is offered via footpath adjacent to retail unit 2, across the carpark in a westerly direction and then north adjacent to retail unit 1. This provides for a degree of separation between pedestrian traffic and vehicular traffic.
- 5.4.7 Pedestrian connectivity is considered to be central to the success of this site. There is already a significant level of permeability in the built form between the application site and the High Street as a result of Zetland Street and a number of pedestrian accesses within the built form including New Row and Central Arcade.
- 5.4.8 It is noted that the District Council is already developing a scheme with other partners to improve the use of these routes, to improve their appearance and create improved connectivity to the benefit of the Town Centre as a whole. This work, whilst outside the scope of this application will realise significant improvements to the public realm between the High Street and the application site. The funding for this scheme has been secured.
- 5.4.9 The application proposes a total of 126 car parking spaces including 8 child and parent spaces and 8 disabled parking spaces. The disabled parking spaces are located to the east of Unit 1 and south of Unit 2, with all of the parent and child spaces located to the southern site boundary.
- 5.4.10 The proposals include a total of 18 cycle parking stands, accommodating 36 cycle parking spaces (2 spaces per stand) for staff and visitors at the development. Cycle parking is to be provided in a number of locations across the site, including 5 stands adjacent to Block D/E, 4 stands east of Block C, 4 stands south-east of Unit 2, and 5 stands south of Unit 1.
- 5.4.11 It is noted that Crosby Street Car Park, which is one of three main town centre car parks, is located immediately to the east of the site. This car park is owned by the Council and currently has a total of 232 car parking spaces. It is understood that this car park is currently under-utilised.
- 5.4.12 The Transport assessment sets out the methodology for ascertaining parking needs for the development which then concludes that the development could be expected to accommodate up to 95 cars at any given time on a weekday, with up to 100 cars on a Saturday. These projections highlight that the proposed parking provision of 127

spaces, with additional off-site provision in the Crosby Road Car Park and other locations, should be sufficient to accommodate the level of demand generated by the development.

5.4.13 Tesco Car Park and the High Street is also within easy walking distance of the site.

5.4.14 Since North Yorkshire Police moved into the former Rural Payments Agency building on the corner of The Link and Crosby Road, a number of complaints have been received from local residents about on-street parking in the vicinity of the site. The proposed development has been assessed in terms of the parking demands generated by the proposed development and seeks to ensure that the parking requirements for the site are catered for within the development.

Junctions and junction improvements

5.4.15 The proposals include the following highway mitigation works:

- Provision of a new two-way highway access, designed to accommodate even the largest vehicles accessing the site
- Provision of a continuous footway, measuring at least 2.0m in width, around the full perimeter of the site
- Introduction of traffic signal control at the East Road/The Link junction, to include puffin crossings for pedestrians across all arms of the junction
- Retention of the existing puffin crossing on East Road to the north of the site, helping to facilitate movements along the key pedestrian route between the site, Zetland Street and the High Street
- Provision of two loading bays in new laybys on Crosby Road to serve deliveries/servicing movements
- Provision of an informal pedestrian crossing on Crosby Road immediately north of the access to the Crosby Road Car Park

5.4.16 The Transport Assessment submitted by the applicant includes swept path analysis to ensure that the largest vehicles can be accommodated within the site. The applicant considers that the application site is well placed to generate trips by sustainable modes of transport with walking and cycling being realistic travel modes for local journeys given that the built-up area of Northallerton entirely lies within 2km of the site.

5.4.17 It is noted that the site will be accessible from all sides by pedestrians, with a number of routes provided through the site and linking to the town centre a short distance to the west as well as the existing Crosby Road car park to the east.

5.4.18 There are a number of existing and proposed pedestrian crossing facilities which will ensure that the site is highly accessible on foot, with strong links to the town centre as the High Street is a short walk from the site boundary. There are a number of pedestrian links through the built form between East Road and High Street, including Chapel Entrance, New Row, , Black Bull and Regency Mews. These are proposed for improvement through a separate but related scheme.

5.4.19 Through the use of a Framework Travel Plan (FTP) the applicant seeks to provide a strategy for encouraging travel by sustainable modes.

5.4.20 The vehicle trip generation and modal split of the proposed development has been projected using the industry-standard TRICS database, with consideration of each land use and the potential for linked trips between the different uses on and off-site. The traffic projections indicate that when fully occupied, the proposed mixed use scheme is expected to generate 317 two-way vehicle trips during the weekday PM

peak hour (16:45-17:45) and 444 two-way vehicle trips during the Saturday peak hour (11:45- 12:45).

5.4.21 The Transport Assessment was informed by traffic counts undertaken at 8 key junctions across the study area on both a weekday (Northallerton market day) and a Saturday.

5.4.22 The results of this modelling indicate that, subject to the provision of a signalised junction to replace The Link/East Road priority junction, the proposed development will not have a significant impact on the operation of the local highway network. The Highway Authority has raised no concerns about the level of car parking proposed in the application.

The Highway Authority is satisfied with the methodology set out in the Transport Assessment in terms of trip generation and the modelling of the local network.

5.4.23 The Highway Authority is satisfied that the proposed development will have no significant harmful impact on road safety or the effectiveness of the local highway network.

5.4.24 Specific issues have been raised regarding the ability for large vehicles to navigate elements of the local highway network. In particular concern has been expressed about the potential for large vehicles to turn left out of the site as they would be unable to make the right turn into Lascelles Lane necessitating a reverse manoeuvre along Crosby Road. This would be a particular problem if large vehicles approach the loading bays on Crosby Road, adjacent the northern section of the site, from the south.

5.4.25 The applicant has provided the following response to the Highway Authority initial comments.

- Pedestrian crossing locations have been reviewed, with existing positions retained where they are considered to represent the best compromise between pedestrian desire line and other traffic management considerations.
- 'Hurry call' for the fire station can be integrated into the signal controller setup in due course.
- Pedestrian route to High Street to the north of Boyes is part of the wider 'Hidden Spaces' project and will be delivered by others as part of the granted funded works.
- Previous comments from NYCC Highways indicated that East Road should be the focus of traffic-priority, as it is an 'A' road, so this is the approach taken.
- Car park management can be controlled by condition.
- Delivery management can also be controlled by condition.
- Reviews of both of the above being linked to any TP monitoring.

5.4.26 It is considered and accepted by the Highway Authority that these matters can be addressed by condition through the requirement for a Travel Plan for the site, including suitable signage. This will prevent HGVs from making a left turn out of the site onto Crosby Road, directing traffic to the south to the Link and onto East Road and ensuring that the loading bays are only approached from the north.

Conclusions

5.4.27 Subject to the formal response of the Highway Authority and subject to suitable conditions, it is concluded that the layout of the development is satisfactory in terms of vehicular and pedestrian access. The development is considered to have no detrimental impact on road safety or the operation of the highway network, subject to the delivery of the detailed highway and traffic light improvements in the vicinity of the

application site. The site is considered to benefit from good pedestrian access to the High Street and the complimentary uses found in the Town Centre, contributing to the sustainability of the site.

5.4.28 The Highway Authority has requested additional width to be provided on the East Road frontage in order to change the character of the space to the benefit of the character of the area. Whilst this would be an overall improvement to the area, it is not considered necessary to make the development acceptable and the applicant is not prepared to deliver this alteration.

5.4.29 It is hoped that the Highway Authority full response and proposed conditions will be reported within the Committee update.

4.5 Drainage and flooding

5.5.1 The application site is located in Flood zone 1. However, owing to the size and complexity of the development the applicant has submitted a full Flood Risk Assessment prepared by Alan Wood and Partners. Their report reaches the following conclusions:

- The site falls in Flood Zone 1 (low flood risk) and the proposals are considered to be 'Less Vulnerable' in terms of flood risk.
- The primary risk to the site is from overland surface water flooding due to the drainage system being exceeded during an extreme rainfall event.
- Mitigation measures are proposed which we consider will reduce the risk from this event down to an acceptable level.
- The primary focus for flood risk assessment is to protect life, and then consideration should be given to buildings, contents, operation and re-use.
- As the scheme is progressed the design should consider exceedance and routing of flows away from the buildings.
- This report has considered other potential sources of flooding to the site, including fluvial groundwater, existing sewers, water mains and other artificial sources.
- No works are proposed which would suggest that flooding will be made worse on adjacent land as a result of the development.
- Overall, this report demonstrates that the flood risk to the site is reasonable and acceptable providing any recommended mitigation measures detailed within Section 6 are incorporated into the design.

5.5.2 The applicant in their supporting statement confirms that the recommended measures have been incorporated into the design.

5.5.3 Currently the site is positively drained and served by a separate and combined set of below ground sewers. The site is predicted to discharge surface water to the public sewer at the following rates:

- 1 in 1 year flow rate = 124l/s
- 1 in 30 year flow rate = 151l/s
- 1 in 100 year plus 40% climate change flow rate = 170l/s

5.5.4 The proposed discharge rate will be reduced by 30% as a minimum, and therefore the peak surface water discharge rate for the 1 in 100 year, plus 40% climate change, event will be around 117l/s. Excess flows from the proposed site will be stored, up to and including the 1 in 100 year storm event, plus climate change allowance of 40%. The result being that there will be significant improvements in terms of the local drainage strategy as a result of the proposed development.

- 5.5.5 The Lead Local Flood Authority has raised no objections, subject to conditions. Yorkshire Water raised concerns about the discharge rates to the public sewer and has recommended a condition in order to ensure that an acceptable discharge rate can be achieved. The developer has agreed to this condition and that they can meet Yorkshire Water's requirements.

Conclusions

- 5.5.6 Given the existing site conditions and drainage, the proposed development layout, uses and drainage strategy proposed, the development is considered to provide a net benefit in terms of the drainage of the site. It is considered that the proposed development will have no significant detrimental impact on flooding in the vicinity of the site. The principles of the proposed drainage are considered to be acceptable.

5.6 Heritage Matters

- 5.6.1 This report is concerned with the impacts on the significance of the listed buildings in terms of the proposed use, external alterations and additions (that require planning permission), the impact on the setting of the listed buildings and the contribution that setting makes to significance, the setting of the Northallerton Conservation Area and the setting of nearby non-designated heritage assets. Other impacts on the significance of the Listed Buildings, in terms of internal alterations are more properly dealt with through the Listed Building Consent application that appears elsewhere on this agenda.
- 5.6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Northallerton Conservation Area.
- 5.6.4 The National Planning Policy Framework paragraph 193, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other consideration is given greater weight in the planning system. This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance. It is therefore important to ensure that harm to heritage significance is avoided where possible and where it is justified it has been reduced and mitigated.
- 5.6.5 Paragraph 195 of the NPPF states that where substantial harm would be caused to a heritage asset, or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.

- 5.6.6 Paragraph 196 of the NPPF directs 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. Given that this is a large scheme that will result in public benefits the public benefits should not be weighed against the impact on the significance of the listed buildings if the public benefits could still be achieved without the harmful alterations.
- 5.6.7 Paragraph 194 of the NPPF states that ‘any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification’.
- 5.6.8 Any degree of harm to the significance of a heritage asset or the setting of the asset where that setting contributes to significance, must be given great weight and importance in decision making.

Listed Buildings details and description

- 5.6.9 The site includes five Grade II listed buildings; the Female Wing of 1818 to the design of John Carr of York on the east side of the quadrangle; the Governor’s House of the late 1820’s by architect George Atkinson forms the south side of the Quadrangle; the Link Building, to the south of the Female Wing and the Staff Tenement range that forms the west side of the quadrangle. The listing also includes the Female Cell Block, to the east of the site behind the quadrangle, dated 1852.
- 5.6.10 As set out in Historic England’s consultation response the heritage significance of the site lies in the legibility of the buildings as a group of functionally related structures that share a palette of traditional materials, design and detailing. The Quadrangular plan defined by the listed buildings should remain a prominent feature owing to its relationship with the early date of the design and planned layout of the site.
- 5.6.11 It is understood that a variety of facets contribute to the significance of the heritage assets including; the history and evolution of the site in terms of use, the demonstration of prison evolution evident in the direct comparison of the 1818 and 1852 female cell blocks, the location of the site within the centre of the town; the importance of the site in terms of the history and development of Northallerton as a County Town both physically and socially including reference to people who worked or were confined there; the connection to renowned York architect John Carr; the materials, design and detailing of the building in particular the colour grain and bond of the brick walls and the fenestration (or lack of) in the buildings; and the strength of the former boundary of the site. This is not considered an exhaustive list, but gives a flavour of the elements that contribute to the significance of these buildings as heritage assets.
- 5.6.12 It is clear from the submission, from Historic England’s consultation response and from the Council’s adviser on Heritage matters, that the proposal will cause harm to the significance of designated heritage assets, **and this harm must be given great weight and importance in decision making.**
- 5.6.13 The Council, through the initial phase of tendering for the preferred contractor, examined a number of different proposals for the re-development of the site. Throughout, a degree of alteration to and impact on the significance of the heritage assets was accepted.
- 5.6.14 The applicant’s submission sets out the testing of alternative options for the site. These options included the use of the 1818 Wing as a museum, housing or retail; the

Female Wing for retail / leisure, apartment or voluntary sector workspace and; the Governor's House for apartments, museum, medical use or voluntary sector workspace.

- 5.6.15 The reasons cited for setting aside other options, in favour of the proposed development include; a lack of financial viability and the level of alteration required to the buildings. The supporting statement concludes that *"the final land uses instead being dictated by market conditions and the requirements of operators at the point development comes forward."*
- 5.6.16 The proposed development is considered to represent a positive response to the constraints of the site, which was plainly designed to retain people in a constrained manner. The scheme, subject to detailed conditions, will allow the buildings to be brought back into viable long term use. It will also allow for the interpretation of the significance of the buildings and the prison site as a whole, sufficiently preserving the critical elements that contribute to the significance of the heritage assets. The creation of workspaces in the 1852 Cell Block enables the original layout to be seen and understood by retaining vestiges of cell walls where these are combined to form larger rooms.

Conservation Area Setting

- 5.6.17 The Conservation Area boundary runs east from High Street through to East Road opposite the existing prison site entrance to the north of the Tesco delivery access. The boundary then runs north along East Road to the south side of Zetland Street, excluding the 1960's building on the north side of Zetland Street.
- 5.6.18 The Conservation Area boundary focuses on the pre-1900 developed area, comprising the High Street and associated property boundaries, the area around the church and South Parade. The Conservation Area occupies the centre of Northallerton concentrating on the historic core around the High Street.
- 5.6.19 The dominant style of architecture within the Conservation Area varies from street to street. The High Street is dominated by mid to late Georgian buildings. There are Victorian highlights such as the bank buildings and the Town Hall but the best examples of late 19th Century design can be found on South Parade and Thirsk Road.
- 5.6.20 Brick is the dominant building material in Northallerton which is found in a wide range of forms reflecting its long use and varied sources. The second major walling material in Northallerton is render, which may be a facing for poorer quality random rubble stonework. However, in some cases, and particularly during the 20th Century, render achieved acceptance as a finish in its own right. Pantiles are widely used in Northallerton and were the dominant roofing material for many years. There are also two main types of slate used on buildings in the town. Welsh blue/grey slates are the dominant alternative to pantiles along with Westmorland green slate laid to diminished courses.
- 5.6.21 The majority of opportunities for development lie in the rear areas of the properties lining the High Street. These back land service areas tend to be poorly maintained and some lack any defined purpose.
- 5.6.22 It is clear that the main significance of the Conservation Area comes about through the layout of the town, centred around the Church and historic core of the town, along with the aesthetic appeal of architectural design and materials used. The area of the Conservation Area close to the application site is generally of lesser importance in terms of the significance of the asset.

- 5.6.23 The proposed development sits immediately adjacent to approximately 150m length of the Conservation Area Boundary.
- 5.6.24 From South to North the Conservation Area boundary is dominated by the Tesco store and the 1960s flat roofed, Age Concern building on the corner of Zetland Street. There are a number of Victorian houses between these two buildings which are not listed but are considered to be of sufficient merit to constitute non-designated heritage assets.
- 5.6.25 The proposed development will effectively re-connect the site with the Town Centre. The new development along the site boundary is considered to be of high quality and will alter the character of the space along East Road creating more of a sense of place rather than a relief road for the town centre, bounded by the prison wall.
- 5.6.26 The new development will enable the former prison site to be effectively assimilated into the town centre. The scale and form of development is considered to be generally in character with the wider conservation area. Owing to the character of the conservation area in the immediate vicinity of the site and the scale, form and design detailing of the proposed development it is considered that the proposals have no detrimental impact on the significance of the Northallerton Conservation Area as a heritage asset. The proposed development is considered to positively contribute to the setting of the Conservation Area.
- 5.6.27 The areas that potentially cause harm to the heritage assets are;
- the use of the buildings (owing to the particular requirements of a use in terms of layout and space)
 - the physical alterations to the listed buildings
 - the arrangements of the external spaces
 - the relationship of new buildings to the heritage asset and the impact that new buildings have on the setting of the listed buildings

Physical alterations and Extensions

- 5.6.28 The main proposed alterations to the Listed Buildings are set out below. The internal alterations and extensions to the listed buildings are further dealt with under the Listed Building Consent application elsewhere on this agenda.

The Staff Tenement Range

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows.
- Opening up of blocked doorways.
- Internal alterations.
- Reinstatement of central stair.
- Future introduction of signage

The Governor's House

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows
- Replacement of windows south elevation.
- Replacement of metal roof with slate.
- Glazed opening to south elevation.
- Removal of fire screen and refurbishment of stairs
- Alteration to internal ground-floor walls.
- Alteration to three internal first-floor walls.

The 1818 Female Wing

- Repair and restoration of building.
- Repair and refurbishment of all existing historic windows
- Replace west elevation FF door with lunette window using reclaimed window if possible.
- Reinstate door to GF west elevation.
- Alterations to two lunette windows to form doorway beneath retained bars requiring loss of stone cills to west and east elevations.
- Replacement of metal roof with slate
- Glass extension to west elevation.
- Glass extension to east elevation.
- Stair extension to north elevation.
- Close boarded screen to bin compound.
- Alterations/widening of cell doors (GF & FF).
- Retention of isolation cell.
- Removal of three internal walls to form conference space (FF).

The Link Building

- Repair and restoration of building.
- Repair and refurbishment of existing historic windows.
- New glazed entrance doors and glazed opening south elevation.
- Reconfiguration of internal walls.
- Expose jack arch ceilings.

1852 Female Wing

- Repair and restoration of building.
- Removal of 8 walls between cells (GF).
- Alterations/widening of cell doors.
- Removal of modern stair. New stair to south east corner.
- Repair and refurbishment of existing historic windows.
- Removal of bars and replacement of windows.
- Insertion of roof-lights.
- Glazed opening to east gable.
- Glazed opening to side return of south gable through negotiation with HE.

Setting of the Listed Buildings

- 5.6.29 Given the historical importance of this site within Northallerton, it could be argued that the setting includes a wide area of the built up part of Northallerton and in this case would certainly include, not only the immediate site but the wider site to the south and the wider hinterland of East Road, Crosby Road and The Link.
- 5.6.30 Given the large scale former prison buildings that occupied the southern portion of the site, the scale, form and detailing of the proposed new buildings extending down the East Road boundary and including retail Unit 2 are considered to have a neutral impact on the setting of the listed buildings and are therefore considered to be acceptable in these terms.
- 5.6.31 Two main areas of concern are raised in terms of setting. Firstly the cinema and secondly the large glazed extensions to the 1818 Wing, although the new build elements of the scheme to the east and south of the listed buildings must also be considered.
- 5.6.32 The scale and form of the cinema will have a harmful impact on the setting of the heritage assets, owing to the scale and form of the building. The principle of a new

building on this part of the site is welcomed as it would re-establish the built form of the four sided quadrangle (to an extent) that has been removed. However, the cinema will dominate the Civic Square to the detriment of the setting of the listed buildings.

- 5.6.33 It is accepted that there is a necessity to add value to this part of the site from a viability perspective. The question is whether the proposed cinema is the optimum use of the site in terms of the balance between the impact on the heritage assets, viability and public benefit.
- 5.6.34 Through the master-planning and tendering processes undertaken by the Council a number of alternative uses were examined for example a multi-storey block containing flats. Whilst plainly there are a number of uses that would be viable on this part of the site, all would require a critical mass of floor-space to be created and as such would be likely to have a similar impact in terms of scale and massing.
- 5.6.35 The applicant has modified the form of the cinema, following discussions with the preferred operator and in the light of concerns raised by officers about the height and massing of the building in relation to the setting of the listed buildings. This has reduced the impact of the building on the character of the Civic Square and the setting of the heritage assets but it is considered that there remains an impact on the setting of the heritage assets that constitutes less than substantial harm.
- 5.6.36 As far as possible, harmful alterations should be minimised and the original fabric and layout retained or re-established where these facets contribute positively to the significance of the heritage asset.
- 5.6.37 The glazed extensions to the 1818 Wing are a large addition which again are considered to constitute less than substantial harm to the significance of the listed buildings through the erosion of both the symmetry of the site and views of the original 1818 facades. This will undermine the Group Value of buildings and their setting thus undermining their significance as heritage assets. The applicant has set out the justification in terms of the need for the additional floor-space and the interrelationship between the internal and external spaces. Due to the former use as a prison there are a lack of open spaces within the building required for the proposed restaurant use. The glazed extension allows for this to be achieved whilst maintaining an active frontage within the Civic Space. Careful detailing of these extensions in terms of wall treatments and floor surfacing will mitigate some of the harm caused.
- 5.6.38 A large number of the internal (but to a lesser extent external) alterations are required to ensure that the principles of the Building Regulations can be met. Whilst relaxations of the Building Regulations can be achieved for a listed building, it is important that the general requirements of safety and good access can be met. It is considered that the applicant has achieved the right balance in terms of necessary alteration to meet the requirements of the Building Regulations whilst protecting the character and significance of the heritage asset.
- 5.6.39 Paragraph 195 of the NPPF states that where substantial harm would be caused to a heritage asset, or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- The harm or loss is outweighed by the benefit of bringing the site back into use.

5.6.40 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 securing its optimum viable use. However, the harm caused to significance must be given great weight and importance in decision making.

Public Benefits

5.6.41 The Council in purchasing the site, recognised the importance of the site to the Town and sought to realise a development that optimised the benefits for the viability and vitality of the Town Centre and to realise the maximum public benefit from the site, within the technical and financial realities of a development of this sort.

5.6.42 The main public benefits that are considered material and to weigh in the balance of decision making in this case are:

- Bringing the Listed Buildings back into viable long term use
- Opportunity to enhance and better reveal the significance of parts of the heritage assets
- Allow for sympathetic repair and restoration of the heritage assets
- Enable the site to be largely brought into the public realm
- Improve the sense of place along East Road, Zetland Street and the new civic space, re-incorporating this area into the Town Centre
- Provide a new high quality leisure and retail offer immediately adjacent the town centre which compliments and strengthens the Town Centre offer
- Establish a centre for digital enterprise in the form of C4Di
- Improve connectivity across this part of Northallerton
- Allow for the better interpretation of this significant historical site within Northallerton
- Contribution to Northallerton as a vibrant market town

5.6.43 It has been established that the proposed development will have a number of harmful impacts on heritage assets which are considered to amount to less than substantial harm. The applicant, in developing a viable scheme for the re-use of the buildings has worked extensively with Historic England and the Council in order to reduce the level of alteration and harm to the significance of the heritage assets as far as is possible, whilst still enabling the re-use of the buildings. The justification for the proposed alterations and additions to the listed buildings, has been set out in the applicants supporting statement and to a large extent are accepted by the Council and its advisers.

5.6.44 However, it is also clear from the requirements of the NPPF that where significant harm is caused to a heritage asset, permission should only be granted for the development where it can be demonstrated that the development has significant public benefits. If it is considered that the public benefits could have been realised without the level of harm caused then the public benefits should not be considered in the planning balance. In this instance the re-development of the site, including the proposed mix of uses, the re-use of the listed buildings and public access that is thus facilitated to the site is considered to constitute significant public benefit in the terms of the NPPF. It is considered that any viable scheme would be likely to result in less than substantial harm to the heritage assets and as such the residual harm caused by the proposals is considered to be acceptable.

Conclusions

5.6.45 In assessing the impacts of the development and weighing these in the planning balance, great weight and importance must be given to the harm to the heritage assets. It is concluded that the alterations to the listed buildings that cause harm to the significance of the heritage assets in terms of alteration, extension and setting have been adequately justified and mitigated. It is considered that where less than substantial harm is caused to the significance of the heritage assets that this is reasonably outweighed by the public benefits of the proposals.

5.7 General Design Matters

5.7.1 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

5.7.2 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

5.7.3 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning 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 Paragraph 128 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."

5.7.4 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.

5.7.5 The applicant has submitted a Statement of Community Involvement with the application, this sets out the consultations that the applicant has undertaken and how the responses from these consultations have informed the design of the proposed development.

5.7.6 The applicant contracted "Social Communications" to assist in the pre-application public consultation due to their experience in delivering community and stakeholder engagement.

5.7.7 The Statement sets out the measures undertaken as summarised below:

- Fourteen closest properties on Crosby Road and East Road were written to on 1 May 2018
- Four residents responded to the letter and agreed to meet. These meetings took place through May 2018.
- Key stakeholders were written to including:
 - Hambleton Council Cabinet Members
 - Hambleton Council ward and neighbouring ward Members
 - North Yorkshire County Council

- Local MP, Rishi Sunak
 - Northallerton Town Councillors
 - Northallerton Business Improvement District (BID)
- On Tuesday 12 June briefing of the plans to elected Northallerton Town Councillors
 - A two day public consultation was held to display the plans - on Friday 15th June in the Upper Hall of Northallerton Town Hall from 3-8pm, and on Saturday 16th June in All Saints Church in Northallerton from 10am-4pm.
 - Consultation was publicised through a press release which gained coverage in the local press along with a flyer which was distributed to 5,000 properties around Northallerton.
 - A dedicated Twitter account (@The_Treadmills) was launched, to promote the consultation process, whilst the consultation was also advertised on Treadmills' website (www.thetreadmills.co.uk).
 - Immediately following the consultation events, four roller banners which outlined the plans were erected in Hambleton Civic Centre, Northallerton.
 - Electronic copies of the consultation leaflet and banners were made available on the Treadmills website. An electronic feedback form was also enabled on the website, to allow for submission of comments (<https://thetreadmills.co.uk/feedback/>)
 - Following the exhibition, consultation brochures with freepost feedback cards were distributed to 2,000 properties around the site.
 - 111 feedback cards were returned. A further 51 items of feedback have been received
 - Feedback was summarised as:
 - 66% supported the proposals
 - 16% did not support
 - Remainder were either unsure or expressed no preference.

5.7.8 Reasons cited for support for the development:

- Reusing the listed buildings on site
- The benefits of a new cinema
- Excitement over new shops and leisure units
- Positivity around C4DI
- Connectivity benefits the proposals will bring to the town centre
- Economic benefits the proposals will bring – particularly in terms of retaining shoppers in Northallerton
- The creation of new jobs

5.7.9 Reasons cited for objections to the proposals:

- The impact of the Cinema on the Forum
- Highways access and servicing arrangements
- Impact on the High Street
- Impact on Crosby Road properties
- Concern over lack of toilet facilities in Northallerton
- The 'Treadmills' name

5.7.10 The Statement of Community Involvement sets out how the scheme has either been developed or additional information provided in the submission which addresses the detrimental issues raised in the responses. These responses are set out elsewhere in this report under specific topic headings.

5.7.11 It is considered that the processes and events carried out by the applicant, allow officers to conclude that the community engagement that has taken place meets the requirements of Hambleton's Statement of Community Involvement and those of the National Planning Policy Framework.

Design and Layout

5.7.12 Much of the layout has been dictated by the position of the listed buildings and the requirements of the principle retailer, in terms of the scale of building and parking requirements. The applicant has then sought to link the north and south elements of the site with the retail units along the East Road boundary, creating more of a sense of enclosure within the southern portion of the site.

5.7.13 The design of the retail units to East Road are somewhat reminiscent of the materials and detailing of the prison buildings and provide a visual link to them. The proposed large retail unit to the south east corner of the site departs from this form, returning to a more standardised retail format, but utilising materials to enable some degree of visual connection to the rest of the site. Careful use of external surfacing materials will create greater continuity between built elements and create a more cohesive sense of place.

5.7.14 Through discussion, the applicant has adjusted the scheme to ensure that the majority of deliveries are dealt with within the site and sufficient parking is provided. Improved pedestrian connectivity has been enabled through a footway across the car park linking east to west, which then provides pedestrian access to the north of the site and the proposed civic space.

5.7.15 The civic space is formed by the listed buildings and the proposed cinema. It is considered that, subject to the quality of materials used in this area, the development will create a public point of focus within the development which also results in a visual link via Zetland Street to the High Street and to the Crosby Road car park.

5.7.16 Soft landscaping opportunities are relatively limited. However, it is considered that subject to details to be provided by condition, the proposed development will result in a high quality environment in accordance with the requirements of DP32.

5.7.17 Historically, the boundary of the site has been a dominant feature of the site and as such the character of the streets in the locality. The demolition of the boundary opened up views into and across the site, much of which will be maintained by the proposed development

Some of the visual strength of the former boundary is picked up by the built form to the East Road and Crosby Road frontages. It is perhaps a missed opportunity that further reference to the boundary is not achieved through the rest of the development, which could have contributed to a greater sense of place.

5.7.18 Materials used throughout the development allow delineation between the new and old elements of the scheme, whilst instilling a degree of continuity which will contribute to the sense of place created by the proposals.

Conclusion

5.7.19 It is concluded that in general design terms, the proposals meet the requirements of LDF policy and will create a suitably high quality development which responds to the overall character of the area.

5.8 Ecology

- 5.8.1 Given the nature of the existing site, the location of the site in the town centre with no significant green links, the main likely ecological risk is considered to be bats and their habitat.
- 5.8.2 The applicant has carried out a bat survey to assess for the presence of and suitability of habitat for bats.
- 5.8.3 Bats are afforded full protection under The Wildlife and Countryside Act (1981), and the Conservation of Habitats and Species Regulations 2010. Under these Acts it is an offence to recklessly kill, injure or disturb bats. It is also an offence to destroy or obstruct a roost even if bats are not in occupancy at the time of the action.
- 5.8.4 Local Development Framework policy DP31 sets out the position in relation to the protection of bio-diversity / nature conservation and states that permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat.
- 5.8.5 In carrying out the assessment the North and East Yorkshire Ecological Data Centre were asked to provide all records from within a 1km radius of the site. A single common pipistrelle record has been returned, this is located about 800m south west, where four individuals were recorded in 2014.
- 5.8.6 The report found that the buildings on site provide a small number of features of limited value to roosting bats such as small gaps behind barge boards and in exposed cavity walls. The site is assessed within their report as providing *Low Bat Roost Suitability*. A single evening emergence survey was carried out to assess the status of roosting bats on site. Two bats were noted foraging on site but no evidence was found of roosting or emerging bats. The report concludes that the proposed redevelopment of these buildings is unlikely to impact bats or their roosts.
- 5.8.7 The report also concludes that the proposals for the renovation could incorporate areas that would be attractive to roosting bats, such as adapted roof tiles and ridges which can be cheaply and easily incorporated into buildings at the time of renovation.
- 5.8.8 The proposed development is considered to have no detrimental impact on protected species or their habitats.

5.9 Other Issues

- 5.9.1 Detailed discussions have taken place with anti-terrorism advisers about the layout, design and detailing of the scheme. With particular reference to access to the site and the protection of people congregating within the civic square. The applicant has taken this advice on board and incorporated appropriate measures into the development, given the nature of the risks, in order to protect public safety. These changes are reflected in the latest layout drawing for the site.

6.0 PLANNING BALANCE

- 6.1 In assessing this application it is clear that there are a number of residual harmful impacts that must be weighed against the benefits of the scheme. The harmful impacts on the significance of the heritage assets must be given great weight and importance in the planning balance. The pros and cons of the development can be broken down into the broad areas of sustainability; Economic, Environmental and Social impacts.

Economic

- 6.2 The proposed development will provide a wider range of retail opportunity within the centre of Northallerton, without significant detrimental impact on the vitality and viability of the town centre, along with the benefit of job creation that this will bring. The proposals will result in a range of employment including the innovation of the C4Di Digital Hub proposal. The synergy with town centre uses will contribute positively to the vibrancy and vitality of the town as a whole.
- 6.3 The development will result in new retail and leisure uses within the town which will increase the critical mass of retail and leisure offer and improve the range, diversity and amount of leisure activities in the town, improving Northallerton as a destination.
- 6.4 In economic terms the development is considered to result in generally positive impacts for Northallerton, in particular in the long term, resulting in an overall increase in spend in the town and contributing positively to the vitality and vibrancy of the town.
- 6.5 These positive benefits need to be weighed against the potential impact on local operators, noting that competition is not a material consideration.

Environmental

- 6.6 It is clear that the re-development of the site will create a high quality environment in this part of the town, through the re-use of the existing buildings along with proposed extensions and new build elements.
- 6.7 Issues around drainage of the site are considered to be effectively dealt with by the proposals.
- 6.8 The additional late night use, although significantly mitigating the level of potential harm, will alter the character of this area, which borders residential properties, particularly on Crosby Road. This change in character and use is likely to result in a degree of noise and anti-social behaviour which will have a detrimental impact on the amenity of the occupiers of the neighbouring properties at certain times of the day.
- 6.9 Additional vehicle movements in the vicinity of the application site, in particular on Crosby Road will contribute to a general increase in noise and disturbance.
- 6.10 The application makes adequate provision for parking either on-site or locally through the use of Crosby Road car park.

Social

- 6.11 The application site is located immediately adjacent to the town centre within 150m of the centre of the High Street and as such will result in linked trips to all town centre functions. The site is well connected to the town centre for pedestrians. The development has been designed with accessibility for all in mind.
- 6.12 The development will allow the re-use of the listed buildings and allow for better interpretation of and access to the listed buildings. The long term use of the buildings will be secured. The development will effectively allow the former prison site to be re-assimilated into the town, creating new high quality public spaces.
- 6.13 The proposals will result in a less than significant, harmful impact to the listed buildings, resulting both from the proposed alterations but also through the scale and form of the proposed cinema. Significant weight must be given to this harm in decision making.

- 6.14 There is considered to remain potential for detrimental impact on the viability of the Forum Northallerton, with its potential resultant detrimental impact on the social offer provided by the Forum. Separately the Council will need to consider how it can support the sustainability of this important community asset.
- 6.15 It is concluded that the proposed development represents the optimum viable use of the site, that the harmful alterations to the listed buildings have been mitigated, justified and otherwise the harm caused to these assets given suitable weight in the assessment of the scheme when judged against the public benefits of the development.
- 6.16 The proposed development is not considered to be harmful to the vitality or viability of the town centre.

7.0 RECOMMENDATION

- 7.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) below received by Hambleton District Council unless otherwise approved in writing by the Local Planning Authority.

Proposed Site Plan. Drawing Number 100 Revision AC
 Unit 2 Elevations. Drawing Number 102 Revision D
 Unit 1 and 3 Elevations. Drawing Number 103 Revision H
 Unit 1 and 3 Plans. Drawing Number 104 Revision E
 Unit 2 GA Plan. Drawing Number 109
 Red Line Plan. Drawing Number 111 Revision D
 Movement and Access Plan. Drawing Number 115 Revision C
 Boundary Wall Treatment Plan. Drawing Number 116 Revision C
 Proposed Elevations. Drawing Number 120 Revision K
 Proposed Elevations. Drawing Number 121 Revision J
 Proposed Elevations. Drawing Number 122 Revision L
 Proposed Elevations. Drawing Number 123 Revision E
 Block B Proposed Elevations. Drawing Number 124 Revision H
 Proposed Site Sections - Sheet 1. Drawing Number 125 Revision D
 Proposed Site Sections - Sheet 2. Drawing Number 126 Revision D
 Area Schedule. Drawing Number 100 Revision Z
 Block A - Proposed GA Plans. Drawing Number 140 Revision F
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 141 Revision Q
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 142 Revision P
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 143 Revision M
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 144 Revision L
 Block B/C/D/E - Proposed Ground Floor. Drawing Number 145 Revision F
 Proposed GA Plans. Drawing Number 146 Revision F
 Cinema Block Ground Floor. Drawing Number 150 Revision J
 Cinema Block First Floor Plan. Drawing Number 151 Revision L
 Cinema Block Upper Floor Plan. Drawing Number 152 Revision J
 Cinema Sections Sheet 1. Drawing Number 153 Revision D
 Cinema Sections Sheet 2. Drawing Number 154 Revision D
 Cinema Block Elevations Sheet 1. Drawing Number 156 Revision E
 Cinema Block Elevations Sheet 2. Drawing Number 157 Revision E
 Block E Sections. Drawing Number 160 Revision C

Block C Sections. Drawing Number 161 Revision A
Proposed Section through 1818 Wing. Drawing Number 162
1818 Wing Section B . Drawing Number 163
1818 Wing Window Detail. Drawing Number 164
1818 Wing Window Detail. Drawing Number 165
Block C East Gable Detail. Drawing Number 166
Block C South Elevation Window Detail. Drawing Number 167
The Link Entrance Detail. Drawing Number 168
Governor's House Detail Elevations. Drawing Number 169
Block A Window Detail. Drawing Number 180
Block A Window Detail. Drawing Number 181
Listed Building Elevations. Drawing Number 182 Revision A
Block C Ground Floor Alterations. Drawing Number 205 Revision A
Block C First Floor Alterations. Drawing Number 206 Revision A
Block C Second Floor Alterations. Drawing Number 207 Revision B
Block D Ground Floor Alterations. Drawing Number 208 Revision A
Overall Landscape Masterplan. Drawing Number L101 Revision C

3. No demolition or construction for any phase of the development shall take place until a Construction Phase Management Plan for that phase relating to the programme of demolition and construction works has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Phase Management Plan be adhered to throughout the construction period for the phase.

The plans shall include, but not be limited, to arrangements for the following in respect of each phase of the works:

- (i) Protection of carriageway and footway users at all times during demolition and construction
 - (ii) Erection and maintenance of hoardings, including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate
 - (iii) Protection of contractors working adjacent to the highway
 - (iv) Measures to manage the delivery of materials and plant to the site, including routing and timing of deliveries
 - (v) Loading and unloading of materials and plant
 - (vi) Storage of plant and materials used in constructing the development
 - (vii) Wheel washing facilities
 - (viii) Measures to control the emission of dust and dirt during construction
 - (ix) Storage of plant and materials used in constructing the development
 - (x) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (xi) The protection of trees
 - (xii) The parking of contractors' site operatives and visitor's vehicles; and
 - (xiii) A program for the works
4. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.
 5. No development other than site preparation and ground works shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works and off -site works have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 3 litres per

second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

6. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
 - a) evidence of existing positive drainage to public sewer and the current points of connection; and
 - b) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
7. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 40% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
8. The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reed-beds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.
9. Prior to the commencement of above ground works on any individual new build element of the development hereby approved, full details, including samples as necessary, of all external materials shall be provided to and approved by the Local Planning Authority.
10. There shall be no demolition or construction undertaken on the development until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use on the site. The schedule shall include a reference to where the materials will be used in the re-development of the site. The building shall be carefully taken down or dismantled and the materials contained in the schedule and stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule.
11. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

12. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
13. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
14. Prior to development above ground level commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
15. The restaurant / café / bar uses within the development shall only be open between the hours of 8am and 11pm.

External seating areas associated with these uses shall only be available between 8am and 8pm and shall be completely removed outside these hours

There shall be no external seating on the land to the west of the 1818 Wing, between any new or existing building and Crosby Road.
For clarity, there are no open time restrictions placed on the office, cinema or retail uses within the development.
16. Deliveries to the development hereby approved shall be restricted to between 06.30am and 11.00pm.
17. Prior to the construction of the glazed extensions to the 1818 wing, full details of the proposed treatment of the external masonry faces which are to be enclosed by the glazed extensions shall be provided in writing to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details.
18. Prior to the construction of any extension to the 1818 wing, full structural details shall be submitted in writing to and approved by the Local Planning Authority, showing how the proposed extensions will be attached to the historic fabric of the building.
19. Prior to the installation of any new glazing in new fenestration, roof lights and for any window repairs full details of the window installation, materials and fixings shall be submitted in writing to and be approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details. All glazing solutions shall be designed to minimise reflectivity unless otherwise agreed with the Local Planning Authority.
20. Before the installation of any new vent grills, external pipework or ventilation systems, full details of the installation shall be submitted in writing to and approved by the Local Planning Authority. The installation shall then be carried out in full accordance with the approved details.
21. Prior to the re-roofing of the Governors House or re-roofing or repair to other existing buildings on site, details of the proposed roof slate shall be provided to and approved

by the Local Planning Authority the slate should be a good geological match for slate used locally with a sample to be provided as required. The proposed development shall then be completed in accordance with the approved details.

22. Prior to the occupation of the development hereby approved, a scheme for the provision of ecological enhancements shall be submitted in writing to and approved by the Local Planning Authority. The approved details shall then be implemented within 12 months of the occupation of the development.
23. Occupation of the cinema hereby approved, shall not take place, until the completion of the proposed physical alterations to the Listed Buildings and the public spaces associated with the development.
24. Any re-pointing or repair works to the listed buildings shall be carried out using a mortar to match the existing mortar in the building. This should be a lime based mortar with no cement added to the mix. The proposed mix is to be submitted in writing to and approved by the Local Planning Authority prior to the pointing work being carried out. Samples of the mortar mix and finish may be required in order to demonstrate an appropriate mix and pointing technique.
25. Prior to the occupation of any part of the development, full details of a scheme to provide CCTV coverage for the site shall be provided in writing to and approved by the Local Planning Authority. The agreed CCTV scheme shall be installed prior to occupation of any part of the development hereby approved.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies).
3. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .
4. To prevent pollution of the aquatic environment and protect the public sewer network and to comply with the requirements of Development Policies 6 and 31.
5. To ensure that no foul water discharges take place until proper provision has been made for their disposal and to comply with the requirement of Development Policy DP32.
6. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and the requirements of Development Policy DP6 and DP32.
7. In order to mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and to comply with the requirements of Development Policy DP43.

8. To prevent pollution of the water environment from the development site and to comply with the requirements of Development Policy DP6.
9. In order that the character and appearance of the proposed development is acceptable and meets the requirements of Development Policy DP28 and DP32.
10. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with the Hambleton District Wide Local Plan Policy BD4.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
12. In order to provide for appropriate soft landscaping to soften the appearance of the development and to comply with the requirements of Development Policy DP32 and DP33.
13. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
14. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
15. In order to ensure the protection of residential amenity in the vicinity of the site and to comply with the requirements of Development Policy DP1.
16. In order to protect the amenity of the occupiers of nearby residential properties.
17. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
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21. In order to protect the character, appearance and significance of the listed buildings and to accord with the requirements of Development Policy DP28.
22. In order to ensure that the development results in net environmental enhancement in accordance with the NPPF and Development Policy DP28.
23. In order to ensure that the heritage benefits of the development are realised and to comply with the requirements of the NPPF.
24. In order that the details of the proposed development protect the significance of the heritage asset and to accord with the requirements of Development Policy DP28.
25. In order to protect the amenity of occupiers of the site and that of local residents, in accordance with Development Policy DP1.