

**Parish: Northallerton**  
Ward: Northallerton South  
**1**

Committee Date : 26 August 2021  
Officer dealing : Mr Peter Jones  
Target Date: 26 August 2021  
Date of extension of time (if agreed):

**21/01679/LBC**

**Proposed internal fit out works to create a first floor fitness suite. Works to include glazed partitions and doors at first floor and enclosure of the central stair at ground floor. Inclusion of CCTV unit on the north elevation.. at Governors House 11 Treadmills Crosby Road Northallerton for Jonathan Stubbs.**

## **1.0 Site description and proposal**

- 1.1 The site forms part of the listed, former Northallerton Prison site, subject of a number of recent applications for the redevelopment of the site.
- 1.2 This application comes towards the end of the project to convert the listed elements of the buildings and seeks a number of alterations to the internal arrangements of the Governors House in order to allow the effective occupation of the site by the tenant.
- 1.3 The application also includes a CCTV camera to be mounted on the north elevation of the Governors House.

## **2.0 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
- 2.6 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. Approved 04 December 2018.

- 2.7 18/01850/LBC. Listed building consent for internal and external alterations to former prison buildings, as per amended plans and additional information received by Hambleton District Council on 22nd October 2018. Approved 04 December 2018.

### **3.0 Relevant planning policies**

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during

October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>. The

Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

### **4.0 Consultations and Representations**

- 4.1 Northallerton Town Council – No comment received.
- 4.2 Council for British archaeology – No comment received.
- 4.3 No third party representations received.

### **5.0 Analysis**

- 5.1 Section 66 of the Listed Building Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.2 Other relevant sections include Section 16 (2) of Listed Building Act provides that in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.3 The legislative requirements of Sections 16 and 66 are in addition to government policy contained in Section 16 of the NPPF. The NPPF 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. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.
- 5.4 LDF Policies Development Management (2008) Policy DP28 and 2020 Publication version of Local Plan Policy E5 reflect legislation and national planning guidance. In particular, Draft Policy E5 describes how all adverse impacts will be avoided as far as possible, or if unavoidable how they will be minimised as far as possible; detail how, following avoidance and minimisation, the proposal would impact on the significance and special interest of each asset. Additionally, provide clear justification for the proposal, especially if it would harm the significance of a heritage asset or its setting, so that the harm can be weighed against public benefits.
- 5.5 It is acknowledged that the Governors House is a key a component of the historic Quadrangle, within the overall Treadmills masterplan. The works carried out to the whole of the Treadmills site in principle have established the retention of the historical plan form. With respect to the Governors House application it is noted that the inclusion of glass screens would have some impact on the heritage asset. However, these alterations are removable and would retain the existing layout form. It is therefore considered that the proposed internal design of the Governors House would not significantly impact the historical characteristics or heritage of the building. The incorporation of a public use within this building increases the public awareness to local history and is essential to safeguard this heritage asset for the future.

#### Public Benefits

- 5.6 Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental objectives as described in the National Planning Policy Framework. National Planning Practice Guidance and Historic England also set out what is meant by the term public benefits, Historic England state that: When dealing with designated heritage assets, the public benefits of the proposal can cover a wide range of considerations the continued conservation of a heritage asset is a public benefit.
- 5.7 The balancing of justification of proposed works to a heritage asset against public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. This would include securing the optimum viable use of a heritage asset in support of its long term conservation. In this instance the public benefits include social, economic and environmental considerations.
- 5.8 On balance the delivery of this project would contribute positively to sustainability and place making and would bring significant regeneration benefits. The use of this building would allow the public to gain a deeper understanding to the historical context of the whole site not just the Governor's building.

#### Planning Balance

- 5.9 It considered that the balance of harm lies on the higher end of less than substantial spectrum. The NPPF 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.10 The Governors House is a Grade II listed building. The NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and goes on to state 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.

## **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations the application be **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) numbered HU-DB-EA-781-18-1000 + 13271-2 101 received by Hambleton District Council on 01 July 2021 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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).