

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

13 APRIL 2023

23/00407/FUL - Full Planning Permission for the siting of a statue at Treadmills, Crosby Road, Northallerton, for North Yorkshire Council

Report of the Corporate Director – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the siting of a statue on land at Treadmills, East Road, Northallerton.
- 1.2 This matter is brought to Planning Committee as the former Hambleton District Council is the applicant.

2.0 Executive Summary

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application details the siting of a corten steel statue at the former prison site, now known as Treadmills, on East Road in Northallerton.
- 2.2. The site is located between the recently completed cinema and the adjacent listed tenement block, which formed part of the prison complex.
- 2.3. The principle of this type of public art is considered generally accepted in this urban location.
- 2.4. The main determining issues are considered to be; the potential for impact on heritage assets and the provision of good access for all.
- 2.5. It is considered that the proposed development will assist in the interpretation of the heritage assets and will provide a positive focal point for the development, helping to anchor the site when viewed from the Zetland Street approach, from the town centre. The development will have no harmful impact on heritage assets and sufficient space remains around the proposals in order to ensure good access for all.

23/00407/FUL

13/04/2023



Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU

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3.0 Preliminary Matters

- 3.1 Access to the case file on Public Access can be found here:- view file <https://planning.hambleton.gov.uk/online-applications/>
- 3.2 This application is brought to the Richmond (Yorks) Area Planning Committee in accordance with the scheme of delegation as the applicant is the former Hambleton District Council, now North Yorkshire Council.
- 3.3 Discussions have taken place with regard to the implications and specific siting of the statue in order to arrive at the chosen location.
- 3.4 There are two main relevant planning applications for this application which are detailed below.
- 3.5 15/02538/PND 05.01.2016 Granted. Prior Notification for the demolition of the unlisted parts of former prison and boundary wall
- 3.6 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, amended by plans and additional information received by Hambleton District Council on 22nd October 2018, approved 04.12.2018.

4.0 Site and Surroundings

- 4.1 The site is located east of East Road, on the edge of Northallerton Town Centre and approximately 15m from the defined retail area. Planning permission was approved in 2018 for the 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.
- 4.2 The site is also on the boundary of the Northallerton Conservation Area.

5.0 Description of Proposal

- 5.1 This application seeks full planning permission for the siting of a statue which comprises a pair of figures standing on the footway between the cinema and the

listed tenement building. The figures are to be completed in corten steel and are slightly larger than life size at 2.6m in height.

6.0 Planning Policy and Guidance

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:

- Hambleton Local Plan, adopted February 2022
- Minerals and Waste Joint Plan, adopted 2022

Guidance - Material Considerations

- 6.3 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide

7.0 Consultation Responses

- 7.1 The following consultation responses have been received and have been summarised below.

- 7.2 Town Council: No comments received.

- 7.3 Highways: No objections to the proposed development

- 7.4 MOD Safeguarding: No objections.

Local Representations

- 7.5 One representation has been received following the expiry of the 10 day re-consultation period, objecting to the proposal for the following reason as summarised below:

- It would be more appropriate to have a museum built on the site of the prison as a reminder of the site's former use.
- The appropriateness and historic accuracy of the statue is questioned.
- The proposed statue would be situated on the edge of East Road where there is the possibility of injury due to the proximity to the road (alternative locations within Northallerton are suggested.)

8.0 Main Issues

8.1 The key considerations in the assessment of this application are:

- Principle of development
- Impact on heritage matters and design
- Highway Safety
- Residential Amenity

9.0 Assessment

Principle of Development

9.1 Application site is located within the urban built form of Northallerton where the principle of this type of development is supported.

9.2 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

9.3 The application has the potential to limit the available width of the pavement for users of prams, pushchair and wheelchairs and as such their specific requirements need to be addressed. This matter is set out in the highways and access section of the report.

Heritage matters and design

9.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.

9.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

9.6 The site is located adjacent to the Northallerton conservation area but not within it. The development has the potential to impact on the setting of the conservation area. The application site is also immediately adjacent to one of the grade II listed buildings associated with the former prison site. In this case the tenement which now forms the Campus site facing onto East Road. On this basis the development has the potential to impact on the setting and as such the significance of this listed building.

- 9.7 The statue has been designed to build on the interpretation of the history of the site. The proposed figures represent a former child convict and a warder from the prison, seeking to tell part of the story of the prison.
- 9.8 The scale, form and materials used in the proposed development are considered to be appropriate in terms of the significance of the listed buildings and the setting of the conservation area. The proposed development is considered to result in no harm to the significance of either of the identified heritage assets.
- 9.9 Policy E1 of the Local Plan seeks that all development be of a high quality of design and respond to the requirement of locally distinctive design.
- 9.10 The starting point for this art work stems from the history of the site and is heavily informed by the social history of the prison. The proposals are relatively simple in form and are carried out in a robust material.
- 9.11 It is considered that the requirements of policy E1 are met.

Highways and Access

- 9.12 Policy IC2 requires that all development provide a safe and satisfactory means of access. The Highway Authority has been consulted on the application. The main issue is a question of whether or not the development results in an unacceptable restriction to the width of the footway in this location such as to result in an unacceptable impediment.
- 9.13 In assessing this matter consideration must be given to all users of this environment including those with wheelchairs or pushchairs along with those with sight or other mobility impediments.
- 9.14 The location of the figures remains clear of the footway which runs along the east side of East Road. The proposals then sit roughly centrally between the cinema building and the listed tenement building. This is the thoroughfare into the public square enclosed by the listed buildings and the cinema. Between the figures and the cinema there remains a 2m gap and between the figures and the tenement a 3m gap is retained.
- 9.15 It is considered that the separation distances allow for an acceptable remaining width of thoroughfare for all users, including consideration of the Equalities Act 2010.
- 9.16 The Highway Authority has raised no objections to the proposed development and it is considered that the development meets the requirements of policy IC2.

Amenity

- 9.17 Policy E1 seeks to ensure that all development results in a satisfactory level of amenity. In this case the development is not in close proximity to residential properties although the amenity of all nearby occupiers should be considered.
- 9.18 The proposed development is not lit and is not considered to raise any significant amenity issues in the vicinity of the application site.

10.0 Planning Balance and Conclusion

- 10.1 The site is located in an urban environment in a public space and as such the principle of development in this location is supported.
- 10.2 The main issues are the potential for harmful impact to the significance of designated heritage assets and the loss of accessible width of paving into the public square to the east of the application site.
- 10.3 It is concluded that the development results in no harm to the significance of heritage assets and in consultation with the Highway Authority results in no harm in terms of highways matters.
- 10.4 The development will result in a high-quality element of public art which will further the interpretation of the listed prison buildings.
- 10.5 The proposed development is recommended for approval.

11.0 Recommendation

- 11.1 That planning permission be **GRANTED** subject to conditions listed below:

Recommended conditions:

- 1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 13271-3(09)20 and 21 and CGIPO1; received by Hambleton District Council on 21st and 28th February 2023.

Reason

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 relevant policies of the Hambleton Local Plan.

Case Officer: Peter Jones

Target Determination Date: 25.04.2023

Date of Meeting: 13.04.2023
