

**Parish: Northallerton**  
Ward: Northallerton south  
**10**

Committee Date : 18th November 2021  
Officer dealing : Mrs Tracy Price  
Target Date: 2nd December 2021  
Date of extension of time (if agreed):

**21/02426/FUL**

**Construction of External Air Conditioning Compound and Installation of External Condenser Unit.**

**At: Campus @ Northallerton, Tenement House, 4 Treadmills, Northallerton**  
**For: Central Northallerton Development Company Ltd**

**This is brought to Committee as the Council has an interest in the site.**

**1.0 Site, Context and Proposed Development**

- 1.1 Planning permission is sought for the construction of an external air conditioning compound and installation of external condenser unit at Tenement House, Block A, 4 Tenement House, 4 Treadmills in Northallerton.
- 1.2 Block A was formally known as the 'Tenement Building' on the site of the former HMP Northallerton and is located at the west side. The installation of the air conditioning unit is a response to occupier need and the use of the building as a learning centre.
- 1.4 Permission is sought for a single unit to be positioned to the east ground floor elevation in front of an existing blocked up arch window. The unit is 2048mm high x 1350mm w x 720mm deep with a Okoume timber clad compound to match the existing benches and street furniture of the Treadmills development. The compound will be the full height of the condenser unit. The compound is to be positioned away from the Listed Building and not attached.

**2.0 Relevant Planning History**

- 2.1 20/01344/FUL, Conversion of the existing Grade II Listed Tenement Building into retail (A1) and office (B1). Facade improvements to include replacement windows and making good of wall and roof materials, Approved 2020
- 2.2 20/01344/FUL, Conversion of the existing Grade II Listed Tenement Building into retail (A1) and office (B1). Facade improvements to include replacement windows and making good of wall and roof materials. Approved 2020

**3.0 Relevant Planning Policies**

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 DP1 - Protecting amenity  
Development Policies DP32 - General design

#### **4.0 Consultations**

4.1 Parish Council - no comments received - expired 16.11.2021

4.2 Environmental Health – No response received yet

4.3 Natural England – No response received yet

4.4 Yorkshire Wildlife Trust – No response received yet

4.5 Listed Building Officer – Summarised Conclusion

Although the unit is not attached to the listed building there would be some form of opening created within the building to ensure ventilation. On balancing the justification of the proposed air conditioning unit against the setting and harm towards the listed building it is considered that there is an element of public benefit to be gained by its installation. The unit would allow the functionality of the building to a greater extent than just opening the windows to allow for ventilation and would therefore provide a more comfortable work based setting. 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.

4.7 Site Notice & Neighbour Notification –No representations have been received - expired 16.11.2021

#### **5.0 Analysis**

5.1 The main considerations are: i) the impact on the significance of the heritage asset, the ii) streetscene and; iii) amenity.

5.2 The site is within the Treadmills development which is a mixed use urban environment and very close to the primary retail area of Northallerton. The applicant has submitted a heritage statement assessing the impact of the works on the significance of the heritage assets. The design is clearly very functional. It is noted that positioning the condenser unit within the roof space is not possible due to the open nature of the king post roof structure which is referenced in the listing and has been retained as part of the refurbishment. Smaller units are available which are less visually intrusive, but this would require a total of 8 units in 2 different positions along the north and south elevations. The proposal to position the condenser unit and compound alongside the east elevation is the preferred option allowing the works to be contained within the site. It is noted that when completed, the civic square adjacent to the east elevation will include various street furniture, planters and changes in levels which will help to break up the scene and also result in the compound becoming less prominent.

- 5.3 The 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 It is acknowledged that the Tenement 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 this proposal to install external air conditioning to the building it is noted that the main condenser unit would not be attached to the listed building and would be clad in Okoume timber to match that of the surrounding benches and street furniture within the site of the Treadmills.
- 5.8 As stated above it is acknowledged that the proposed air conditioning unit would not be attached to the building and would be enclosed in a natural material to match the surrounding street furniture. There would be an element of harm but this harm leans towards the mid-level of less than substantial harm to the setting of the listed building as the unit would be viewed in the context of the additional outdoor street furniture.
- 5.9 It considered that the balance of harm lies in the mid-level of less than substantial spectrum. Notwithstanding the balance of harm laying on the lower end of the spectrum there is still harm to the setting of the listed building. In order to balance this harm extract paragraphs from the NPPF have been taken into consideration and they are as follows:

- 5.10 Paragraph 193 of 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.
- 5.11 Paragraph 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.12 Paragraph 202. 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.

#### Public Benefits

- 5.13 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.

#### Amenity

- 5.14 Policy DP1 protects local residential amenity from development on a range of issues, including noise. It is clear that air conditioning units, such as that proposed, can give rise to noise impacts. Given the nature and location of the site and the general noise levels in the area, it is considered that the proposed development will not result in any significant loss of amenity to the occupiers of any nearby development. Based on this analysis it is not considered in this context, the proposal would not give rise to an unacceptable impact as assessed against policy DP1.

#### Planning Balance

- 5.15 It is considered that the development results in less than substantial harm to the setting of the heritage asset. That harm is at the lower end of the scale of harm and is considered to be sufficiently off-set by public benefit. Based on the above assessment the proposal is recommended for approval.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
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) and/or details 13271-

411reva & HV-DB-EA-781-18(4)101 received by Hambleton District Council on 7th October 2021 unless otherwise agreed in writing by the Local Planning Authority.

The reasons 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) CP1, CP16, CP17, DP1, and DP32.