

Planning Applications Committee Agenda



1.30 pm Wednesday, 25 July 2018
Committee Room No. 2, Town Hall,
Darlington. DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introduction/Attendance at Meetings
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 27 June 2018 (Pages 1 - 10)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 11 - 28)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Decision on Appeals - The Director of Economic Growth and Neighbourhood Services will report that :- –
Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mr and Mrs Corr against this Authority's decision to refuse planning permission for the demolition of existing stable block and erection of a two-storey dwelling, incorporating stables on the ground floor at land adjoining Ashtree Cottage, Sadberge Road, Middleton St George, Darlington (Ref No. 17/00375/FUL) (copy of Inspector's decision letter enclosed).

RECOMMENDED – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

9. RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act
10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 11 July 2018 (Exclusion Paragraph No. 7) –
Director of Neighbourhood Services and Resources
(Pages 29 - 32)
11. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
12. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 17 July 2018

Town Hall
Darlington.

Membership

Councillors Baldwin, Galletley, Lister, Johnson, Mrs D Jones, Kelley, Knowles, Lee, Lyonette, McEwan, Storr, C Taylor, J Taylor and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Shirley Burton, Democratic Manager, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: shirley.burton@darlington.gov.uk or telephone 01325 405998

PLANNING APPLICATIONS COMMITTEE

Wednesday, 27 June 2018

PRESENT – (No)

APOLOGIES – (No)

ABSENT – (No)

ALSO IN ATTENDANCE – (No)

OFFICERS IN ATTENDANCE –

PA14INTRODUCTION/ATTENDANCE AT MEETINGS.

PA15DECLARATIONS OF INTEREST.

PA16TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 30 MAY 2018.

PA17INTRODUCTION TO PROCEDURE BY THE ASSISTANT DIRECTOR, LAW AND GOVERNANCE'S REPRESENTATIVE.

PA18APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION.

PA19SUPPLEMENTARY ITEM(S) (IF ANY) WHICH IN THE OPINION OF THE CHAIR OF THIS COMMITTEE ARE OF AN URGENT NATURE AND CAN BE DISCUSSED AT THIS MEETING.

PA20QUESTIONS

PA21NOTIFICATION OF APPEALS - THE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES WILL REPORT THAT :-

PA22RECOMMENDED - THAT, PURSUANT TO SECTIONS 100B(5) OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED FROM THE MEETING DURING THE CONSIDERATION OF THE ENSUING ITEM ON THE GROUNDS THAT IT INVOLVES THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN EXCLUSION PARAGRAPH 7 OF PART I OF SCHEDULE 12A OF THE ACT.

PA23COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 13 JUNE 2018 (EXCLUSION PARAGRAPH NO. 7)

PA24SUPPLEMENTARY ITEM(S) (IF ANY) WHICH IN THE OPINION OF THE CHAIR OF THIS COMMITTEE ARE OF AN URGENT NATURE AND CAN BE DISCUSSED AT THIS MEETING.

PA25QUESTIONS.

PLANNING APPLICATIONS COMMITTEE

27 June 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Johnson, Kelley, Knowles, Lee, Lister, Lyonette, McEwan, Storr, C Taylor, J Taylor and Tostevin. (12)

APOLOGIES – Councillor Galletley. (1)

ABSENT – Councillor Cartwright. (1)

ALSO IN ATTENDANCE – Councillor C. Hughes. (1)

OFFICERS – Dave Coates, Head of Planning, Development Management and Environmental Health, Paul Ibbertson, Traffic Manager and Arthur Howson, Engineer, within Services for Economic Growth and Neighbourhood Services and Andrew Errington, Lawyer (Planning) within the Resources Group. (4)

PA9. DECLARATIONS OF INTEREST – Councillor Johnson declared an interest in Minute PA11(1) below (Ref No. 18/00232/FUL); addressed the Committee as an objector and then left the meeting during the consideration of that item. Councillor Lyonette also declared an interest in that item as he had a granddaughter attending the school. There were no other declarations of interest reported at the meeting.

PA10. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 30 May 2018.

RESOLVED – That the Minutes be approved as a correct record.

NOTE - APPLICATIONS FOR PLANNING PERMISSION – The following standard conditions are referred to in those Minutes granting permission or consent:-

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

CL4	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
CL6	<p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation,</p>

	<p>risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
	<p>INFORMATIVE – The LPA provides further advice and information to assist in complying with the requirements of the land contamination planning condition(s) in Technical Guidance for Developers, Landowners and Consultants,</p> <ul style="list-style-type: none"> • YAHPAC "Development of Land Affected by Contamination • YAHPAC "Verification Requirements for Cover Systems" • YAHPAC "Verification Requirements for Gas Protection Systems" <p>The latest editions of each guidance can be found on the Council's website at the following link: http://www.darlington.gov.uk/contlandplanningguidance</p>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p>Reason - To define the consent.</p>

PA11. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

18/00232/FUL - Carmel College, The Headlands, Darlington. Variation of Condition 14 (Construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches) attached to planning permission 16/00597/FUL dated 8 September 2016 to ensure padding on perimeter backboards and goal backboards meet the requirements of Condition 13 (amended Noise Assessment received 8 May 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of a representative of the applicant and a supporter of the application, both of whom Members heard).

(NOTE – Councillor Johnson left the table for the above item and, after speaking against the application, left the room, whilst the application was being discussed).

RESOLVED – That the variation of Planning Permission be granted, subject to the same conditions as contained in Planning Permission Ref No. 16/00597/FUL, with the exception that condition 14 be varied to the following :-

The goal backboards and perimeter backboards shall be designed and lined with suitable padding material so as to reduce the noise from ball impacts. Mitigation shall be sufficient to ensure that the ball impact noise does not result in exceedances of the noise assessment criteria detailed in Planning Condition 13 (attached to planning permission 16/00597/FUL). The mitigation to perimeter backboards and goal backboards shall be maintained throughout the life of the development to the satisfaction of the Local Planning Authority.

Reason - In the interests of residential amenity.

18/00442/FUL - Site of Former Springfield Primary School, Salters Lane South, Darlington. Proposed residential development consisting of 80 dwellings, access and landscaping (Re-submission).

It was reported that the Ecology Officer considered that the application complied with the provision of the Habitats Directive and that the Planning Officers had taken account of those provisions when considering their recommendation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

RESOLVED – That, subject to the S106 financial contributions being collected through the land sale arrangements, planning permission be granted subject to the following conditions :-

General

1. A3 Implementation Limit (18 months).
2. Details of soft landscaping shall be submitted to, and approved by the Local Planning Authority, prior to the first occupation of the development hereby approved. Such landscaping shall be provided either within the first planting season after completion of the development, or any individual phase thereof, or prior to the buildings being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally approved and planted.

Reason – To ensure satisfactory appearance of the site and to improve the visual appearance of the locality.

3. PL (Accordance with Plans).
4. Construction work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no working on a Sunday and Bank / Public

Holidays without the prior written permission of the Local Planning Authority.

Reason – In the interests of residential amenity.

5. E5 (Boundary Treatment Submission).

Contaminated land

6. CL4 Phase 3 Remediation and Verification Strategy.
7. CL5 Construction / Remediation Works.
8. CL6 Phase 4 Verification and Completion Report.

Trees

9. The development shall not be carried out otherwise than in accordance with the Arboricultural Implications Assessment (Elliott Consultancy Limited, February 2018) and in particular the measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment;

Reason – To ensure a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

Affordable Housing

10. The affordable housing shall be provided in complete accordance with the approved scheme as set out in the Affordable Housing Statement (Karbon Homes, May 2018) unless otherwise agreed in writing with the Local Planning Authority.

Reason – To comply with Council Housing Policy.

Flood Risk and Drainage

11. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing the following details;

- I. Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities;

The buildings hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 23rd January 2018 and the following mitigation measures detailed in the FRA.

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Section 5.02 stating a Qbar of 12.0 l/s.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

13. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved by the Local Planning Authority prior to the commencement of the development.

Reason – To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

14. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Highways

15. The development shall not be carried out otherwise than in complete accordance with the actions set out in the Construction Management Plan (Construction Phase Health and Safety Plan, Gus Robinson Developments Limited) dated March 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of residential amenity and highway safety.

16. Prior to the first occupation of the development hereby approved, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason- In the interests of highway safety.

17. Details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place, Alnwick Place) shall be submitted following the completion of the 20th house, and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – To enable a consultation exercise to be undertaken with local residents, by local members, to establish the need for footpath provision within the area.

Ecology

18. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Preliminary Ecological Appraisal Former Springfield School, Darlington (E3 Ecology, June 2018 Final), the Great Crested Newt Survey Former Springfield School, Darlington (E3 Ecology, June 2018 Final); and the Bat Survey Former Springfield School, Darlington (E3 Ecology, June 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

18/00325/FUL - 52 Middleton Lane, Middleton St George. Erection of first floor extension, porch to front elevation, single storey side extension and double storey side and rear extension and formation of new vehicular access (description amended following amended plan received 14 June 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant, whom Members heard).

RESOLVED - That planning permission be granted subject to the following conditions:

1. A3 (Standard 3 year time limit).
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 - Drawing number 2018/SM/02 dated 5 April 2018
 - Drawing number 2018/SM/03 dated 19 April 2018
 - Drawing number 2018/SM/04 dated 14 June 2018

Reason – To ensure the development is carried out in accordance with the planning permission.

3. B4 (Details of external materials to be submitted).
4. Construction work shall not take place outside the hours of 08:00-19.30 Monday to Friday, 08:00-14:00 Saturday with no working on a Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

Reason – In the interests of residential amenity.

5. Prior to the commencement of the development hereby permitted, details of the proposed new access off Middleton Lane, including details of the retention of the existing hedge or the inclusion of a wall or fence either side of the new access to prevent vehicles illegally crossing the footway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the new access shall be provided in accordance with the details as approved prior to first occupation of the extension hereby approved and thereafter be so maintained.

REASON – In the interest of highway safety.

(2) Change of Use Refused

18/00329/CU - 21 Lady Kathryn Grove, Darlington. Change of use of open space to domestic garden.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

RESOLVED – That planning permission be refused as the change of use of the land to private curtilage, including its enclosure, would result in the loss of open space which would impact on the character of the area and a resultant detrimental effect on the amenity of nearby residents.

PA12. NOTIFICATION OF APPEALS – The Director of Economic Growth and Neighbourhood Services reported that Messrs Lee, Tyers and Hartley had appealed against this Authority's decision to refuse planning permission for change of use of land for the siting of 15 no. holiday chalets, with associated access, car parking and landscaping (additional transport statement received 29 August 2017) at Land North East of Brickyard Farm, Neasham Road, Darlington (Ref. No. 17/00623/FUL).

RESOLVED - That the report be received.

PA13. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA14. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 13 JUNE 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA8/May/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 13 June 2018.

RESOLVED - That the report be noted.

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 25th July 2018

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.
- 2) Letters of objection and representation from the public.

Index of applications contained in this Schedule are as follows:-

Page	Address/Site Location	Reference Number
1	West Park Hospital Edward Pease Way	18/00415/FUL
8	Land At Former Croft House Hurworth Place Darlington DL2 2DQ	18/00435/TF

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 July 2018

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APPLICATION REF. NO:	18/00415/FUL
STATUTORY DECISION DATE:	3 rd August 2018
WARD/PARISH:	BRINKBURN AND FAVERDALE
LOCATION:	West Park Hospital, Edward Pease Way
DESCRIPTION:	Installation of a self-contained Combined Heat and Power (CHP 100kWHE 175kWth) unit for the purposes of generating electricity and heat on a concrete plinth within the rear delivery/maintenance yard (additional plan received 26 June 2018)
APPLICANT:	Mr Steve Kent

APPLICATION AND SITE DESCRIPTION

West Park Hospital is a single and two storey building located in the south west corner of the West Park housing development. The Hospital is bounded by dwellings on Teeswater and Collingsway to the north; West Park open space to the east; dwellings on Minors Crescent to the south and Mount Pleasant Farm to the west (albeit this Farm is part of the proposed West Park Garden Village residential development)

The proposal involves the installation of a Combined Heat and Power unit within the delivery and maintenance yard which is in the northern section of the Hospital site. A road which runs between the Hospital and the dwellings on Teeswater and Collingsway provides vehicular access to the yard area which is enclosed by a mix of brick walls and timber fencing. The unit would be located at ground floor level on a concrete base/plinth and would measure 3.1m long; 1.3m wide and 2.2m high. The unit would then be enclosed within a panelled/mesh housing unit. A flue would lead from the unit and be attached to the two storey Hospital building with a projection of 1m above the roof line.

In support of the application, the applicant has provided the following statement:

“There are legally binding UK Government targets to reduce carbon emissions by 34% by 2020 and 80% by 2050 compared to 2007 levels. These targets are set out in the UK Climate Change Act (2008), which outlined a new approach to managing and responding to climate change in the UK. All health and social care organisations are required to deliver a reduction in greenhouse gas emissions, and must demonstrate how progress towards these targets is measured, monitored and managed. They are also bound by targets for increasing the energy efficiency of buildings.”

The Trust has a five year 2015-2020 Sustainable Development Management Plan (SDMP) which supports the NHS Sustainable Development Unit's view that a sustainable healthcare system must do more than focus on carbon – it must also consider how to minimise the impact of other negative environmental impacts, such as waste or water, and also to maximise opportunities to support the local economy and community.

The planned CHP unit at West Park Hospital is only one of a number of measures at this site to assist in reducing the trust's carbon footprint. In parallel with the installation of a CHP unit plant room insulation works are to be undertaken along with the replacement of old energy intensive heating pumps with highly efficient variable speed drive units. These planned measures as a package will reduce the Trust's carbon emissions at West Park Hospital by 14% a saving of 130 tonnes of carbon annually. There is also an economical saving to the trust annually of £36,000

All these saving are based on a 24 hour 365 days per year running schedule of the CHP unit (less maintenance and routine service requirements). The trust's contracted partners in this project, Centrica Business Solutions have given assurances based on their expertise with working on other similar NHS projects that the noise impact assessment will meet all the requirements of BS4142:2014 "Method for rating and assessing industrial and commercial sound" and all to the satisfaction of the Local Planning Authority.

The CHP is totally dissimilar to a diesel generator with the major difference being there is no noisy exhaust system. The fuel used by the CHP is Natural Gas which the CHP uses to generate electricity thereby making the trust non-reliant on the National Grid. Generating electricity on site also gives the trust security of supply during ever demanding Grid peak times.

The siting of the CHP unit will be non-intrusive visually as the actual unit is housed within a panelled configuration resembling a rectangular box. Several of the panels are removable to facilitate maintenance and servicing but as assembled also add to the abatement of any noise”.

Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.

PLANNING HISTORY

The relevant planning entries are:

01/00020/OUTE In February 2002 outline planning permission was GRANTED for reclamation of derelict land, provision of public open space and development for residential, sports and recreation, community and health care purposes, together with ancillary highways and landscaping works

02/01061/RM1 In February 2003 Approval was GRANTED for the details of mental health accommodation and day hospital including car parking and landscaping pursuant to outline planning application Ref No 01/00020/OUTE

11/00795/FUL In March 2012 planning permission was GRANTED for alterations to existing car park to provide more car parking spaces

17/00007/FUL In March 2017 planning permission was GRANTED for the erection of a single storey extension to existing Ward

17/00803/FUL In October 2017 planning permission was GRANTED for the erection of new garden area to provide outdoor space for patients and staff including new landscaping, fixed seating and planting

PLANNING POLICY BACKGROUND

The relevant local development plan policies are:

Darlington Core Strategy Development Plan Document 2011

CS2 Achieving High Quality Sustainable Design

CS16 Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework 2012

RESULTS OF CONSULTATION AND PUBLICITY

Four letters of objection have been received and the comments can be summarised as follows;

- *We are extremely concerned at the potential noise level this will produce potentially 24 hours a day. We already have issues with noise levels from the hospital from current equipment and maintenance and as a residential area we should not be subjected to this level of commercial activity as we pay full Council Tax. We also have concerns regarding the size, look and design of the object and the impact of the disturbance with the work scheduled as the neighbourhood is constantly disturbed with ongoing work at the hospital which has an effect on our residential life*
- *The current heating system during winter can be particularly loud when it kicks in. I would be against this application if noise levels exceed those as recommended in a residential location. In addition we currently have noise issues with deliveries early on a morning and weekends, some as early as 6:30am on a Saturday*
- *We already have issues with noise from the utility area and this installation will make the noise situation worse. There is no way this unit will not create a noise nuisance which will probably be constant. A wooden fence and a few trees and bushes will not help with the constant noise a generator will create*
- *My only concern would be about the noise produced from the unit and the type of fuel used. The fuel needs to be non-polluting and it is important for us to be able to sit in our gardens without being able to hear it. We already have a lot of noise from the hospital since the recreation yard and new extension were built and have had to complain to the hospital on more than one occasion*

Consultee Responses

The **Council's Highways Engineer** has raised no objections

The **Council's Environmental Health Officer** has raised no objections subject to a planning condition to secure the submission of a noise impact assessment

PLANNING ISSUES

The main issues for consideration as whether or not the proposed development is acceptable in the following terms:

- Residential Amenity

- Highway Safety
- Visual Amenity

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF which seeks to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings.

The dwellings to the north of the Hospital are 2 and 2.5 storey detached and semi detached properties whose rear elevations and gardens are separated from the Hospital by an access road which leads to the entrance of the delivery yard. There are metal railings, a timber fence and a mature hedge that run alongside the rear gardens and the northern edge of the access road which will provide a visual barrier between the dwellings and the location of the CHP unit, along with the walls and fencing that enclose the yard itself. The proposal would not adversely harm the outlook from the rear gardens or upper level windows of the neighbouring dwellings.

The Council's Environmental Health Officer has considered the planning application and advised as follows:

Air Quality

I note the proposal was the subject of a pre application enquiry (17/00080/PREAPP) and it was highlighted in Environmental Health's response that as long as catalysts are installed to ensure lower level emissions of NOx and CO from the Combined Heat and Power (CHP) unit the impact on air quality was considered not to be significant and no further assessment would be required. Within the submitted documentation it is confirmed that the catalysts will be fitted to achieve the lower level emissions detailed on the technical data sheet. I am satisfied with this information.

Noise

As part of the pre application discussions between Environmental Health and the Applicant it was highlighted that noise from the CHP will be required not to exceed the day-time and night-time background level at nearest noise sensitive receptors in accordance with BS4142:2014 "Method for rating and assessing industrial and commercial sound". The Applicant has confirmed within the information accompanying the application that noise monitoring will be undertaken before and after the installation of the CHP unit (in accordance with BS4142), to ensure compliance with any planning requirements. What I would say in response to this is that Environmental Health would not necessarily require monitoring to be undertaken before and after the installation of the unit. This could be done once the unit is installed with the unit switched off and then switched on."

Having considered the advice from the Environmental Health Officer and the limited visibility of the unit and associated pipework from the neighbouring dwellings, the proposal is acceptable in residential amenity terms.

Highway Safety

The Council's Highways Engineer has raised no objections to the proposed development

Visual Amenity

The unit would replace an existing lock up cage and it would not be clearly visible at street level from outside of the delivery yard apart from via the entrance into the yard when the gates are open. The pipework leading from the unit and up the gable elevation of the two storey Hospital building will be visible but the size, location and extent of the pipework would not harm the visual appearance of the building or the surrounding area as it would look very similar to existing pipework on the elevations of the building.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposed development is considered to be acceptable in visual terms and it would not harm the amenities of the neighbouring dwellings provided that the unit accords with the requirements of the suggested planning condition. The proposal raises no highway safety issues.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 – Implementation Limit (Three Years)
- 2) During the commissioning and prior to the use of the Combined Heat and Power Unit for the purposes of generating heat and power, a noise impact assessment shall be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound. The rating level ($L_{Ar,Tr}$), as defined in BS4142:2014, from the Combined Heat and Power Unit shall not exceed the day-time and night-time background noise level ($L_{A90,T}$) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority. Any mitigation measures shown to be necessary following the assessment shall be implemented within a timescale to be agreed in writing with the Local Planning Authority and thereafter shall be retained and maintained for the life of the development to the satisfaction of the Local Planning Authority

REASON: In the interests of residential amenity

- 3) The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) CHP 1/1 Rev A – Existing and Proposed Elevations
 - b) 14498 Rev D – External Enclosure Model with Head Trim Radiator

REASON – To ensure the development is carried out in accordance with the planning permission

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Darlington Core Strategy Development Plan Document 2011

CS2 Achieving High Quality Sustainable Design

CS16 Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework 2012



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PLANNING REF. No. 18/00415/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 July 2017

Page

APPLICATION REF. NO:	18/00435/TF
STATUTORY DECISION DATE:	18 July 2017
WARD/PARISH:	HURWORTH
LOCATION:	Land At Former Croft House, HURWORTH PLACE, DARLINGTON DL2 2DQ
DESCRIPTION:	Works to various trees protected under Tree Preservation Orders 2004 (No 12) and 1995 (No 3) Crown clean of 1 No. Lime tree (T751) to remove deadwood, epicormic growth and crossing branches, Crown lift 1 No. Weeping Beech tree (T764) to 4m above tennis court, Crown lift 1 No. Beech tree (T757) to 5.5m over road, Remove epicormic growth up to 4m and deadwood from 1 No. Lime tree (T761) and remove deadwood from 4 No. Lime trees (T753, T754, T752, T756) (amended description)
AGENT:	Mr John Lawrence

APPLICATION AND SITE DESCRIPTION

Permission is sought for works to various trees located within the grounds of former Croft House. The site lies between Tees View and Linden Drive and is not within a conservation area. All trees covered by Tree Preservation Orders were inspected on 11 June 2018 by Darlington Borough Council's Senior Arborist.

PLANNING HISTORY

There is no recent and relevant planning applications in relation to trees on site.

Trees on site were assessed in 2004 and any worthy of protection were included in a new order covering 5 No. trees, 3 No. Lime (T1, T2, T3), 1 No. Birch (T4) and 1 No. Weeping Birch (T5).

Nine trees with the site were already covered by TPO 1995 Order No 3, 1 No. Beech (T1), 7 No. Lime (T2, 3, 4, 5, 6, 7, 9) and 1 No. Horse Chestnut.

PLANNING POLICY BACKGROUND

The relevant development plan policies are:

Borough of Darlington Local Plan (1997)

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan

RESULTS OF CONSULTATION AND PUBLICITY

The application was publicised through a site notice and neighbour notification. A total of three objections were received, raising the following issues.

These objections were received in regards to the submitted tree assessment by Dryad Arbor-Artists (dated March 2018) which details recommendation's for works to all trees on site including those not covered by Tree Preservation Orders. All works to trees that did not require planning consent has already been undertaken.

- *A number of trees, all covered by TPOs, are under threat from being cut down, please register my objection to this in the strongest possible manner.*
- *When planning permission was granted for the re-development, care was taken to protect the trees within the site, applying for consent to fell/damage protected trees is purely for financial reasons*
- *The proposed crown-lifts could severely damage or kill a tree, especially to the heights proposed*
- *Felling will add to the blight caused by the building of five modern houses in an open space*
- *It will ruin the eye-line for those people living in the area*
- *It will make the new houses less attractive to any buyers as well as de-valuing existing houses*
- *The trees are approximately a century old and should not be liable based on current government policy of building houses to stimulate the economy*
- *Removing the trees will further impact upon the local wildlife which has all but completely removed from the area*
- *Trees could be easily lost due to inaccurate numbering in submitted arborist assessment*
- *The submitted assessment differs considerably from a report in November 2013 where "moderate die back" was observed, to "significant die back" in March 2018. No reports have looked at the trees in full leaf and "significant die back" cannot be observed at the moment.*
- *Trees are an essential part of this sensitive site and planning permission was granted ensuring their protection and retention and did not deem the trees "inappropriate for their location", like this report. I object that trees are now being removed and significantly pruned especially at this time of year. Surely if any essential pruning needs to be carried out during the winter months to afford maximum protection for the trees; especially the weeping beech which is a magnificent specimen.*

PLANNING ISSUES

No trees covered by Tree Preservation Order are to be removed/felled as part of this application.

The application initially proposed the removal of the Lime tree T7 (*Tilia* spp - T751), covered by TPO 1995 No 3. Darlington Borough Council's Senior Arborist's recommendation, is that the tree is still worthy of protection and that there was no structural reasons for the tree to be removed. However, the health of the tree would benefit from crown cleaning to remove deadwood, epicormic growth and crossing branches. Following this, the extent of the proposed works has been amended and are deemed to be acceptable.

Under the 1980 Highways Act a clearance of 5.3 metres should be maintained over the highway. Claims could be sought from the trees owners if any vehicles damaged due to vegetation being below this height. Crown lifting 1 No. Beech tree (T757) to 5.5m over road will allow refuse and removal vehicles under the tree canopy.

Policy E13 of the Borough of Darlington Local Plan states that when determining applications to carry out works to trees subject to tree preservation orders, the Council will take into account the health and stability of the trees, their likely future lifespan and their public amenity value. Taking these considerations into account, the proposed works are considered acceptable.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect

CONCLUSION

Any other issues raised by objectors, have been noted, however no objections to the proposed works have been received from the Councils Arboricultural Officer therefore works to the trees identified in the application are deemed acceptable.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

All work to trees shall be carried out to BS Specification 3998 (as amended).

REASON - To safeguard the health of the trees.

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 July 2017

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