

DELEGATED

AGENDA NO  
PLANNING COMMITTEE  
17 FEBRUARY 2016  
REPORT OF DIRECTOR ECONOMIC  
GROWTH AND DEVELOPMENT SERVICES

15/2650/FUL

David Lloyd Club, Tees Barrage Way, Stockton-on-Tees

Installation of a combined heat and power unit within an acoustic purpose built contained enclosure.

Expiry Date: 17 February 2016

**SUMMARY**

Planning permission is sought for the Installation of a combined heat and power unit within an acoustic purpose built enclosure to the rear of the David Lloyds Leisure Club, Teesdale Stockton.

6 letters of objection have been received which relate mainly to existing and previous noise from the club and the provision of additional equipment.

The development is a replacement combined heat and power plant resulting in energy savings for the Club, the scale of the development is not considered to be significant and the development will reduce the overall noise in the area. The principle of development on this site is considered acceptable on this basis.

Taking into account all comments received, it is considered that the scheme would not have a significant detrimental impact on neighbours or the character of the area and would improve existing noise levels in the area.

**RECOMMENDATION**

**That planning application 15/2650/FUL be approved subject to the following conditions and informatives;**

**01 Time Limit**

*The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*

*Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).*

**02 Approved Plans**

*The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>9999-M-0228</i>	<i>30 October 2015</i>
<i>0690-M-0001</i>	<i>23 October 2015</i>
<i>999-M-0229 P1</i>	<i>30 October 2015</i>

*Reason: To define the consent.*

### **03 Existing Equipment**

*On commencement of operation of the hereby approved combined heat and power plant, the existing combined heat and power plant and roof mounted ventilation attenuator shall not be operated and shall be removed from the site within three months of the date of this permission unless otherwise agreed in writing.*

*Reason: In the interest of protecting adjacent properties from noise disturbance*

### **04 Construction/Demolition Noise**

*No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.*

*Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.*

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

### **Informative: Working Practices**

*The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.*

## **SITE AND SURROUNDINGS**

1. The application site is the David Lloyd Club on Tees Barrage Way in Stockton. To the west of the site are recently constructed residential dwellings and to the east is the club car park, with a large planting strip and car parking beyond.
2. To the north of the site are a number of commercial properties with the River Tees to the south.

## **PROPOSAL**

3. Planning permission is sought for the installation of a Combined Heat and Power (CHP) unit and associated auxiliary equipment. The unit is supplied with a separate cooling radiator measuring approximately 2.7 metres x 1.5 metres x 1.5 metres high.
4. The CHP unit and its local control system are to be self-contained within an acoustic enclosure positioned at the rear of the centre. The proposed enclosure will measure approximately 8 metres x 3 metres x 2.9 metres high and will be finished in a silver colour to match the existing building
5. The existing CHP and the roof mounted ventilation attenuator are to be removed.

## **CONSULTATIONS**

6. The following Consultations were notified and any comments received are set out below:-
7. Environmental Health Unit – Comments following the receipt of additional information (Noise Assessment)

I have checked the documentation provided; and have found no grounds for objection in principle to the development. I can confirm the submitted Noise impact assessment report for the proposed new CHP and Radiator at David Lloyd meets Stockton Council noise requirements. The report concludes the CHP noise level is going to be lot less than the existing ambient noise level for this particular area, therefore no adverse noise impact is anticipated.

I do have some concerns relating to potential noise, vibration and dust emissions from site operations and vehicles accessing the site and would recommend the following condition should the application be approved. Working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 to 18:00Hrs on weekdays, 09.00 to 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

8. Highways Transport And Environment

Highways Comments: There are no highway objections to the purposed built contained enclosure.

Landscape & Visual Comments: There are no landscape or visual objections to this proposal.

Flood Risk: No comments

9. Councillors

No comments received

**PUBLICITY**

10. Neighbours were notified and 6 individual letters of objection were received from the following addresses with the main objections summarised below. The full details of the objections can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

1. Dr C And Mr G Hope 1 Ilderton Road Stockton-on-Tees
2. Mr Keith Robson 10 Ivy Drive Stockton-on-Tees
3. Miss Heather Massey 6 Ivy Drive Stockton-on-Tees
4. Sara Llewellyn 4 Ivy Drive Stockton-on-Tees
5. Mr John Macfadyen 14 Ivy Drive Stockton-on-Tees
6. Andrew Birtwhistle 12 Ivy Drive Stockton-on-Tees

11. The main objections relate to the following

- The current level of noise from the David Lloyd site is very high.
- To have another noisy generator built much closer to the houses would make the noise louder than it already
- Polluting the estate with more noise would be totally counter-productive to SBC plans for this area.

**PLANNING POLICY**

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and

requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

### **13. National Planning Policy Framework**

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

### **14. Paragraph 123 of the National Planning Policy Framework**

Planning policies and decisions should aim to:

avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development

mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

### **15. Local Planning Policy**

The following planning policies are considered to be relevant to the consideration of this application.

### **16. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

8. Additionally, in designing new development, proposals will:

\_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

\_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

\_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

\_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### **17. Saved Policy EN17 of the adopted Stockton on Tees Local Plan**

Within the urban development area, land is allocated at the following sites as appropriate for a range of uses, including industry, commerce, housing, sport, recreation, tourism and education:

- (a) Cleveland Industrial Estate,
- (b) Teessdale, Thornaby;
- (c) Boathouse Lane, Stockton;
- (d) Thornaby Place, Thornaby;
- (e) Yarm Road (East and West), Stockton;

(f) Teeside Retail Park.

Other than the commitment to retail development at Teesdale, retail is not appropriate at these sites.

### **MATERIAL PLANNING CONSIDERATIONS**

18. The main issues for consideration when assessing this application are the principle of development, the impact of the proposed development upon the amenity of neighbouring properties, character of the surrounding area and implications for highway safety and land contamination.

#### Principle of Development

19. The site is allocated in the adopted Local Plan under Policy EN17 for mixed use development. Given that the proposed development relates to an extension to the existing David Lloyd facility there would be no sustainable planning policy reasons to refuse the principle of development.

#### Character of the area

20. The surrounding properties consist of commercial buildings and a newly built residential development to the west
21. The proposed building will adjoin the existing commercial property and will be constructed from materials to match the existing building; it is not considered that the proposal will result in a detrimental impact upon the character or appearance of the surrounding area. The proposed cooling radiator will be visible however given the scale of the equipment it would not be so prominent or out of character to refuse the proposed development.

#### Amenity of Neighbouring Land Users

22. The surrounding properties to the north are commercial in nature however there are residential properties to the west. The proposed development will be screened by existing buildings on site and also existing boundary treatments and therefore it is not considered that the development will have an adverse visual impact on these residential properties.
23. With regards to noise disturbance, the centre previously emitted noise which was rectified. This development will replace an existing unit on site and will be enclosed in a purpose built container to further reduce noise. A full noise assessment has been undertaken and the Environmental Health Unit confirmed that the proposed new CHP and Radiator meets Stockton Council noise requirements. The report concludes that the CHP noise level is going to be less than the existing ambient noise level for this particular area and therefore no adverse noise impact is anticipated from this proposed development.
24. A condition has been recommended to ensure the removal of the existing CHP and ventilation attenuator to protect residents from noise disturbance from the potential operation of two units.

#### Highway Safety

25. The proposed extension will not result in an increase in staff or any additional highway movements and accordingly the Highways Transport and Environment Manager has raised no objections to the proposed scheme. It is therefore considered that the proposal will not result in an adverse impact upon highway safety.

## **CONCLUSION**

26. Overall it is considered that the proposed development accords with planning policy and there will be no adverse impacts on the character of the area or neighbouring properties. The development will not have an adverse impact on highway safety and it is therefore recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

## **WARD AND WARD COUNCILLORS**

**Ward Stockton Town Centre**  
**Ward Councillor(s) Councillor P Kirton**  
**Ward Councillor(s) Councillor Di Hewitt**

## **IMPLICATIONS**

**Financial Implications:** *There are no known financial implications*

**Environmental Implications:** *The proposed scheme will reduce noise impacts in the area.*

**Human Rights Implications:** *The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.*

**Community Safety Implications:** *The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report*

**Background Papers:** *Stockton on Tees Local Plan Adopted 1997, Core Strategy DPD 2010*  
*Application File: 15/2650/FUL*