
APPLICATION DETAILS

Application No:	18/0022/FUL
Location:	Acklam Hall Hall Drive Middlesbrough TS5 7DU
Proposal:	Retrospective erection of gas bottle store and minor relocation of stand-by generator
Applicant:	Mr Neil Whittingham
Company Name:	Acklam Hall
Agent:	Mr Adrian Taylor
Company Name:	P+HS Architects
Ward:	Acklam
Recommendation:	Approve with Conditions

SUMMARY

This application seeks retrospective consent for the relocation of an approved backup generator and the erection of a gas bottle storage building at the medical building on the Acklam Hall estate, now called the Tees Valley Hospital.

Following a consultation exercise three comments have been received from residents and community groups in objection to the application. An objection was also received from the Acklam Community Council

The application has been assessed in relation to relevant planning policy and resident's comments have been considered. It is considered that the retrospective works will not result in a significant detrimental impact to the amenities of existing local residents, nor will it detract from the character and appearance of the conservation area or the setting of the listed building. The development meets the requirements of the relevant national planning policies detailed within the NPPF and Local Plan Policies DC1 and CS5.

The recommendation is for approval of the application subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The site is located within the Acklam Hall estate in the grounds of the medical building at the rear, now known as the Tees Valley Hospital. The Acklam Hall estate is located within the Acklam Hall Conservation Area and contains Acklam Hall which is a grade I listed building.

To the south of the application site are existing residential dwellings, to the north is the hospital car park and to the east is an area of woodland which separates the site from further residential dwellings.

Retrospective consent is sought for the relocation of the backup generator and its associated enclosure, approved as part of the application for the medical building, and the erection of a gas bottle store.

A technical note titled: Acklam Hall - Standby Generator Noise Assessment, was submitted in support of the application.

PLANNING HISTORY

M/FP/1046/11/P – Hybrid application for 56no. dwellings, doctors surgery and parking, outline nursing home, works to Hall including extension and restoration and landscaping
Approved with Conditions 6th August 2012.

M/FP/0142/14/P – Variation of conditions 7 and 12 of M/FP/1046/11/P to substitute house types and amend approved road layout and boundary treatments
Approved with Conditions 23rd May 2014.

M/FP/0285/15/P - Change of use from education to mix use development, restaurant (A3), offices (B1), conference venue (D1), wedding/function room and other D2 uses, and ancillary deli and flower shop (A1)
Approved with Conditions 13th April 2015.

M/FP/0628/16/P - Medical facility, access road, landscaping, car park and substation
Approved with Conditions 22nd July 2016

17/0865/AMD - Non-material amendment to M/FP/0628/16/P for re-location of standby generator and external gas bottle store
Withdrawn on 16th January 2018

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to 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.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014)*

- *Core Strategy DPD (2008, policies which have not been superseded/deleted only)*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only)*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)*
- *Middlesbrough Local Plan (1999, Saved Policies only) and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve core planning principles, which can be summarised as follows:

- *Being plan led*
- *Enhancing and improving areas*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables*
- *Contribute to conserving and enhancing the natural environment*
- *Encourage the effective use of land*
- *Promote mixed use developments*
- *Conserve heritage assets in a manner appropriate to their significance*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development
CS5 – Design

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise three objections were received from local residents and community groups. The objections are summarised below:

11 North Wood

- a) No information regarding why the generator must be relocated, or why a gas store is now required;
- b) The site boundary has been extended un-necessarily encroaching on the woodland and the fence line carries on un-necessarily;

- c) The term 'minor' relating to the standby generator relocation is misleading and should not have been used, this suggest the relocation is minimal and that is a matter of opinion;
- d) You have suggested this is a separate application, not related to the main project. We do not accept this and suggest this is related as these plant items provide support to the main hospital development;
- e) Standby generator
 - a. What is the electrical output, are technical details available?
 - b. Is it providing full electrical backup, or just essential systems?
 - c. The unit size is much larger than anticipated, we feel this has not been sized economically and would ask for calculations to justify selection and unit size;
 - d. What is the design autonomy, and what is the fuel tank capacity i.e. how many hours is it designed to cover, HTM suggest 200 hours which is in excess of 8 days?
 - e. What measures are in place to prevent/safeguard against fuel theft?
 - f. We assume the manufacturer has confirmed that the minimum safe distances from any combustible materials and for servicing has been provided, and they are happy with the fenced enclosure that has been provided. We also assume the fence has been designed to ensure adequate ventilation is provided around the set to allow sufficient air in and discharge side to dispel air. Also have building control and local fire officer had sight of the proposed enclosure and accepted the proposal?
 - g. Has it been acoustically tested to ensure it complies with the original acoustic report and recommendations, and will not, even during the testing procedure, present any issues with regards noise for local residents. Please note, the generator was not included or considered within the original report produced by BWB, neither was the external plant on the roof, so not sure what the final report will identify or how it would comply;
 - h. It has moved and is now significantly closer to the properties along North Wood. Why has it been relocated, if due to the proximity MRI and potential issues with magnetic radiation, why had this not been considered early in the design process?
 - i. The position of the unit has resulted with the original site boundary being extended and encroaches into the wood far more than expected. When had this been agreed as we had not been consulted on this previously. The hospital has taken a significant area of land from the wood which should have been recorded and documented. We estimate the site boundary to have been increased by almost 400sqm;
 - j. Why was it not within the building envelope? Or a service annexe should have been considered to accommodate the substation, medical gases and generator, which is a much more considered and engineered design solution;
 - k. We trust the time and day for testing will be agreed to be undertaken at a convenient time with the local residents;
- f) Gas Bottle Store
 - a. Why has this been missed, provision for this should have been included?
 - b. Where and what is the design;
 - c. Why is it not within the existing building footprint, or as identified above housed within a purpose built service annexe?
 - d. It will house flammable gases, we trust the risks associated with fire and security have been fully considered?
- g) MRI
 - a. Emits magnetic radiation, has the generator been relocated as a result? We were previously advised it would have no effect of emit radiation other than directly upward;
 - b. The noise outbreak was not included within the acoustic report;
 - c. Confirmation of days it will be on site, if more than originally planned is provision for permanent facility in place?

- h) Other issues
 - a. Where are the bins and medical waste to be stored, will it be in a secure store/refuse area?
 - b. Light spill from internal lights in the building, will they be on during standard office hours and switched off in evenings and overnight, will blinds be provided?
 - c. External lighting, assume this will be off overnight;
 - d. Screen around roof mounted plant provides no visual screen or acoustic protection. Has final acoustic survey been undertaken to demonstrate it conforms with acoustic report and would not exceed existing background level?
 - e. Does cctv cover the generator and gas store?
 - f. Assurances there will be no smoking at the rear;
 - g. We trust there are restrictions on time of deliveries?
- i) The retrospective nature and repositioned boundary would have been dealt with more sternly and with resistance by the Council if this was a private or domestic situation;
- j) Poorly handled by the developer and Council and suspect the retrospective planning has been issued to tie up this as a loose end one it became apparent this was a breach of the original planning conditions;
- k) We feel the resulting noise, light, traffic noise from deliveries, staff and visitors will impact the local residents environment, local wildlife and ecology but also the value and saleability of the adjacent properties and our home on North Wood;
- l) Contrary to original plans we have a private hospital operation 24 hours 7 days a week which is vastly larger and taller, closer and far more imposing visually and suspect acoustically than we were expecting.

17 North Wood

- a) In a highly rated residential area of the town, also a conservation area, the building is of industrial proportions not in keeping with the area;
- b) Following approval the buildings specification has changed and the present usage, hospital, requires additional facilities close to public footpaths and protected woodland. There has been little attempt to make these acceptable to the community;
- c) Suspect we may find other extras such as clinical disposal units adjacent to our properties;
- d) Noise from the generator is unacceptable, we understand it needs to be tested regularly;
- e) Unsightly;
- f) Target for anti-social behaviour;
- g) Could have been sited away from residential properties;
- h) Potential danger to public;
- i) Little thought has been given to screen the area or limit noise pollution;
- j) Loss of value of dwellings;

Acklam 2020

- a) Unacceptable in a Conservation Area;
- b) Unsightly;
- c) Close to right of way at narrowest part of woodland;
- d) Antisocial behaviour;
- e) No attempt to screen or insulate the additions, a flimsy wooden fence surrounds the generator and diesel tank;
- f) Potential fire risk;
- g) Encroaches into the woodland; and,
- h) Impact on woodland and wildlife from the industrial size hospital adjacent to grade I listed building.

MBC - Environmental Health

No objection

MBC - Conservation

No objection

Cleveland Fire Brigade

No objection

Acklam Community Council

The following comments are the views of the attendees at the Meeting (Tuesday 30th January 2018). There is concern that no information is included on the risk assessment for the re-siting of the generator or for the erection of the bottle store.

The description of the application is misleading. No mention is made that this application is retrospective. The generator is up and running. It is housed in an ugly, close-boarded wooden structure (a potential fire hazard?) The bottle store is partially built without the relevant permission.

The Tolent Site Manager took a calculated risk in issuing instructions to build it. I contacted Ramsey Health Care to clarify about the risk assessment - that it is in place for the re-location of the generator and that the bottle store complies with new guidelines following the recent Grenfell Tower tragedy. Ramsey Health Care acknowledged my letter and said "someone would be in touch" to date this has not happened.

It is noted that since the generator has been re-located, no further noise assessment has been made. In 2 Design Criteria, 2.1 the Environmental Health Officer is quoted as saying "the background noise data provided in the original noise impact assessment in 2016 would be acceptable". As the generator is now 6m nearer properties in North Wood and 10m nearer properties in Hustlers Way, this statement is in question.

Both the generator and the bottle store are very near the public footpath through East Wood. It is a sad fact that there are some ingenious vandals around who could endanger public safety.

It is hoped that the Planning Committee visits the site and hears the generator in operation to understand what 10Db sounds like. There is already noise nuisance to residents from the hospital's ventilation system.

When discussing this retrospective application Acklam Community Council hopes that the Planning Committee is certain that:

- a) Noise assessment is accurate;
- b) Risk assessment is robust;
- c) The Committee is forward thinking regarding public safety;
- d) The National Health and Safety Executive's guidelines on the storage of bottles is read and understood; and,
- e) All current safety documents are thoroughly scrutinized.

Public Responses

Number of original neighbour consultations	14
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Principle of Development and Key Considerations

1. The planning application before Members is a full application for retrospective consent for the erection of a gas bottle store and the relocation of a backup generator and associated enclosure. The retrospective works are linked to the use of the hospital and in broad terms The principle issues to be considered in respect of this application therefore centre upon the any impact on amenities of residents, the design, scale and location, and the impact on the character and appearance pf the conservation area and the setting of the listed building.
2. The comments received will be discussed throughout this report. Those comments that are not material planning considerations cannot be considered when determining this application, these include:
 - a. The application is retrospective;
 - b. Why the works are required, and the reason for the location/re-location;
 - c. Reduced value of properties;
 - d. Anti-social behaviour;
 - e. Comments relating to the medical building and its use, operation and appearance, including the MRI.
 - f. Comments relating to the noise complaint being investigated by environmental health;
 - g. Comments relating to the technical details and specifications of the generator; and,
 - h. Those elements which are governed by other legislation such as health and safety and fire risk.
3. This application is a full planning application. The development is connected to the hospital as the works are required to enable the operation of the hospital. As a full planning application it is not a variation or amendment to the original application M/FP/0628/16/P

Amenity

4. The generator has been moved a short distance from the location it was originally approved, namely 10m south and 7m east. The generator is closer to existing dwellings but is in excess of 50m to the nearest property with an intervening woodland. A noise assessment has been submitted which considers the new location of the generator. Environmental Health confirmed that the background levels used in the original report are acceptable to be used in this instance. Although objections raise concerns regarding this it should be noted that as the hospital is now operational background noise levels at the site are likely to be higher now than they were when originally taken in 2016, therefore requiring the developer to stay below previous background levels will place tighter restrictions on the site and ensure the noise from the generator does not significantly impact on the amenity of existing residents.
5. In support of their application the developer has confirmed that they commissioned acoustic testing for the development which was carried out by Ryedale Testing (a UKAS Certified Independent testing body). Both internal and external noise testing of the development was carried out with the building in a fully operational state, including noise testing to the east side of the development on the outside of the boundary fencing in the location of the generator. The results confirm that the noise levels generated by all of the plant to the building, including the generator, fall within the allowable noise levels as identified within the original planning approval.

6. Environmental Health have confirmed that the noise consultant has carried out a BS4142 assessment, which has determined that the noise levels from the generator will be 1dB below the background level. The background levels that were used were 36dB during the night, therefore background levels during the day would be higher, and the generator noise less likely to be detected by residents. The generator is a backup generator and as such it will not be in use all of the time, other than short testing periods, it will only be used in an emergency. Environmental Health have assessed the application including the documents relating to noise from the backup generator and have no objections.
7. There is an ongoing noise complaint in relation to mechanical equipment at the site. This is being investigated by Environmental Health and is not a material consideration in relation to this application.
8. Due to the large separation distances between the application site and the nearby residential dwellings to the south, and those to the east which are also separated by the east wood. The structures will not have any impact on light to neighbouring properties, and will not result in a dominating appearance when viewed from the neighbouring properties.
9. It is considered that the development will not have a significant detrimental impact on the amenities of local residents in accordance with the requirements of policy DC1.

Design/Streetscene

10. The bottle store is constructed using brickwork to match the medical building and housing, and steel mesh, it includes a roof. The store is flat roofed and has a height of 2.1m raising to 2.5m. Due to its location to the rear of the building it is not visible from the key views from Church Lane / St Mary's Walk, and Acklam Hall. The boundary fence, approved as part of the original application for the medical building, screens the majority of the store from view when walking through the east wood.
11. The backup generator is enclosed with a timber fence of the same design as the approved boundary fence, which also matches the residential boundary fence, but to a height of 3m. There is a significant change in ground levels to the south of the site which sees the approved fence raise when viewed from the north, this change in levels helps to integrate the increased height around the generator. Although the enclosure is higher than the existing boundary fence it is not considered to be detrimental to the visual appearance of the area.
12. When viewed from the hospital car park to the north of the site the use of bricks and timber which match the surrounding development, including the housing, reduces the appearance of the structures. Landscaping to the north will further soften their appearance.
13. The gas bottle store is within the boundaries of the 2016 application, located close to the position of the approved generator. The generator has been moved 7m to the east and 10m south. As a result the line of the fence has been altered to accommodate the change. However, the fence is still within the metal site boundary fence which has been in place since the original hybrid application in 2011 was approved. As a result there is no encroachment into the woodland itself. The works have not resulted in the removal of any additional trees. Although the fence line has been altered and is no longer straight for the length of the eastern boundary, the alteration is not considered to detract from the visual appearance of the area.

14. It is considered that the works are of an appropriate design and scale, the works will not have a detrimental impact on the visual amenity of the area and will not detract from the character and appearance of the streetscene in accordance with the requirements of policy CS5.

Heritage

15. Acklam Hall is Middlesbrough's only Grade I Listed Building. Since 2008 it has been part of a major programme of refurbishment and conversion to a hospitality venue, including weddings. In the grounds is St Mary's Church, which is on the Local List. It also lies within Acklam Conservation Area designated in 1970, centred on Acklam Hall and covering the remains of its historic gardens and park; it includes Hall Drive and the major avenue of trees to the south. The Character Appraisal identified medieval features, including a Deserted Medieval Village and fishpond which is a Scheduled Monument.
16. The Acklam Hall Conservation Plan contains a detailed assessment of significance of the site. It identifies the Hall and Church as buildings of high significance, and the views of the Hall from the south looking across the parkland as of high significance. It also identifies the views at roof top level of the rear of the Hall from the north across the open space as moderate significance. The areas of high historic landscape significance are identified as the parkland to the front of the Hall and the woodland around the site.
17. As part of a programme of new development on site to support the restoration and sustainable use of Acklam Hall a new hospital has been built. This application proposes to re-locate a back-up generator (in a slightly different location than previously approved) and site a gas bottle storage area in approximately the location the back-up generator was approved. This is a minor alteration and addition to the site, it is screened from Acklam Hall by the medical centre building and can be accommodated without tree removal.
18. The landscape setting to the front of the Hall offers the greatest potential to appreciate the site's significance, and could therefore be said to make the most important contribution to the significance of the Hall and the conservation Area. Consequently the rear of the Hall has a far lesser significance and therefore allows a greater opportunity for managed change. The Conservation Plan makes it clear that the views of the rear of the Hall and its landscape are of moderate significance and in terms of views are specifically related to the upper sections of the Hall.
19. The surrounding buildings greatly reduce the views of the generator and gas store which is only visible from the north east side of the site and the east woodland. Due to the location of the works they will not have an impact on the important views of the Hall from the south, and the views from the north along St Mary's Walk and Church Drive.
20. The Conservation Officer has confirmed that the development will have a neutral impact on the significance of Acklam Hall and its Conservation Area. The retrospective works are considered to achieve the principles of sustainable development detailed within the NPPF in relation to enhancing the significance of the heritage asset and is in accordance with the requirements of policy CS5.

Other matters

21. Although it is not a material consideration the applicant has confirmed the reason for the development in response to resident's comments. The generator has been relocated following concerns that the mass of the generator could cause the images generated by the MRI to be a lesser quality than required, as a result the generator is

now placed 10m away from the centre of the MRI to guarantee the quality of the images.

22. The generator is designed in accordance with the relevant Health Technical Memoranda (HTMs) and Health Building Notes (HBNs) and is sized to support the essential services in the medical building. It is a containerised type to provide acoustic insulation and in addition includes fire stops, alarms, a bunded floor and bunded fuel tank.
23. There is a medical gas room within the undercroft area of the development however following recommendations from a specialist designer and supplier, the oxygen cylinder store has been moved to the proposed location. The location complies with relevant HTMs and HBNs including stipulated separation distances.
24. The gas store, generator and associated works are required to comply with legislation in relation to health and safety, fire risk and building regulations, which are outside planning legislation. Prior to the validation of this application the Health and Safety Executive confirmed they are not a statutory consultee for a development of this type. A consultation was sent to Cleveland Fire Brigade who confirmed that they have no objections to the development.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. **Approved Plans - Retrospective**
The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:
 - a) Site Plan, drawing no. 2426-C-90-004 rev. C18;
 - b) Enclosure Details to Generator, drawing no. 2426-C-90-013 rev. C1;
 - c) Gas Bottle Storage Facility, drawing no. 2426-C-90-015 rev. C1; and,
 - d) Acklam Hall Standby Generator Noise Assessment by BWB received on 23rd January 2018.

This approval only relates to the details on the above plans and specifications it does not relate to any other works. The above plans and specifications form the approved plans for the development.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

REASON FOR APPROVAL

This application is satisfactory in that the design of the retrospective gas bottle store and minor relocation of stand-by generator accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the gas bottle store and minor relocation of stand-by generator accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the gas bottle store and minor relocation of stand-by generator is designed so that their appearance is complementary to the existing buildings and so that they will not

have a detrimental impact on the amenity of any adjoining or nearby resident. The gas bottle store and minor relocation of stand-by generator will not prejudice the appearance of the conservation area, will not have an impact on the grade I listed building or its setting, and does not significantly affect any landscaping nor prevent adequate and safe access to the site.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

N/A

Case Officer: Shelly Pearman

Committee Date: 6th April 2018

