

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
3 NOVEMBER 2016
REPORT OF DIRECTOR, ECONOMIC
GROWTH AND DEVELOPMENT SERVICES**

16/1978/FUL

High Middlefield Farm, Durham Road, Thorpe Thewles

Development of a battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure

Expiry Date: 4 November 2016

SUMMARY

Planning permission is sought for the erection of a battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure.

The Planning Committee considered the application on the 19th October 2016 which was based upon the officer's report and update report presented to committee (attached with the associated Appendices). The Officer recommendation was for approval subject to conditions and informatives.

In considering the proposal, the Planning Committee raised concerns in relation to construction traffic and the availability of alternative routes and accesses be explored. The Planning Committee requested that this matter be examined further and for the application to be reported back to the Committee once alternative routes/accesses for construction traffic had been considered.

Potential alternative routes have been considered and the Highways Transport and Environment Manager advised that an alternative route via Blakeston Lane would be unacceptable as the road is considered unsuitable for use by HGVs due to the narrowness of certain sections of road which is inadequate for two vehicles to pass safely.

Alternative temporary accesses from the A177 Durham Road have also been considered and the Highways Transport and Environment Manager advised that the accesses would create unacceptable road safety hazards. In addition, delays created for traffic on the A177 principal road would be undesirable.

It should be noted that due to the temporary nature, the impact of construction traffic on amenity of neighbours is not a material planning consideration; however the route as originally proposed has been assessed and considered acceptable in highway safety terms.

The applicant has provided updated details in relation to construction traffic which details the number of vehicles in relation to each aspect of the build which have been noted. A condition requiring a construction traffic management plan to be updated and submitted has been recommended and this will ensure as far as practicable that any construction traffic is controlled and managed.

Consequently, the officer recommendation remains as that of the original report which is to approve the application subject to appropriate conditions and informatives.

RECOMMENDATION

That planning application 16/1978/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);

Plan Reference Number	Date on Plan
132_400	28 July 2016
132_600	28 July 2016
00 J1/01064	28 July 2016
SL153_500 A	23 September 2016
SL153_800	10 October 2016
SL153_100 Rev C	10 October 2016
SL153_900	10 October 2016

Reason: To define the consent.

03 Materials

Construction of the external walls and roof shall not commence until details of the materials, finish and colours to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

04 Buildings

Notwithstanding the submitted plans, precise details of the energy barn, storage containers, DNO control and metering unit, customer control and metering unit and any other ancillary equipment shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

05 Noise disturbance from New Plant

On completion of the installations and before the plant is brought into use, the applicant shall carry out a noise survey at the nearest noise sensitive premises (Thorpe Thewles Lodge). The survey should demonstrate that the design mitigation measures as recommended in table 7.2 of the submitted Noise Report No. JAS9081-REPT-06-R0 (dated 21 September 2016) have been implemented and the noise levels as set out in the table are not exceeded. In the event that the survey does not demonstrate that the noise levels are not exceeded additional mitigation measures shall be submitted to and approved by the Local Planning Authority. All noise mitigation measures shall be thereafter maintained to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of protecting the nearby residential properties from noise disturbance.

06 Surface Water Management

The development hereby approved:

- I. Shall not be commenced until a scheme for the drainage and management of surface water from the site has been submitted to and approved by Local Planning Authority.

- II. That element of the approved scheme relating to the off-site drainage, including the discharge point, shall be implemented and fully operational to the satisfaction of the local planning authority prior to commencement of development on site.
- III. All other elements of the approved scheme shall be implemented and fully operational, to the satisfaction of the local planning authority, prior to bringing the development into use.

The scheme shall include the arrangements for the long term management and maintenance of the scheme and shall thereafter be managed and maintained in accordance with the scheme.

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

07 Excavations - Railway

Prior to commencement of works, a method statement for any excavations and earthworks to be carried out within ten metres of the railway undertaker's boundary fence should be submitted to and approved by the Local Planning Authority and the works shall only be carried out in accordance with the approved details.

Reason: In the interests of protecting the railway operational needs and integrity of the railway assets.

08 Ecology

Work shall be undertaken in accordance with the recommendations contained in Part 6 of the ecological appraisal (ref SE-16-01 dated 20th June 2016).

Reason: To ensure that the development does not have an adverse impact on protected species and wildlife in accordance with the National Planning Policy Framework and Core Strategy Policy CS10.

09 Construction Management Plan

A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents, and a joint visual inspection with the Local Authority to monitor and assess the condition of the highways and associated structures on the selected route of construction traffic.

Once agreed, all Heavy Goods Vehicles and Abnormal Load Vehicles shall use only the agreed routes, unless otherwise agreed in writing by the Council.

Development hereby approved shall not commence until the developer has agreed a scheme in writing with the Local Planning Authority which details how any damage to the highway or associated structures caused by the traffic associated with the development shall be repaired, made good or mitigated at the applicant's expense. The approved details shall specify the time period within which repair works shall be undertaken.

Reason: In the interests of the occupiers of adjacent and nearby premises and to ensure the impacts of transport movements associated with the construction phase of the development are adequately mitigated where necessary.

10 Land Contamination

No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses;

- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason : To ensure that the risks posed by the site are assessed and addressed as part of the redevelopment.

11 Landscaping Softworks

All works shall be in accordance with the approved landscaping plan (SL153_900) and the scheme shall be completed in the first planting season following commencement of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the local planning authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative from Network Rail

Network Rail have identified a number of issues in their response which will need to be considered before commencement of work. Applicants should contact the persons identified in the response for further advice.

Informative from the Lead Local Flood Authority

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

CONSULTATION RESPONSES

Highways Transport and Environment Manager

Following the recent planning committee to consider application 16/1978/FUL, which was deferred at the request of Planning Committee Members to allow the consideration of an alternative temporary site access for construction traffic, Highways, Transport and Environment have considered the following alternative temporary site access arrangements for construction vehicles:

1. To access the site directly from the A177 via the existing bus stop.
2. To access the site via Blakeston Lane from Junction Road.

A further potential access has also been considered directly from the A177 on to the private access drive to the site. Dealing with the two potential locations for an access directly to/from the A177 the following points apply to both locations. Based on information provided by the applicant, as a part of the original construction traffic management plan, it is anticipated that all HGV's approaching the site would do so travelling northbound on the A177 from the Horse and Jockey roundabout and that vehicles exiting the site would re-join the A177 and then either travel:

1. Northbound only at the bus stop location or
2. Northbound and southbound, at the alternative location, directly from the private access drive to the site on to the A177.

Tracking has been undertaken, for all movements to / from the A177 associated with the construction phase of the project, and this has demonstrated that they are achievable within the constraints of the northbound A177 carriageway and either Old Durham Road or the farm access track to High Middlefield Farm. The tracking undertaken has been carried out at low speeds to ensure the left turning HGV remains within the northbound carriageway. Whilst retaining two-way flow on the A177, this creates a road safety hazard with potential for shunts due to the slower than anticipated left turn manoeuvre, or head on collisions with northbound traffic swerving to avoid a slow moving left-turning HGV. An alternative is to split the A177 legs and run the signals 3 ways which will have a calming effect on traffic on A177, but does not fully remove the potential for shunts as described above as HGVs would still be slow moving when turning left, and in my opinion creates an unacceptable road safety hazard. The delay created for traffic on the A177 principal road would also be undesirable.

In relation to the potential construction access via Blakeston Lane (from its junction with Junction Road) this is considered unsuitable for use by HGVs due to the narrowness of certain sections of this road which is inadequate for two vehicles to pass safely.

It should also be noted that the applicant has now provided additional information regarding the construction traffic associated with the proposed works. This demonstrates a significant reduction in the construction traffic associated with the proposed works as set out below.

1. The total two-way HGV movements are predicted to reduce from 1076 trips to 402 trips.
2. The maximum weekly 2 way movements are predicted to reduce from 100 HGVs/week to 45 HGVs/week.
3. The construction period is predicted to reduce from 12 – 15 months to 7months.

As previously set out, due to the temporary nature of the construction traffic which can be adequately controlled via the Construction Traffic Management Plan, the Highways, Transport and Environment Manager has no objection to the proposed development, in relation to the impact of construction traffic on the highways network, and would be unable to support the alternative access proposals suggested.

MATERIAL PLANNING CONSIDERATIONS

1. As members will be aware the planning application was deferred at the last Planning Committee to allow alternative routes / accesses for construction traffic to be considered.
2. Two suggestions were made at the Planning Committee, creation of a new access through a bus stop on the A177 Durham Road and traffic directed via Blakeston Lane. In addition during the course of looking at alternative accesses/routes, another solution was identified and considered which involved a new access from the A177 Durham Road onto the access track to the application site.

3. These routes /alternative accesses have been fully assessed and in the opinion of the Highways Transport and Environment Manager are considered unacceptable due to the impact on highway safety as detailed in their response.
4. Updated details in relation to construction traffic numbers and timing of works have been submitted which show the traffic numbers reduced. However despite this information it is considered that even based on the worst case scenario of 50 vehicles per day, this would be a short period only and only during certain aspects of the construction phase and could not warrant refusal of any application.
5. It should be noted that due to the temporary nature, the impact of construction traffic on amenity of neighbours is not a material planning consideration, however the route has been assessed and considered acceptable in Highway Safety terms. A condition requiring a construction traffic management plan to be submitted has been recommended and this will ensure as far as practicable that any construction traffic is controlled and managed.

CONCLUSION

6. The recommendation has not altered from the original application as the principle of the proposed development meets the requirements of national guidance and the local Plan with regards to development in the countryside in this particular case due to its proximity, and co-location, next to Norton substation and the benefits in this instance are considered to outweigh any harm. The proposal also would make a contribution to the Government's future energy aspirations.
7. There is no issue to suggest that the development will have a significant impact on the landscape, neighbouring properties or ecology. Traffic and transport both during construction and operation have been considered and it is not considered that the scheme would give rise to any unacceptable impacts in this regard. Other residual matters have also been examined and though a number of conditions will need to be imposed to properly control the development and its future operation, the proposal is considered acceptable.
8. In summary there are no sustainable land use planning reasons for resisting the development and it is recommended that the application be approved with conditions for the reasons specified above.

**Director of Economic Growth and Development Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

WARD AND WARD COUNCILLORS

Ward: Northern Parishes

Ward Councillor: Councillor J Gardiner

IMPLICATIONS

Financial Implications: There are no known financial implications in determining this report

Environmental Implications: As report .

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

Town and Country Planning Act 1990

National Planning Policy Framework

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Application File: 16/1978/FUL