

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
21ST OCTOBER, 2020
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT & BUSINESS SERVICES**

20/0692/FUL

**Land At RSPB Saltholme (South), Cowpen Bewley, Billingham
Provision of SUDs pond for Saltholme South (Approved under application 18/2079/FUL).**

Expiry Date

SUMMARY

Planning permission is sought for the provision of a SUDs pond to serve a gas fired generating facility for the generation of electricity during generation shortfall and to meet peak supply demands.

Following the detailed civil design process, the SUDS ponds to serve the facility needed to be relocated. The new location means a very slight amendment to the original red line boundary for the host scheme and as such a separate consent is required to approve its new location.

The application is presented to Committee so that the application is considered in parallel with the new Section 73 applications also included on the agenda.

The application has been considered in full and objections from residents are noted. It is however, considered that the revised scheme is acceptable and broadly in accordance with planning policy and recommended for approval with conditions as detailed in the report below.

RECOMMENDATION

That planning application 20/0692/FUL be approved subject to the following conditions and informatives;

Time Limit

01 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).

Approved Plans

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

Plan Reference Number	Date Received
290_SSDP_02	1 April 2020
290_SSABP_02	31 March 2020
290_SSALP_02	31 March 2020

Reason: To define the consent.

03 Sustainable Surface Water Drainage Scheme

The scheme shall be implemented and thereafter managed and maintained in accordance with the submitted management plan received by the local planning authority on the 28th September 2020.

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.

04 Ecology

Work shall be undertaken outside of the overwintering bird period (November to March inclusive) unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of protecting wildlife species and the adjacent Special Protection Area.

05 Assessment of a heritage asset through a programme of archaeological works

A) No development shall take place other than in accordance with the Written Scheme of Investigation as approved under application 20/0183/DCH.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To determine the presence and significance of any heritage assets within the site.

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.

BACKGROUND

1. Planning permission was granted on the 4th January 2019 for the provision of two gas fired generating facilities for the generation of 49.99MW electricity to facilitate regional distribution during generation shortfall and to meet peak supply demands (applications 18/2079/FUL and 18/2082/FUL). Since these approvals further civil design work has been undertaken and revised plans have been submitted (20/0625/VARY and 20/0647/VARY) which are included on this planning agenda.
2. Following the civil design work, the proposed SUDs need to be relocated and no longer fall within the red line boundary of the approved drawings and therefore a full planning application is required.
3. Whilst neighbours were not directly consulted on this minor application and the application could be dealt under delegated powers, as the proposal forms part of a wider scheme which has triggered the need to be considered by planning committee, it was considered reasonable to consider all the proposals together.

SITE AND SURROUNDINGS

4. The application site forms part of the proposed site for the two generating plants. To the north of the overall site are open fields extending to Cowpen Bewley Village and to the south east the Saltholme Electricity Sub Station. To the north west is Cowpen Industrial Estate with Belasis Technology Park to the south west. RSPB Saltholme is to the south and the main A1185 road to the east.

PROPOSAL

5. Planning permission is sought for a SUDs pond to serve the generating plant known as Saltholme South and is largely in the same location as the previously approved SUDs pond.

CONSULTATIONS

6. The following Consultations were notified and any comments received are set out below:-
7. Highways Transport & Design Manager
Highways Comments - There are no highways objections to the proposals.
Landscape & Visual Comments - There are no landscape and visual objections to the proposals.
Flood Risk Management: The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. All works must be carried out in strict accordance with the following document;
 - SuDS Maintenance & Management Plan – Submitted on 28/09/2020
8. Sabic UK Petrochemicals Ltd
Please note the planning application (20/0692/FUL) above will not affect SABIC Wilton to Grangemouth Ethylene Pipeline WGEP).
9. Tees Archaeology
I have no objection to the proposed application however due to the potential for human remains to be found on the site, all ground works should be subject to archaeological monitoring under the following condition:
Assessment of a heritage asset through a programme of archaeological works
No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
The programme and methodology of site investigation and recording
The programme for post investigation assessment
Provision to be made for analysis of the site investigation and recording
Provision to be made for publication and dissemination of the analysis and records of the site investigation
Provision to be made for archive deposition of the analysis and records of the site investigation
Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To determine the presence and significance of any heritage assets within the site

10. Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

11. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we would request re-consultation.

12. Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

European sites – Teesmouth and Cleveland Coast Special Protection Area (SPA)

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Teesmouth and Cleveland Coast Special Protection Area and has no objection to the proposed development.

Teesmouth and Cleveland Coast Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The project is a small scale construction, which can be completed outside of the more sensitive periods for designated site interests, and the provision of an open-water body may be of benefit to the site interests.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

13. Highway England

Our prime concern here may be a possible flood impact on the A19 Trunk Road. However in consideration of:

- The low impact of the location of the development on our network;
- The planning authority's satisfaction that sufficient information to meet requirements of the Local Lead Flood Authority had been provided such that a surface water runoff solution can be achieved without increasing existing flood risk; and
- The application providing more detailed design to alleviate any surface water runoff from the original proposed development;

We do not wish to comment further on this application. I therefore enclose a formal response of no objection.

14. National Grid

National Grid has No Objection to the above proposal which is in close proximity to our high voltage transmission underground cable.

15. Billingham Town Council
The above planning applications have been circulated to Members for comment. On behalf of Billingham Town Council the information has been duly noted and no comments to be submitted.
16. Health & Safety Executive
Do not advise against
17. Northern Powergrid; The RSPB; Teesmouth Bird Club; Councillor M Stoker Councillor Evaline Cunningham The Environment Agency were also consulted on the application and no comments have been received

PUBLICITY

18. Comments were received from the following addresses with the content relating to the proposed SUDs pond extracted and summarised below. Full detailed comments can be found at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>.
 1. Maria Shannon Earls Nook Cottage Cowpen Bewley
 2. Cowpen Bewley Residents Association Orchard House Cowpen Bewley
 3. Dawn McKenna Orchard Farm Cowpen Bewley
 4. Gary McKenna, Orchard Farm Cowpen Bewley
 5. Michael McKenna, Orchard Farm Cowpen Bewley
 6. Diane Sayers And Lol Johnson The Stables Manor House Farm
 7. Barrie Hutchinson And Claire Lester Little Marsh Cottage Cowpen Bewley
 8. I M Moodie 1 Earls Cottages Cowpen Bewley
 9. Julie Harrison 4 Durham Road Wolviston
 10. Mrs Barbara Madden The Bungalow Cowpen Lane
 11. Ms S Peel Colemans Nook Bungalow Cowpen Bewley Road
 12. G R Laing Colemans Nook Bungalow Cowpen Bewley Road
 13. Mr Trevor Steele The Bungalow Cowpen Lane
 14. Anita Stitt Orchard House Cowpen Bewley

The main concerns raised on relation to the SUDs pond are;

- Location and amendment of red edge
- Ecology and impact on SPA .

PLANNING POLICY

20. 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 Stockton on Tees Borough Council Local Plan 2019.
21. Section 143 of the Localism Act came into force on the 15 January 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 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.

22. National Planning Policy Framework

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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.

23. Local Planning Policy

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

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

or,

- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

5. Economic growth proposals which attract significant numbers of people will be permitted in the vicinity of a hazardous installation only where there is no significant threat to public safety.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Economic Growth Policy 4 (EG4) - Seal Sands, North Tees and Billingham

2. Development proposals in the North Tees and Seal Sands area will recognise the cumulative importance for bird species associated with the Teesmouth and Cleveland Coast SPA and Ramsar site. Appropriate development proposals will be encouraged at locations within the limits to development where:
 - a. If necessary, land has been identified to provide appropriate strategic mitigation; or
 - b. The applicant can demonstrate that the proposed development, in-combination with other proposals, will not adversely impact the Teesmouth & Cleveland Coast SPA and Ramsar site.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:
 - a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on

any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:

i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or

ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.

b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

MATERIAL PLANNING CONSIDERATIONS

24. The main material considerations in relation to this application would be the principle of development, impact on the character and appearance of the area, ecology and drainage.
25. The application site forms part of the recently approved 'peaking plant' facility at Saltholme South. The scheme is to support a sustainable drainage system which is supported by local and national policy.

Character and appearance

26. The proposed development will be located to the west of the generating plants and as before the whole site will be landscaped to ensure the scheme will not have an adverse impact on the character and appearance of the wider area. Given the location of the pond and the proposed screening to take place, it is considered that the amendment to the location of the SUDs pond is acceptable and will not have an adverse impact on the character and appearance of the area.

Ecology

27. In terms of ecology and as laid down in the Habitats Regulations, the local planning authority need to consider any potential adverse effects, in particular the nearby areas of protection. Natural England were consulted and confirmed that any likely significant effects can be ruled out as the project is a small scale construction. They have noted that the development can be completed outside of the more sensitive periods for designated site interests and the provision of an open-water body may be of benefit to the site interests going forward. Further advice was sought on this matter and Natural England confirmed that a condition restricting works from taking place during the over-winter period would be acceptable (November to March inclusive). A condition has been recommended to this effect.

Drainage

28. In terms of the proposed drainage, this forms part of the wider scheme which has a condition to control surface water drainage. Information has been submitted to satisfy the drainage matters and a condition has been recommended to ensure the works are undertaken in accordance with the submitted drainage management and maintenance plan which has been recommended.

Archaeology

29. Tees Archaeology have recommended a condition in relation the potential for human remains to be on site. This matter was raised during the course of the larger applications and at the time Tees Archaeology confirmed the site has been thoroughly examined through trial trenching, geophysics and area excavations and details provided with a report referring to completing a post excavation full analysis. The condition on the host application cannot be discharged until the final report for that analysis is submitted so there will be proper investigation into the human remains. For completeness the condition is repeated on this application, although part of it will already have been discharged.

CONCLUSION

30. For the reasons outlined above the proposed development is not considered to have any significant impacts on the character of the area, ecology, drainage or features of an archaeological interest. The application is therefore recommended for approval subject to those conditions specified in this report.

**Director Of Finance, Development & Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062**

WARD AND WARD COUNCILLORS

**Ward Billingham East
Ward Councillor Councillor Mick Stoker**

Ward Councillor Councillor Evaline Cunningham

IMPLICATIONS

Financial Implications: None

Environmental Implications: All environmental considerations have been addressed in the main body of the 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; National Planning Policy Framework; Adopted Local Plan; Planning application files.