

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2021/0624/NM
LOCATION: LAND AT SOUTH TEES DEVELOPMENT CORPORATION EAST OF SMITHS DOCK ROAD AND WEST OF TEES DOCK ROAD SOUTH BANK
PROPOSAL: NON-MATERIAL AMENDMENT TO PLANNING PERMISSION R/2020/0357/OOM TO AMEND WORDING OF CONDITION 8 (ENVIRONMENT AND BIODIVERSITY STRATEGY)

APPLICATION SITE AND DESCRIPTION

Permission is sought for non-material amendment of planning permission R/2020/0357/OOM to amend wording of condition 8.

The application relates to a site situated within the STDC site known as the South Bank.

The proposed development was originally granted permission in 2020 under reference R/2020/0357/OOM.

The approved condition was worded as follows, with the following proposed wording being suggested:

Condition 8 – current wording

Within 12 months of the grant of this planning permission, an Environment and Biodiversity Strategy shall be prepared and submitted to the local planning authority that confirms the feasibility of providing habitat mitigation and compensatory habitat equivalent to be 363.55 area based biodiversity units and 24 river units, (including habitats identified as of High Distinctiveness in Table 4.7 of the Supplementary Environmental Statement (September 2020) within the site and / or off-site, and the mechanisms for its provision and on-going management. That Strategy shall be approved by the local planning authority. Prior to the approval of reserved matters details of the layout of any phase of development, the Environment and Biodiversity Strategy shall be updated to include the following:

The details of any new and enhanced biodiversity to be created on site, within that phase of development;

- The details of viable compensatory habitat where on-site mitigation is demonstrated not to be feasible, relevant to that phase of development;*
- The details of treatment of site boundaries and/or buffers around water bodies, relevant to that phase of development;*

- *The details of long-term maintenance regimes and management responsibilities, relevant to that phase of development.*

The identified mitigation and, where demonstrated to be necessary and feasible, compensation shall be provided in accordance with the Strategy and any subsequent agreed amendments to it, and shall be implemented within 12 months of occupation.

REASON: To establish a framework for biodiversity.

Condition 8 – proposed wording

8. Within 12 months of the grant of this permission, an Environment and Biodiversity Strategy shall be prepared and submitted to the local planning authority that confirms the feasibility of providing habitat mitigation and compensatory habitat equivalent to be 363.55 area based biodiversity units and 20 river units (including habitats identified as of High Distinctiveness in Table 4.7 of the Supplementary Environmental Statement (September 2020) within the site and / or off-site, and the mechanisms for its provision and on-going management. The Strategy shall be approved by the local planning authority, The Environment and Biodiversity Strategy shall include a timetable for its periodic review and shall be updated in accordance with that approved timetable to include the following for any agreed phase of development:

- *The details of any new and enhanced biodiversity to be created on site,*
- *The details of viable compensation habitat where on-site mitigation is demonstrated not to be feasible,*
- *The details of treatment of site boundaries and/or buffers around water bodies,*
- *The details of long-term maintenance regimes and management responsibilities.*

The identified mitigation and, where demonstrated to be necessary and feasible, compensation shall be provided in accordance with the Strategy and any subsequent agreed amendments to it, and shall be implemented within 12 months of occupation.

Reason: to establish a framework for biodiversity.

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICIES

National Planning Policy Framework (NPPF)

REDCAR & CLEVELAND LOCAL PLAN (2018)

SD1 Sustainable Development
SD2 Locational Policy
SD3 Development Limits
SD4 General Development Principles
N4 Biodiversity and Geological Conservation

PLANNING HISTORY

R/2020/0357/OOM Outline planning application for demolition of existing structures on site and the development of up to 418,000 sqm (gross) of general industry (Use Class B2) and storage or distribution facilities (Use Class B8) with office accommodation (Use Class B1), HGV and car parking and associated infrastructure works all matters reserved other than access
Approved 03/12/2020

RESULTS OF CONSULTATION AND PUBLICITY

No consultation due to the application being for a non-material amendment and not required by the legislation

CONSIDERATION OF PLANNING ISSUES

Permission is sought for a variation to planning permission R/2020/057/OOM to amend condition 8.

The main issues are, firstly in the context of the development, does the variation of the condition constitute a non-material amendment and secondly is the variation acceptable in the context of the scheme.

The variation of the condition seeks to vary the need for the Biodiversity Strategy to be updated prior to the approval of any Reserved Matters application. While this is to be removed, a further requirement has been added into the condition that requires a timetable for periodic review for any phase of the development. This therefore provides a similar level of control as Condition 4 of the outline approval was for a phasing plan to be agreed. The phasing plan is ever evolving as further works/development come forward across the wider Teesworks site, therefore the condition continues to provide sufficient level of control of the review of the strategy.

With regard to the proposed reduction in river units to be provided, this has been demonstrated through updated survey works at the site which support the current application. The reduction in the number of units is therefore considered to be demonstrated through the submitted documentation and the alteration of the condition is considered to be non-material.

The variation of the condition is not considered to compromise the delivery of the wider development with regard the site and its surroundings.

The variation of the condition is not considered to result in a material alteration to the proposed development as the resulting development will remain unaltered, while consideration will still be given to the relevant details relating to the works through the discharge of the condition 8 at the appropriate time.

CONCLUSION

Taking the contents of the report into consideration the proposed variation is considered acceptable as a non-material amendment. The application is therefore recommended for approval with the reworded condition being proposed.

RECOMMENDATION

Taking into account the content of the report the recommendation is to:

GRANT NON MATERIAL AMENDMENT to allow variation to the wording Condition 8 of application R/2020/0357/OOM

8. Within 12 months of the grant of this permission, an Environment and Biodiversity Strategy shall be prepared and submitted to the local planning authority that confirms the feasibility of providing habitat mitigation and compensatory habitat equivalent to be 363.55 area based biodiversity units and 20 river units (including habitats identified as of High Distinctiveness in Table 4.7 of the Supplementary Environmental Statement (September 2020) within the site and / or off-site, and the mechanisms for its provision and on-going management. The Strategy shall be approved by the local planning authority, The Environment and Biodiversity Strategy shall include a timetable for its periodic review and shall be updated in accordance with that approved timetable to include the following for any agreed phase of development:

- The details of any new and enhanced biodiversity to be created on site,
- The details of viable compensation habitat where on-site mitigation is demonstrated not to be feasible,
- The details of treatment of site boundaries and/or buffers around water bodies,
- The details of long-term maintenance regimes and management responsibilities.

The identified mitigation and, where demonstrated to be necessary and feasible, compensation shall be provided in accordance with the Strategy and any subsequent agreed amendments to it, and shall be implemented within 12 months of occupation.

Reason: to establish a framework for biodiversity.

Case Officer	
Mr D Pedlow	Principal Planning Officer
<i>David Pedlow</i>	4 August 2021

Delegated Approval Signature	
Claire Griffiths	Development Services Manager
<i>CLGriffiths</i>	05/08/2021