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Date: 21 January 2022

Our ref: 63262/01/AGR/AA/20593090v1

Your ref:

Dear David

Non-Material Amendment: Teesworks, Training Facility, Land at Priarie Site, North of Bolckow Road Industrial Estate (R/2021/0879/FF)

We are pleased to submit, on behalf of our client, South Tees Development Corporation, "Teesworks" ("the applicant"), an application seeking a Non-Material Amendment ('NMA') in respect of planning application ref. R/2021/0879/FF. The application intends to amend the planning permission granted on the 15 December 2021 for the following development:

"Erection of a training facility with associated landscaping and parking areas"

The application seeks to amend Conditions 3 and 4 attached to this permission.

Background and Proposed Amendments

The above application grants permission for the development of a new training facility with associated works.

Condition 3 and 4 relate to landscaping, in particular the submission of a scheme detailing the programme of landscaping work, the timeframe in which planting and seeding should take place, and any associated maintenance that may be required.

Condition 3

Condition 3 states:

"Prior to occupation of the building hereby approved a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include size, type and species and a programme of work. The development shall be completed in accordance with the approved details."

REASON: to ensure that the development would respect the site and the surroundings in accordance with policy SD4 of the Local Plan."

As currently worded, Condition 3 requires a landscaping plan to be approved prior to occupation of the building.

It is proposed that Condition 3 be amended as below.

Prior to the installation of any soft landscaping, full details of any such works must be submitted to, and approved in writing by, the Local Planning Authority. The details shall include size, type and species and a programme of work. The development shall be completed in accordance with the approved details.

REASON: To ensure that any soft landscaping features installed are appropriate and respectful of the site and surroundings in accordance with Policy SD4 of the Local Plan.

Condition 4

Condition 4 states:

“All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the satisfactory implementation of the approved scheme in the interests of the visual amenities of the locality.”

As currently worded, Condition 4 requires all planting, seeding or turfing to be carried out in the first planting season that follows either, the occupation or completion of the development.

It is therefore proposed that Condition 4 be amended as below to allow for the landscaping works to take place in accordance with any programme that may be approved under the terms of condition 3.

All planting, seeding or turfing specified in the approved landscaping scheme shall be carried out in accordance with the approved programme. Any trees or plants which within a period of ten years from installation die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the satisfactory implementation of any approved landscaping scheme in the interests of visual amenities of the locality.

The Non-Material Amendment (‘NMA’) Approach

Whilst there is no statutory definition of a NMA, Section 96a of the Town and Country Planning Act 1990 states that ‘in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted’. Section 96a includes powers to both impose and remove or alter planning conditions.

The Application Submission

This NMA submission comprises of this covering letter and completed application forms.

The application has been submitted via the Planning Portal and the requisite fee has also been paid.

Summary

We trust that you have sufficient information to ensure that the application can be validated and advanced to determination at the earliest opportunity, and we will contact you in due course to discuss progress.

In the meantime, should you have any queries on any of the above, please do not hesitate to contact me.



Yours sincerely



Phil McCarthy
Associate Director