

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2022/0475/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 OF CONDITION 3 OF PLANNING PERMISSION R/2020/0357/OOM TO SUBSTITUTE APPROVED PARAMETER PLAN AND INCREASE MAXIMUM DEVELOPMENT HEIGHT FROM 46M TO 50M AND REDUCE MAXIMUM FLOORSPACE FROM 418,000SQM TO 397,623SQM

APPLICATION SITE AND DESCRIPTION

Permission is sought for a non-material amendment of planning permission R/2020/0357/OOM to amend the wording of Condition 3 (Approved Plans).

The application relates to a site situated within the STDC site.

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

The application seeks to make changes to the Parameters Plan with regard to the maximum development height parameter and the maximum floorspace parameter.

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

Condition 3 – Current wording

The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Parameters Plan (Dwg No SB-SD-10.03) received by the Local Planning Authority on 10/07/2020

Access Plan Smiths Dock Road (Dwg No. SB-SD-20.01) received by the Local Planning Authority on 10/07/2020

REASON: To accord with the terms of the planning application.

Condition 3 – Proposed wording

Proposed Parameters Plan (Dwg No SB-SD-10.03 Rev D) received by the Local

Planning Authority on 26/05/22

Access Plan Smiths Dock Road (Dwg No. SB-SD-20.01) received by the Local Planning Authority on 10/07/2020

The application has been supported by the approved and proposed/amended Parameter's Plans and a covering letter.

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

LS4 South Tees Spatial Strategy

N1 Landscape

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 the variation to planning permission R/2020/0357/OOM to amend the wording of condition 3 (Approved Plans). The application seeks to make changes to the Parameters Plan with regard to the maximum development height parameter and the maximum floorspace parameter.

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.

S.96A Town and Country Planning Act (TCPA) creates a power to approve non-material amendments to existing planning permissions. It is noted that there is no definition of a non-material amendment, however, the Planning Practice Guidance (PPG) notes that the materiality of a proposed amendment will be *dependent on the context of the overall scheme*. It is therefore for the LPA to determine the extent of the proposed changes and the materiality of those to the wider scheme.

Maximum Development Height

The original outline application was submitted and considered without the certainty as to future end developers or what their individual requirements may be. There is now a greater level of detail on proposed development at the site in the form of the proposed SeAH development for their monopile manufacturing facility.

Due to the nature of the works proposed by SeAH and their requirements, the design of the facility has resulted in the need for the development to exceed the Maximum Development Height parameter approved through the outline application. SeAH's require an increase in the Maximum Development Height parameter to 50 metres; an increase of 4 metres from the 46m set out on the approved Parameters Plan.

To assist the LPA in assessing whether the increase in maximum development may be considered to be non-material, the applicant has supported the application with an LVIA briefing note which summarises the updated baseline conditions at the site and the updated potential effects resulting from the increase in the Maximum Development Height.

The note concludes:

No additional mitigation measures are necessary as a result of the amendments and the residual effects would remain as assessed in the original LVIA.

The proposed changes would not alter the previously assessed landscape effects during construction and operation. Neither would the changes alter the degree of visual effect upon receptors as assessed within the original LVIA within the ES (July 2020).

While not part of this application, the LPA is aware of another application that is currently being considered for the SeAH development. The Reserved Matters application (R/2022/0343/ESM) makes reference to the fact that the development as detailed through that application is not in accordance with the Parameters Plan attached to the outline application, however reference is made to the fact that amendments are to be sought to vary this, with this

current NM application being that resolution. Given that the Reserved Matters application has been subject to public consultation, it is considered that the fact the development is to change has been documented in the public domain and subject to public consultation. No comments have been raised with regard to this fact as part of the consultation responses.

Based on the above, the LPA is of the view that the proposed changes to the Parameters Plan in the form of an increase in the Maximum Development Height to 50.0m is non-material given the location of the site, degree of proposed changes, sensitivity of the site and the conclusions of the updated LVIA information from the applicant.

Maximum Floorspace

The maximum amount of floorspace permitted by the outline consent is 418,000 sqm (gross). The buildings proposed to accommodate SeAH have been designed in direct response to their requirements. The proposal is for a total of 103,429 sqm, which sits significantly below the maximum permissible under the outline consent.

The SeAH development site comprises 36.42 hectares in total, of which the majority (30.59 hectares) lies within the area covered by the 2020 outline consent (R/2020/0357/OOM). It is however noted that part of the land, approx. 5.83ha, lies outside of the area consented under R/2020/0357/OOM. A standalone detailed planning application has therefore been submitted to cover the 20,372 sqm of floorspace proposed in this area and is being considered under application R/2022/0355/FFM.

The Transport Assessment for the original outline application was based on a maximum development quantum of 418,000 square metres. In order to guarantee that this additional standalone detailed consent along with the floor space provided through the outline application cannot result in the development of in excess of the 418,000 square metres the applicant in discussions with the Council have considered that 20,372 square metres of floorspace could be 'traded' from the outline consent to the SeAH detailed consent.

It is considered that this can be secured by means of a reduction in the Maximum Floorspace parameter approved under the outline consent from 418,000 to 397,628 square metres as set out on the Parameters Plan. This has been detailed on the updated Parameter Plan Ref SB-SD-10.03 Rev D. It is considered that as there are no changes proposed to the type/land use of development and there is no overall change to the total floor area to be developed then the trip assumptions from the outline application all remain valid. Consequently the proposed reduction in the maximum floorspace parameter within the outline consent is considered to be non-material.

Notwithstanding the proposed changes through the NMA process, a similar control mechanism is proposed through the planning application (R/2022/0355/FFM) for the provision of 20,372 square metres of floorspace.

A condition is proposed by National Highways that would require any cumulative development in excess of the 418,000 sqm to provide evidence that any additional floorspace above these stated amounts is acceptable in respect of the safe and efficient operation of the highway network. It is considered that this condition, along with the proposed changes to the Parameters Plan ensure the continued appropriate assessment of the highway network.

Based on the above it is considered that the reduction in total floor space is non-material

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 condition 3 of planning approval R/2020/0357/OOM:

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Parameters Plan (Dwg No SB-SD-10.03 Rev D) received by the Local Planning Authority on 26/05/2022
Access Plan Smiths Dock Road (Dwg No. SB-SD-20.01) received by the Local Planning Authority on 10/07/2020

REASON: To accord with the terms of the planning application.

Case Officer	
Mr D Pedlow	Principal Planning Officer
<i>David Pedlow</i>	13 June 2022
Delegated Approval Signature	
Claire Griffiths	Development Services Manager
<i>Claire Griffiths</i>	14/06/2022