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Redcar and Cleveland Borough Council
Redcar & Cleveland House
Kirkleatham Street
Redcar & Cleveland
TS10 1RT

Date: 24 March 2023

Our ref: 63262/01/AGR/26442838v1

Dear David

Non-Material Amendment: Teesworks, Dorman Point Outline (Ref: R/2020/0819/ESM)

We are pleased to submit on behalf of our client South Tees Development Corporation ("Teesworks") a Non-Material Amendment (NMA) application in respect of planning application ref: R/2020/0819/ESM. The application seeks to amend the planning permission granted on the 13 May 2022 for the following development:

'Outline planning application for development of up to 139,353 sqm (gross) of general industry (Use Class B2) and storage or distribution facilities (Use Class B8) with office accommodation (Use Class E), HGV and car parking, works to watercourse including realignment and associated infrastructure works (all matters reserved)'

The application seeks permission to amend conditions 27, 30, 33, 34, 35 and 36 of the above permission.

The amendments are sought in order to make the conditions more precise in their meaning, without altering the purpose or the requirements of the conditions.

Background and Proposed Amendments

The planning permission grants outline planning permission for the development of up to 139,353sqm (gross) of general industry (Use Class B2) and storage or distribution facilities (Use Class B8) with office accommodation (Use Class E).

The application proposes changes to a number of planning conditions, the proposed amendments are clearly highlighted below.

Condition 27

27. Unless the same (or substantially similar) has already been submitted to and approved in conjunction with any of the applications considered under the following reference numbers R/2020/0820/ESM, R/2020/0821/ESM, R/2020/0822/ESM,

R/2020/0823/ESM or committed through any other means no development shall be ~~allowed pursuant to this permission~~ **commenced (excluding any site preparation/enabling works)** until further details for improvement of each of the following road improvements has been submitted to and approved by the Local Planning Authority;

- a Greystones roundabout as indicated on plan ref. 279257-ARP-XX-XX-DRCH-0102;
- b A1085 Trunk Road roundabout as indicated on plan ref. 279257-ARP-XX-XXDR-CH-0101; and
- c Tees Dock Road at the roundabout junction with the A66 as indicated on plan ref. 79257-ARP-XX-XX-SK-CH-0007

REASON: To ensure that offsite highway works are designed to an appropriate standard, in the interests of highway safety and capacity.

Condition 30

30. No development pursuant to this permission shall be ~~allowed~~ **commenced (excluding any site preparation/enabling works)** unless the predicted peak hour two way movement trips approved under condition 28, in combination with those trips already approved pursuant to all reserved matters approvals in relation to each of applications listed in Condition 27 or as the case maybe, if those development have already been carried out in part or in whole, the appropriate adjustment to reflect actual trips identified from each of those development pursuant to monitoring of their trip generation, is equal to or less than:

Junction	AM peak hour two-way vehicle trips	PM peak hour two-way vehicle trips
A1053 (Greystone Road) / A1085 (Trunk Road) [NZ556209]	983	858
A174 / A174 / A1053 (Greystone Road) / High Street [NZ568193]	462	397

For the purposes of interpreting the above: the "AM peak hour" is defined as the busiest hour between 07.00-10.00; the "PM peak hour" is defined as the busiest hour between 16.00 – 19.00.

REASON: In order to ensure the satisfactory operation of the highway.

Condition 33

33. Unless the same (or substantially similar) has already been submitted to and approved in conjunction with any of the applications considered under the following reference numbers R/2020/0820ESM, R/2020/0821/ESM, R/2020/0822/ESM, R/2020/0823/ESM or committed through any other means no development shall be ~~allowed~~ **commenced (excluding any site preparation/enabling works)** pursuant to this permission until a scheme, including an appropriate delivery mechanism, to secure a proportionate contribution towards the provision of Traffic Average

Speed Monitoring Cameras on the A66 corridor that covers the section of the A66 that travels around the north of the Town Centre (from Newport Interchange to Borough Road) has been submitted to the Local Planning Authority for its written approval in consultation with Middlesbrough Council. The scheme shall be implemented in full accordance with the approved detail. Junction AM peak hour two-way vehicle trips PM peak hour two-way vehicle trips A1053 (Greystone Road) / A1085 (Trunk Road) [NZ556209] 983 858 A174 / A174 / A1053 (Greystone Road) / High Street [NZ568193] 462 397

REASON: In order to ensure the delivery of appropriate highway improvements, in the interests of highway safety and capacity.

Condition 34

34. Unless the same (or substantially similar) has already been submitted to and approved in conjunction with any of the applications considered under the following reference numbers R/2020/0820/ESM, R/2020/0821/ESM, R/2020/0822/ESM, R/2020/0823/ESM or committed through any other means no development ~~allowed~~ shall be commenced (excluding any site preparation/enabling works) pursuant to this permission until a scheme, including an appropriate delivery mechanism, to allow for a proportionate contribution towards the delivery of improvements to the Cargo Fleet Lane / Longlands Road highway scheme has been submitted to the Local Planning Authority for its written approval. The scheme shall be implemented in full accordance with the approved detail.

REASON: In order to ensure the delivery of appropriate highway improvements, in the interests of highway safety and capacity.

Condition 35

35. Unless the same (or substantially similar) has already been submitted to and approved in conjunction with any of the applications considered under the following reference numbers R/2020/0820/ESM, R/2020/0821/ESM, R/2020/0822/ESM, R/2020/0823/ESM or committed through any other means no development shall be ~~allowed~~ commenced (excluding any site preparation/enabling works) pursuant to this permission until a scheme, including an appropriate delivery mechanism, to secure a proportionate contribution towards a Mobility Corridor Study for the Cargo Fleet Lane corridor has been submitted to the Local Planning Authority for its written approval. The scheme shall be implemented in full accordance with the approved detail.

REASON: In order to ensure the delivery of appropriate highway improvements, in the interests of highway safety and capacity.

Condition 36

36. Unless the same (or substantially similar) has already been submitted to and approved in conjunction with any of the applications considered under the following reference numbers R/2020/0820/ESM, R/2020/0821/ESM, R/2020/0822/ESM, R/2020/0823/ESM or committed through any other means no development shall be ~~allowed~~ commenced (excluding any site preparation/enabling works) pursuant to this permission until a scheme, including an appropriate delivery mechanism, to secure a proportionate contribution towards the signalisation of the A66 westbound off-slip at the Newport Interchange has been submitted to the Local Planning Authority for its written approval. The scheme shall be implemented in full accordance with the approved detail.

REASON: In order to ensure the delivery of appropriate highway improvements, in the interests of highway safety and capacity.

The Non-Material Amendment ('NMA') Approach

Whilst there is no statutory definition of a non-material amendment, Section 96a of the Town & 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.

To summarise, the proposed amendments would add increased precision to the conditions through linking the relevant triggers to the 'commencement' of development. Using 'commencement' as a trigger within planning conditions is precise and it is a well understood concept and one that is widely used.

The changes proposed through this Non-Material Amendment application are limited to the above, no changes are proposed to the type or level of information that is to be submitted.

Given the nature of the proposed changes, and when looking at the development as a whole, the proposed changes are minor and non-material.

The Application Submission

The NMA application comprises this letter and the completed application form.

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

Summary

We trust that all of the above is in order, and that the application can be validated and advanced to determination at the earliest opportunity. We will contact you in due course in order to discuss the likely timescales for determination.

Should you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely



Phil McCarthy
Associate Director