

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2021/0422/CD
LOCATION: LAND AT SOUTH TEES DEVELOPMENT CORPORATION EAST OF SMITHS DOCK ROAD AND WEST OF TEES DOCK ROAD SOUTH BANK
PROPOSAL: PARTIAL DISCHARGE OF CONDITION 16 (PHASE 2) OF OUTLINE PLANNING PERMISSION R/2020/0357/OOM 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

APPLICATION SITE

The application relates to the discharge of conditions relating to planning application R/2020/0357/OOM

The planning permission sought consent for 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 and was approved conditionally on 03/12/2020.

CONDITION DETAILS

The following information has been submitted for partial discharge of condition 16 in so far as it relates to Phase 2 of the development. The partial discharge relates to the area of land identified in Figure 1 (Dwg No. TSWK-STDC-SBK-ZZ-DR-C-0007 Rev A) of the Remediation Strategy.

16 Prior to the commencement of the development, or in accordance with the phasing plan agreed through discharge of condition 4, further site investigation shall be carried out and reported to the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and mitigation measures therein, unless otherwise agreed in writing.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

REASON FOR PRE-COMMENCEMENT: A pre-commencement condition is required because the risk form contamination will be present on the commencement of works.

South Bank Priority Area, Former Steel Works, Redcar Enabling Earthworks and Remediation Strategy Report (Report No. 10035117-AUK-XX-XX-RP-ZZ-0271-02-South Bank Priority Strategy) May 2021 prepared by Arcadis - Received by the Local Planning Authority on 20/05/21

CONSULTATION RESPONSES

Redcar and Cleveland Borough Council (Environmental Protection) (Contamination)

I note that an Enabling Earthworks and Remediation Strategy Report has been submitted in support of partially discharging condition 16 of outline planning permission R/2020/0357/OOM.

At the time of the condition discharge application further ground investigation of the southern area of the site is been carried out in order to inform current data gaps and to investigate the current geo-environmental conditions.

The findings of these works shall be reviewed once complete to confirm the accuracy of the conceptual site model, contaminant distribution and the requirements of the remediation strategy.

The Remedial Strategy will address the risks to Human Health by capping in situ as the appropriate remedial technology to address all contaminants with the exception of volatile contaminants (e.g. benzene / naphthalene (when associated with NAPL)).

Soils containing free phase NAPL or soils exceeding the hydrocarbon reuse criteria will be treated to reduce hydrocarbon concentrations. Once hydrocarbon concentrations are below the reuse criteria, these soils will be reused as fill. In order to facilitate development a temporary cover system will be installed across the footprint of the site; comprising 200mm of site won or certified imported materials. The purpose of this capping layer is to mitigate the direct contact, or inhalation/ingestion of dust pathways that may be associated with other contaminants which may be present, such as heavy metals or low levels of asbestos. A permanent cover system will be incorporated into the design and construction works on future development.

The remediation will be conducted alongside the enabling earthworks.

The strategy report is satisfactory and therefore condition 16 can be partially discharged.

However, Chapter 5 discusses reporting and preparation of pre-commencement plans covering Enabling Earthworks Remediation Implementation Plan, Materials Management Plan and a Construction Environmental Management Plan which will need to be supplied to the LA for approval prior to commencement of the enabling

works.

Also, because data gaps exist in the south of the site in the vicinity of the potential source area no detailed characterisation has been undertaken in this area of the site. Further data is currently being collected from across the site, including addressing these data gaps, the Conceptual Site Model and Remediation Strategy shall be reviewed based on the findings of these works and where required updated to ensure that the strategy remains valid and comprehensive.

Additionally, changes to the remediation strategy may be required during the remediation works, as a result of encountering unexpected contamination. Should unexpected contamination be encountered, then further characterisation and risk assessment will be undertaken as required.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. prior to implementation of any amendments to the agreed strategy. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Any such amendments to the remediation strategy shall be required to be fully documented within the Verification Report (on completion of the works).

PLANNING CONSIDERATIONS

In granting the original permission, a condition was attached to the approval relating to the phasing of the development. The condition relating to phasing was condition 4, which has been submitted for initial discharge based on the information currently held by the developer. The application for discharge of condition 16 relates to Phase 2 of this proposed phasing plan, and the submission is therefore considered on the basis of a partial discharge.

The area assessed in the Remediation Strategy Report falls outside of the original outline approval (R/2020/0357/OOM). Therefore while this information has been included as part of this submission, the area of land that falls outside of the original outline approval cannot be considered/approved as part of the discharge of condition 16. The applicant is aware of this position and it has been agreed that this will be detailed on the decision notice.

The submitted information has been considered by the Council's Environmental Protection team. Discussions have taken place between the EHO and the applicants consultant during the consideration of this application. Given the current position in terms of available information set out within the supporting memo supporting the application, no objection has been raised to the proposed works. It is however noted that within the memo there will be the need for further submissions to the Council once more information is available.

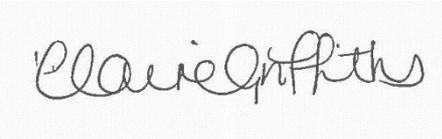
Given the response from the EHO it is considered that condition 16 can be partially discharged in so far as it relates to Phase 2 (as set out in the Phasing Plan dated 18 March 2021 considered under reference number R/2021/0269/CD) of the

development in relation to the area of land illustrated on plan TSWK-STDC-SBK-ZZ-DR-C-0007 Rev A of the submitted Remediation Strategy Report and in so far as it relates to land consented under application R/2020/0357/OOM.

RECOMMENDATION

Taking into account the content of the report the recommendation is condition 16 can be *partially discharged* in so far as it relates to Phase 2 (as set out in the Phasing Plan dated 18 March 2021 considered under reference number R/2021/0269/CD) of the development in relation to the area of land illustrated on plan TSWK-STDC-SBK-ZZ-DR-C-0007 Rev A of the submitted Remediation Strategy Report and in so far as it relates to land consented under application R/2020/0357/OOM.

Case Officer	
Mr D Pedlow	Principal Planning Officer
<i>David Pedlow</i>	17 June 2021

Delegated Approval Signature	
Claire Griffiths	Development Services Manager
	17/06/2021