DELEGATED DECISION REPORT

NMA/2020/0022 **Valid 02/06/2020**	**LAND ON NE SIDE OF RIVENDELL LANE LEEK**	**NON-MATERIAL AMENDMENT RELATING TO SMD/2018/0321. REPOSITIONING OF THE VEHICULAR ACCESS, ADDITIONAL PLANTING AND ERECTION OF DWARF WALL & PROVISION OF VISIBILITY SPLAY OF 2.4M X 27M FROM THE PROPOSED ACCESS TO THE SOUTH EAST ACROSS THE FRONTAGE.** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

- To consider whether the amended scheme (as now proposed) is materially different from the scheme approved under planning application reference number SMD/2018/0321;
- Highways;
- Design and visual impact;
- Neighbour amenity.

DESCRIPTION OF SITE

The application site is a parcel of land roughly rectangular in shape. The plot narrows in width towards the North West. The land is sited adjacent to Rivendell Lane and has an approximate 82m wide roadside frontage. The land rises upwards and slopes away from the rear of the pavement, it rises in height towards the northern, narrowest part of the plot. Rivendell Road rises towards the west. Dwellings opposite the application site are on a lower level than the road behind their respective roadside boundaries. There is a single Post box in front of the application site and a sub-station towards the north-west. The character of the area is that of spaciousness with detached dwellings of differing sizes and design within the surrounding area, all with private amenity spaces and off road parking. The land is currently surrounded by security fencing with a laurel hedge between it (fencing) and the rear of the pavement.

PROPOSAL

The application proposes the following amendments to approved planning application reference SMD/2018/0321.

- Repositioning of the vehicular access to the site towards the western boundary;
- Planting of additional beech hedgerow to east of dwelling;

- Erection of 600mm dwarf wall along the site frontage with Rivendell Lane to the point where it meets the post box. The existing laurel hedge will be retained behind.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS5a Leek Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

On July 20th 2020, the Council published the Inspector's final report thereby drawing a close to the examination in public. The report concludes that with the recommended main modifications, the plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (NPPF). As such, the main modifications which accompany the Inspector's report provide a clear indication of the final policy wording when read in conjunction with the Local Plan Submission Version (2018). In this context, the Council's position on the weight to be given to the policies (as modified) in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at the most advanced stage of preparation prior to adoption as the Inspector has concluded that the Local Plan is sound subject to the recommended modifications being made.

- The extent to which there are unresolved objections to relevant policies – the Inspector has now drawn his final conclusions and there are no further matters to resolve

- The degree of consistency of the relevant policies in the emerging plan to this Framework – the policies (as modified) have been found by the Inspector to be sound in the context of the 2012 NPPF under which the Local Plan has been examined. One of the "tests of soundness" that the Local Plan has successfully been measured against is whether it is "consistent with national policy". Because the Local Plan has been prepared and examined under the 2012 NPPF, it should be noted that in some limited cases, its policies do not directly reflect current national policy. However, planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Current national policy is a material consideration and should be given weight accordingly.

Given the above, all policies (as modified) should be given substantial weight.

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5 Leek Area Strategy
SD1 Sustainable Use of Resources
H1 New Housing Development
DC1 Design Considerations

NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport
Appendix 8 Parking Guidance

Supplementary Planning Guidance

1. Space About Dwellings.
2. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

2551 (Leek Urban District):	Outline application for proposed residential development, Land off Birchall Lane, Leek. Approved.
SMD/2017/0038	Proposed erection of 2 No. detached two-storey dwellings and new vehicular access. Refused.
SMD/2018/0168	Two detached, two storey dwellings. Resubmission of SMD/2017/0038. Refused.
SMD/2018/0321	Erection of detached dwelling. Approved.

Application reference 2551 (Leek Urban District) allowed Outline planning permission for 18 housing plots within the Birchall Lane and Rivendell Road area. Many of these plots have now been built upon and the land which is the subject of this application is identified as plot 16.

CONSULTATIONS

Leek Town Council: Not unneighbourly.

Staffordshire County Council Highways: No objections subject to conditions and informatives.

OFFICER COMMENTS

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

This application does not raise any consideration of the principle of residential development on the site as permission has already been granted (SMD/2018/0321) for the erection of a detached dwelling. This application should therefore be considered in terms of any potential highways implications, design, visual impact and neighbour amenity.

Highways

The original planning consent allowed a single dwelling with its own private vehicular access linking directly onto Rivendell Lane. The access was located towards the north-western part of the plot. The proposed alteration would see the vehicular access moved a short distance further towards the north and be flanked by 600mm high brick piers. The height of the brick piers has been reduced to 600mm following on from the County Highways consultation response which highlighted that the piers were within the visibility splay and should therefore be lowered. The amended plan addresses these requirements. No amendments are being made to the parking provision within the site and the changes would not result in the loss of any parking/turning space available. The proposal is considered to be acceptable in highways terms and there would be no impact on the safe operation of the highway. In this regard the proposed changes are considered to be non material.

Design and visual impact

The access amendments would result in very little visual change from the approved scheme. A longer stretch of hedgerow will be planted between the electricity sub-station and the nearest brick pier which is a welcome addition. The addition of brick piers raises no design or street scene concerns and neither does the building of a small boundary wall. The plans indicate that bricks to match the house would be used for the construction of the wall and piers. The planting of additional Beech hedgerow to the east of the dwelling raises no objections. In this regard the proposed changes are considered to be non material.

Amenity

There are no amenity objections raised as a result of the proposed amendments. The above changes would have no greater impact on the amenities of surrounding residents than previously considered.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above it is recommended that the application is approved. Officer's concur with the applicant that the proposed alterations are non-material and no material planning objections are raised.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Jackson
Recommendation Date: 30/7/2020.

X 

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council