

DELEGATED DECISION REPORT

NMA/2021/0015
Valid 29/04/2021

FORMER MEADOWS
SCHOOL SITE MEADOWS
WAY
BIDDULPH

MINOR AMENDMENTS TO
LANDSCAPING AND LAYOUT
AND ALTERATIONS TO
ELECTRIC VEHICLE
CHARGING POINT DETAILS

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

Section 96A confers powers to a LPA to make a change to a planning permission including the power to impose new conditions to remove or alter existing ones. In this case the application is to make changes to existing conditions.

The main issue is whether the changes proposed are non-material.

There is no statutory definition of 'non material'. The PPG confirms it should be considered in the context of the overall scheme and that an amendment that is non material in one context may be material in another. It says the LPA must be satisfied that the amendment sought is non-material and that the LPA must have regard to the effect of the change, together with any previous changes made under section 96A

DESCRIPTION OF SITE

This is the site of a new Aldi store which is currently under construction
(SMD/2020/0301)

PROPOSAL

The two changes are proposed are as follows:-

1. Condition 12 – electric charging points. This commits Aldi to total of 24 EVC points, four of which to be available on store opening with the infrastructure installed for the remainder. Aldi request an amendment to reflect their intention to provide 22 EVC points overall rather than 24 – see discussion below
2. Conditions 2 and 23 - Minor changes to the approved Landscaping and Layout plans to facilitate local bus services stopping at the site – see discussion below

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (adopted September 2020)

- Policy DC1 – Design
- Policy C1 – Creating Sustainable Communities

- Policy NE1 – Biodiversity
- Policy NE2 – Trees, Woodland and Hedgerows
- Policies T1 and T2 – sustainable transport

National Planning Policy Framework

OFFICER COMMENTS

Condition 12 – electric charging points.

Minor change to refer in part d) to refer to 18 rather than 20 EVC points

Condition 12 commits Aldi to total of 24 EVC points, four of which to be available on store opening with the infrastructure installed for the remainder and evidence of such to be provided to the Council.

As part of the application Aldi committed to providing 20 EVC points, two of which were to be delivered on store opening. At the Committee meeting, George Brown of Aldi changed this and committed to providing 4 EVC points on store opening. Although the applicant's Agent confirmed his agreement to the conditions before they were issued, they seek a minor change to this condition to reflect their intention which was for an overall total of 22 EVC points not 24 (i.e. 4 on opening plus infrastructure for 18). This change is minor, non-material and acceptable.

Change to Landscaping and Layout

Throughout the processing of the application and reiterated during the Planning Committee meeting, Aldi committed to work closely with Biddulph Town Council to investigate the feasibility of routing bus services through the Aldi site. Conversations with the Town Council continued following the granting of planning permission and it is understood an agreement is being reached on this bus provision.

However in order to accommodate the proposed bus services, Aldi would be required to slightly widen the retained access road alongside the pocket park and provide a separate pedestrian footpath for bus passengers – see plans. These measures impact on the pocket park and result in the loss of 64sq.m of proposed neutral grassland (0.01 ha).

Using the Biodiversity metric submitted with the application this loss would result in a revised provision of 0.09ha of neutral grassland (was 0.10ha) and 0.88ha of sealed surface (was 0.87ha). This equates to a further loss of 0.05 biodiversity units bringing the overall loss from 2.53 to 2.58 biodiversity units (a further 1.98% reduction). Whilst this is regrettable, the scale of the loss is small and considered to be non-material in the context of the overall scheme and particularly when considered in conjunction with the benefits associated with facilitating a bus service through the site in terms of the potential for reduced customer and staff vehicles using the site and improved connectivity with the town centre. It is also noteworthy that as part of the planning application Aldi did commit to providing a contribution towards biodiversity offsetting off site to mitigate the net loss on site and this has been paid to the Council.

CONCLUSION / PLANNING BALANCE

That the Section 96A application be approved

OFFICER RECOMMENDATION : Approve

Case Officer: Jane Curley

Recommendation Date: 25th May 2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council