

DELEGATED DECISION REPORT

NMA/2021/0021
Valid 01/06/2021

LAND OFF TENFORD LANE
TENFORD LANE
TEAN

NON MATERIAL AMENDMENT
FOLLOWING SMD/2016/0611

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

The main issue relates to whether the proposed amendment to the approved scheme is non-material.

DESCRIPTION OF SITE

The proposed site comprises a large area of open green space off Tenford Lane, situated in the Cheadle South East ward. A large amount of the site is bound by open green countryside, fringed with a number of trees which have Tree Protection Orders. Tenford Kennels, Tenford Lane is situated to the West of the site. The Tenford Lane highway runs adjacent to the proposed site on the South, separating the site from a row of housing along Tenford Lane.

PROPOSAL

The proposed amendment to the approved details involves the alteration of the trigger point of condition 17 involving the 'Landscape and Habitat Enhancement and Management Plan'. Rewording of the condition would change the trigger point to the following:

"The development hereby permitted shall not be commenced until a Landscape and Habitat Enhancement and Management Plan..."

The rewording of the condition has been proposed for the reason that whilst the applicant is committed to preparing the Landscape and Habitat Enhancement and Management Plan in accordance with the provisions of Condition 17, a change to the trigger point is vital to ensure that the required surveys can be carried out during the optimal survey windows.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0200 – Outline planning application for residential development of up to 49 houses with all matters reserved except for access. Refused.

SMD/2016/0811 – Outline planning application with some matters reserved (except access) for a residential development of up to 40 houses (resubmission of SMD/2016/0200). Approved.

CONSULTATIONS

N/A

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 seeks to confirm whether the alteration of the trigger point of condition 17 of SMD/2016/0811 would be material. The applicants seek to make this alteration as it would mean that the required surveys can be carried out during the optimal survey windows. No further alterations have been proposed.

The alteration of the wording of condition 17 would comprise a material amendment as it would change the outcome of what the condition seeks. As it stands, the condition requires the landscaping details to be submitted with the reserved matters. The details required by the condition will influence the landscaping which is a reserved matter, so the two need to be submitted together and to be considered side by side as opposed to at different times.

Thus, the proposed alteration to the wording of condition 17 is not considered to be minor in nature and would change the outcome of what the condition aims to pursue.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed changes are material. The alteration of the wording of condition 17 would mean that the condition requirements would not be met. As the landscaping is a reserved matter, the condition requires the details to be submitted with the reserved matters rather than at a different time. Therefore it is recommended that the application is refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Hannah Hollins

Recommendation Date: 29/06/2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council