

DELEGATED DECISION REPORT

NMA/2021/0031
Valid 18/10/2021

14 CHEDDLETON HEATH
ROAD
LEEK

NMA IN RELATION TO
SMD/2020/0372

(NON MATERIAL AMENDMENTS)

MAIN ISSUES

- Whether or not the proposed amendment to the approved application is material.

DESCRIPTION OF SITE

The application site is 14 Cheddleton Heath Road, a detached dwelling, sat within generously sized grounds. The dwelling is accessed by a lengthy driveway and is set back from Cheddleton Heath Road. Other residential properties share boundaries with number 14, notably number 13 Cheddleton Heath Road and numbers 1-10 High Lane to the east. The property benefits from off-road parking at the front of the house and garden areas to the front and rear. At the front of the house is a detached garage and boundaries consist of panel fencing and planting. Land levels around the detached garage area are generally flat.

The application site is located within the open countryside (albeit not Green Belt). The site does not form part of any Conservation Area and there are no nearby Listed buildings/structures which need to be considered. On the other side of the fence (next to the detached garage), there are several mature Sycamore trees and are included within Tree Preservation Order No. SM.48.

PROPOSAL

This is a Non-Material amendment application which has been submitted following on from approval of application SMD/2020/0372. SMD/2020/0372 approved the erection of a detached garage. The application is made due to the applicant wishing to amend the type of garage foundation. The application form states that the scheme is to change from a screw pipe and reinforced concrete ring beam foundation, to a traditional strip foundation. The application is accompanied by elevation drawings showing the foundation details.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

SS1	Development Principles
SS10	Other Rural Areas Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodland and Hedgerows
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

Supplementary Planning Guidance

1. 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
- 6: Building a strong, competitive economy
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2020/0372 Proposed replacement garage. Approved.

CONSULTATIONS

Arboricultural officer: Condition 4 of the previous permission required the development to be constructed only using a specification of screw piles, ground beam and supported raft, due to the presence of mature protected trees in the field immediately adjacent to the garage footprint. The current NMA application now seeks approval for use of standard strip footing foundations.

Trial pit investigation during the initial commencement of the garage as previously approved under SMD/2020/0372 (which I inspected, and I also carried out further probing investigation) established that there were only 2 significant woody roots crossing the line of the rear (western) elevation of the new double garage; both of these roots were so close to the ground surface that they would anyway need to be removed in order to construct the building in accordance with the requirements of condition 4 (i.e to accommodate even the minimal excavation depth for a ground beam and consequently allow finished floor level to relate appropriately to external ground level and provide vehicle access into the garage). Such root cutting would therefore have been authorised by virtue of the previously granted full planning permission, notwithstanding the TPO-protected status of the adjacent trees.

Given the inevitable cutting of these two roots (one anyway historically cut and re-grown), and the absence of any further substantial roots across the rear elevation line, there is now no substantive constraint to the use of a standard strip footing foundation – it is considered that this would have no significant additional impact on the trees beyond that already occasioned by historical work to/impact on the trees combined with that which would anyway arise from implementation of the previously granted planning permission SMD/2020/0372. It is also considered any such impact which does arise is very unlikely to lead to instability of the trees in the short term; there may be longer term effects on tree condition/vitality, although this may

take years if ever to manifest, and appropriate monitoring would be prudent in case a need for remedial tree work arises in future.

The current NMA application is therefore in accordance with my findings on site, and with my advice to the applicant and agent.

In the circumstances I have no objection to this NMA application, and no further/different/additional conditions would be required in respect of tree protection in the event that the NMA application is now approved.

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. 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.

No alterations are proposed to the size, design or location of the detached garage. The change is purely to the foundations arrangement which was conditioned as part of the original consent. These requirements were due to the close proximity of a protected tree in the field immediately adjacent to the garage. The slightly revised plan is clearly within the spirit of the previous consent and its conditions (interests of the TPO). The purpose of the condition was to ensure that any foundation works would protect the TPO trees and the revisions now sought would continue to ensure that there is no additional harm to these trees. The foundation details were agreed at the time by the Council's Arboricultural officer who has since visited the site to discuss the foundations amendments. It is clear by the officer's consultation response (detailed above), that the changes do not raise any tree related objections. The officer has seen the root system of the tree, agrees that the proposed changes are acceptable and confirms that no additional conditions are required.

CONCLUSION / PLANNING BALANCE

There are no amendments to the design, size or location of the garage, the only changes being to the foundation details. The application raises no concerns with the foundation details being accepted by the Council's Arboricultural officer.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Jackson

Recommendation Date: 15/12/2021.

X *J Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council