

DELEGATED DECISION REPORT

NMA/2022/0001
Valid 03/02/2022

GORSEYDALE
CHEDDLETON HEATH
ROAD
LEEK

NON MATERIAL AMENDMENT
IN RELATION TO CONDITION
12 OF SMD/2020/0218

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- The impact on the appearance of the area
- The impact on residential amenity

DESCRIPTION OF SITE

The site is in the countryside to the south of Leekbrook and lies to the south of (to the rear) of the existing dwelling in the property which faces Cheddleton Heath Road to the north, a lane with a rows of dwellings in spacious plots/ "ribbon development" on both sides of the road and small cul-de-sac housing developments separated by green gaps. There are other dwellings either side of the property. The site is outside of the Green Belt.

PROPOSAL

This is a Non Material Amendment application. An outline planning permission and subsequent "Reserved Matters" approval were granted for a two new detached houses to the rear of the existing house and an access using the existing site access with new drive leading down the side of the existing house to enter the site to the rear down a slope. A planning condition was added to the Reserved Matters approval, Condition 12 which reads as follows:

12. The boundary screen planting and associated new post and rail fencing shown on RLM Associates "Proposed Landscaping Scheme" Drg. No. RLM942/10 Rev D, and specifically along/adjacent to the eastern boundary adjacent to The Spinney, the western boundary of the site adjacent to Lighteaves, and the southern boundary of the application site, shall be fully implemented before the commencement of any groundworks or building works for the development hereby approved. The remaining planting proposals, also shown on Drg. No. RLM942/10 Rev D, shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. All trees, and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:-

In the interests of the appearance of the site and to protect the residential amenities of the area.

The applicant wants to change the condition to allow groundworks to commence before the installation of the boundary hedge/tree planting and fencing.

A Non Material Amendment application can be used for “non-material” changes to an approved scheme including any conditions attached to the approval.

It is understood the condition was added at the request of the adjacent neighbours who wanted to screen the development from their property before construction works commenced and that the applicant had agreed to this request, hence the condition being added. However, the applicant now wants to commence the groundworks before the boundary works (possibly because it transpired that the boundary works and planting could not be provided until the groundworks had been completed). The application form states the reason for the change as *“this is necessary to facilitate the ground works and the method change has been agreed with neighbours.”*

The Council must decide if the alteration to the condition can be treated as a “Non Material Amendment” to the approved scheme in terms of whether or not the alteration has any significant additional impact on the character, appearance and amenities of the area and the surrounding environment in general. If it is considered to have significant impact, the application would be refused and a new full planning application would be required to be submitted for the alteration to the scheme.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

DC1 Design Considerations

DC3 Landscape and Settlement Setting

National Planning Policy Framework

Sections 12 (Design)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0494: Outline permission for two dwellings.

SMD/2018/0218: Reserved Matters approval.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

OFFICER COMMENTS

The carrying out of the groundworks before the provision of the boundary planting and fencing is not considered to have any bearing on the eventual appearance of the site and surroundings and any impact of undertaking the groundworks without the screening would only be temporary. The main reason for the provision of the planting and fencing before the groundworks was in the interests of the residential amenities of the neighbours and it is believed the applicants requested this. However, it is considered that as groundworks would only be a temporary operation in connection with the construction of the development, there would be no significant lasting detriment to residential amenity and the condition would still require the boundary tree and hedge planting and fencing to commence before actual construction works started i.e. the formation of foundations and the build itself.

CONCLUSION / PLANNING BALANCE

The impact of the change on the surrounding environment is considered to be minimal and therefore the Non Material Amendment application to the approval of two dwellings can therefore be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 9.3.22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council