

DELEGATED DECISION REPORT

NMA/2022/0014
Valid 23/06/2022

LAND SOUTH EAST OF
A521 A50 BLYTHE BRIDGE
BYE PASS
BLYTHE BRIDGE

NON-MATERIAL AMENDMENT
TO SMD/2018/0790

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- Whether the change is non-material in the context of the overall development

DESCRIPTION OF SITE

The overall development site is 5.53ha in area and forms part of a wider site controlled by St Modwen, which in turn forms a significant part of a site allocated in the adopted Development Plan (Local Plan 2014) for employment development.

The Site is located north of the A50/south east of the A521 at Blythe Bridge, from where access will be achieved. The Site is south east of Blythe Bridge, located between this settlement and Forsbrook. To the north and primarily to the east of the Site, the land within the wider St Modwen control, forms land used for grazing purposes. The eastern boundary of the Site is flanked by a row of 6 detached properties located on Woodlands Lane. The rear gardens of these properties form the eastern boundary of the Site.

Full planning permission was granted for the erection of 118 dwellings on the site in 2018. A subsequent revised application for the same site area but which sought to increase the numbers of units on the site to 146 as well as seeking approval for various associated changes of house type was subsequently approved under Application Ref SMD/2018/0790

Development is now well underway with a significant number of the units completed and / or occupied.

PROPOSAL

A covering letter has been submitted with the application which explains:

“Your Authority granted Full Planning Permission, subject to conditions, on 12 May 2020, for the development of 146 dwellings, access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures (Application Ref. SMD/2018/0790).

A further Full Planning Application which sought approval for a development of 11 no. residential dwellings (Use Class C3) and associated works comprising internal access roads, parking, and hard and soft landscaping, including the replacement of 23 no. residential dwellings approved under Full Planning Permission ref. SMD/2018/0790 was received by your Authority on 3 June 2021 and validated on 25 June 2021 (Application ref. SMD/2021/0370).

To avoid any overlap and inconsistency between SMD/2018/0790 and SMD/2021/0370, the first non-material amendment hereby sought is for approval of a revised Proposed Site Plan in respect of SMD/2018/0790, which removes reference to the 23no. residential dwellings that will no longer be delivered under SMD/2018/0790 and are intended to be replaced by the development proposed under SMD/2021/0370. The revised Proposed Site Plan will also amend the application 'red line' boundary of the scheme approved under SMD/2018/0790, in order to omit the area of the site that is now subject to Full Planning Application ref. SMD/2021/0370. For the avoidance of doubt, this will remove plots 58-71 and 77-85 from the layout that was previously approved; all other plots remain unchanged and unaffected."

An amended Proposed Site Plan (Ref. R9051-RLA-18-XX-DR-A-2003 Rev. H) which incorporates the above referenced changes has been submitted with the application which the NMA seeks to approve in place of Proposed Site Plan (Ref. R9051-RLA-18-XX-DR-A-2003 Rev. G), which was previously approved under an application for an earlier non-material amendment to SMD/2018/0790 (Application Ref. NMA/2020/0044).

The letter continues:

"The second non-material amendment sought as part of this application is to the approved description of development included on the decision notice for SMD/2018/0790, in order that it reflects the amendments shown on the revised Proposed Site Plan (Ref. R9051-RLA-18-XX-DR-A-2003 Rev. H). The current description of development on the decision notice for SMD/2018/0790 is as follows:

"Development of 146 dwellings (Use Class C3), access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures".

To ensure consistency between the revised Proposed Site Plan (Ref. R9051-RLA-18-XX-DR-A-2003 Rev. H), following the omission of plots 58-71 and 77-85, and the description of development for SMD/2018/0790, we would propose that the description of development for SMD/2018/0790 is amended as follows:

"Development of 123 dwellings (Use Class C3), access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage

measures, earthworks and all ancillary enabling works including the demolition of building and structures”.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SM.97-0216 Premium Employment Site Development 30th July 1997

03/00498/FUL_MJ Variation of Condition 2(a) (b) (ii) of SM97-0216 to extend time limit. 15th July 2003

06/00984/FUL Variation of Condition 1 attached to planning permission 03/00498/FUL_MJ dated 15th July 2003 to extend time period in which to submit reserved matters by a further 5 years to 15th July 2013. - 17th October 2006

01/00125/REM Provision of access to phase 1 development of employment site. 3rd April 2007

07/01532/REM_MJ Development of commercial site of phase 1 for Class B1 use. 29th April 2008

11/00405/REM New Planning Permission to replace extant Planning Permission 06/00984/FUL, pursuant to the original Outline Planning Permission SM.97- 0216 for a Premium Employment Site on land adjoining A50(T), Blythe Bridge, in order to extend the time for submission of reserved matters by 5 years to the 15th July 2018 and the implementation of the planning permission by 5 years to 15th July 2021.-9th August 2011

SMD/2017/0512 'Detailed Planning Application for the development of 118 dwellings (Use Class C3), new access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures.' - Approved

SMD/2018/0443 Reserved matters application for the phase 2 access road and associated infrastructure including drainage to serve the road, tree removal, levels, landscaping, safeguarding area, great crested newt mitigation pursuant to planning application 11/00405/REM – Approved

SMD/2018/0696 Full planning application for a haul road to provide temporary construction access to Phase 1 (Ref. SMD/2017/0512) – Approved

smd/2018/0790 Development of 146 dwellings (Use Class C3), access and internal roads for vehicles, pedestrian and cycle linkages; car and cycle parking; associated play and open space, landscaping, ecological habitats; sustainable drainage measures, earthworks and all ancillary enabling works including the demolition of building and structures. -Approved 12th May 2020

NMA/2020/0044 Non-material amendment to SMD/2018/0790 Plots 17-21 and 92-98 for house type changes to Plots 17-21 and 93-95 and slight repositioning of Plots 92 and 96-98. Approved 21/04/21

SMD/2021/0370 Development Of 11 No. Residential Dwellings (Use Class C3) And Associated Works Comprising Internal Access Roads, Parking And Hard And Soft Landscaping, Including Alterations To And The Replacement Of 23 No. Residential Dwellings Approved Under Full Application Ref: SMD/2018/0790

CONSULTATIONS

N/A

OFFICER COMMENTS

This non material minor amendment application NMA/2022/0014 has been submitted to exclude the area covered by this application from the previous approval (SMD/2018/0790) to avoid any issues arising relating to “overlapping” planning permission following the recent judgement in the Hillside Parks Ltd v. Snowdonia National Park Authority case.

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.

The proposed amendment will reduce the overall number of dwellings on the site and therefore all the impacts which are material planning considerations such as highway impact, amenity impact, landscape impact and impact on local facilities such as play areas and schools will be reduced and certainly no greater than the approved scheme.

Also within the context of a development of 146 dwellings, a reduction by 23 units (15%) is not considered to be a material change.

In the event that the parallel application to develop 11 houses on the part of the site to now be excluded is not granted planning permission or not implemented, the area will remain as it is at present and undeveloped area of grassland which will have no impact on the wider area including the new development.

CONCLUSION / PLANNING BALANCE

For the reasons set out above the proposals are considered to be a non-material minor amendment.

OFFICER RECOMMENDATION : **Approve as a non material minor amendment**

Case Officer: Ben Haywood

Recommendation Date: 14/04/2023

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council