DELEGATED DECISION REPORT

NMA/2023/0017 **Valid 17/07/2023**	**MCDONALD'S CHURNET WAY** **LEEK**	**NON MATERIAL AMENDMENT RELATING TO SMD/2022/0361 - THE INTRODUCTION OF 2 NO. EVCP BAYS AND 1 NO. ADDITIONAL CYCLE STAND.** **(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 application site is a brownfield site that lies to the southwest of the existing Sainsbury store, on the northwest side of Leek. The site itself is vacant, having previously been used as part of the historic industrial uses in the wider area. The site is approximately 0.48ha and is generally flat and level with natural plant covering. At present the site is gated from the roundabout bell mouth. The site is enclosed on the west and south with a diamond cut knee rail fence at about 600mm height.

A pumping station lies on the northern side of the site access enclosed by a paladin fence and a substation to the south of the access. An unmade service road crosses the site. Pedestrian links between the site and Sainsbury already exist, along with drop curbs and tactile pavior's.

Site access is from the A523 to the southwest, from a roundabout junction. Dual lanes link to the first local distributer roundabout feeding the Sainsbury filling station and neighbouring commercial units, over the River Churnet. The access continues as a dual road over the river to a further distributor roundabout feeding the application site and Sainsbury.

There are a number of listed buildings in the surrounding area. These include Brindley's mill / museum which is located to the southwest of the site. Brindley's Mill is an imposing 4 storey grade II listed building which overlooks the subject site at a distance. In addition, Abbey Green Road footbridge is close to the site, this is a grade II listed structure. Due to existing development, trees and topography the bridge is not visible from the application site.

The proposed development is not within the curtilage of either of the listed buildings. The mill is however visible from the application site and the proposal will be viewed from it. The proposed building will be viewed against the backdrop of the

supermarket and adjacent retail units; is of a modern design like those buildings immediately surrounding it.

PROPOSAL

The proposed amendment to the approved plans consists of the introduction of 2 no. EVCP bays and 1 no. additional cycle stand. This amendment has been requested for operational purposes. There have been no other alterations proposed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2010/0201 – Erection of superstore (A1): Retail units (A1); Employment Units (B1, B2 and B8); Residential (total of 58 apartments and 28 dwellings – C3 use); Petrol Filling Station (Sui Generis) with associated car parking, access, landscaping, provision of public open space. Approved.
SMD/2011/1138 – Variation of condition 1a pursuant to planning permission 10/00041/OMAJEI enabling minor amendments to the approved plans. Approved.
SMD/2012/0611 – Installation of external signage including totems, building signs, welcome walls, hoardings, fascia signs and sky signs. Approved.
SMD/2013/0629 – The variation of condition 50 to delete the requirement to complete works to the Church Street / St Edward Street junction. Withdrawn.
SMD/2014/0051 – The variation of condition 50 to delete the requirement to complete works to the Church Street / St Edwards Street junction. Approved.
SMD/2014/0280 – Application to vary Section 106 agreement dated 04.05.2011 for application 10/00041/OMAJEI. Closed.
SMD/2016/0731 – Request for formal EIA screening opinion request. EIA-NEG.
SMD/2018/0033 – Hybrid planning application for retail use (A1 full application) and Hotel use (C1 outline application with all matters reserved) access, car parking, landscaping and associated works. Withdrawn.
SMD/2022/0356 – Installation of 6 No. fascia signs, 3 No. booth lettering signs and 1 No. 15” digital booth screen. Pending.
SMD/2022/0358 – Various site signage including 4 No. freestanding signs, 3 No. banner units, 1 No. playland sign and 29 No. dot signs. Pending.
SMD/2022/0361- Erection of freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and play frame. Approved.
DOC/2023/0049 – Discharge of condition 13 relating to SMD/2022/0361. Consultation.
DOC/2023/0050 – Discharge of condition 14 relating to SMD/2022/0361. Approved.
DOC/2023/0051 – Discharge of condition 15 relating to SMD/2022/0361. Consultation.
DOC/2023/0052 – Discharge of condition 4 relating to SMD/2022/0361. Consultation.

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 some alterations to the approved plans for the erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and play frame under the application SMD/2022/0361 would constitute a non-material amendment. These alterations consist of the introduction of 2 no. EVCP bays and 1 no. additional cycle stand. No further alterations have been proposed.

With regard to the nature and scale of the proposed amendments, it is considered that the amendments would not materially alter from the approved development scheme. The introduction of one additional cycle stand would be considered a minor alteration which would not adversely impact neighbour or visual amenity. Furthermore, the introduction of two new EVCP bays would be considered de-minimis within the context of the development overall which sits within a predominantly commercial area. This is a small alteration which would not be visually obtrusive or detrimental to the area.

The proposed alterations are considered to be minor in nature and would not adversely affect the character or appearance of the development as approved. Thus, the character of the building and surrounding area would continue to be maintained despite the alterations to the approved development.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed changes are non-material. The amendments are both considered di minimis and would not have a detrimental visual impact on the approved development site or wider street scene. Furthermore, the alterations would not impact neighbour amenity any more than what has already been approved. Therefore it is recommended that the application is approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins
Recommendation Date: 17/08/2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council