DELEGATED DECISION REPORT

NMA/2023/0023 **Valid 19/09/2023**	**MCDONALD'S CHURNET WAY** **LEEK**	**APPLICATION FOR A NON-MATERIAL AMENDMENT IN RELATION TO APPLICATION SMD/2022/0361. RE: THE REMOVAL OF THE APPROVED PLAYFRAME AND SHELTER AT THE EAST OF THE SITE, WITH ADDITIONAL FURNITURE TO THE PATIO AREA.** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES
Whether the proposed amendment to the approved scheme is non-material.

DESCRIPTION OF SITE
The site relates to a fast food restaurant/drive thru to the east side of James Brindley Road. The site is positioned on the roundabout southwest of the existing Sainsburys supermarket. The site falls within Leek Town Development Boundary.

PROPOSAL
This is a Non Material Amendment application. Permission is sought to remove an external play area and shelter and, additional furniture to the patio that was approved under SMD/2022/0361 at planning committee.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- Planning permission granted on 4th May 2011 for application 2010/0201 for a wider development site to the north of the A523 and west of Abbey Green Road which included; a Sainsburys foodstore, employment units, 92 residential units (58 flats and 34 houses) and 2,875sqm of A1 bulky goods retail use.

- The Sainsburys and employment units have been built and are occupied. The land which was previously proposed for the 58 flats is now occupied by the Mulberry Leaves public house. The proposed McDonald's site comprises of the part of the previous development site permitted for the 2,875sqm of bulky goods retail.

- An application for approval of reserved matters for 39 of the residential dwellings was granted on the 21st of January 2014 (reference SMD/2013/1098) on land to the east of the site.

- Permission of a freestanding restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays approved in June 2022. Site in question.
    - 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.

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 removal of the play shelter for younger customers would constitute a material change to the approved application.

It is recognised that the loss of a play facilities would be unfortunate for the younger customers. However, it would not materially alter from the approved development scheme. The use of the play frame is a secondary addition to the function and business of the restaurant that does not conflict with the Local Plan's policies. The additional patio tables will be a natural fit that will utilise the space as a result of the playframe being removed.

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

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: Lisa Li
Recommendation Date: 10/10/23

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council