DELEGATED DECISION REPORT

NMA/2023/0010 **Valid 10/05/2023**	**WOODHEAD GARAGE** **FROGHALL ROAD** **CHEADLE**	**NON MATERIAL AMENDMENT IN RELATION TO SMD/2022/0175** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

- Whether or not the wording to the requested conditions can be approved as a 'Non Material Amendment,' not requiring any further submission of a full planning application.

DESCRIPTION OF SITE

The application site is Woodhead Garage, Froghall Road, Cheadle, a haulage yard operated by MJS Transport (UK) Ltd. The initial application approval (SMD/2022/0175 – to which this NMA relates) informed that MJS Transport have been operating from the site since 1995 and that the 'existing site inclusive of the existing buildings and associated yard occupies an area of 18,925 square metres.' The site is located on the northern side of Cheadle and on the western side of Froghall Road; residential development is located to the south and east. The roadside boundary of the red edge application site measures approximately 63m at its widest point, tapering to approximately 35m at the western (rear boundary) with an approximate 222m depth. The land which was the subject of the SMD/2022/0175 application is located to the north of Woodhead Garage.

PROPOSAL

The application proposes changes to the wording of conditions 3, 10 and 14 of approval reference SMD/2022/0175 for an extension to the existing yard area to provide additional vehicle parking and associated landscaping works.

Details of the proposed amendments are as follows;

Condition number 3 currently states that:

No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
II. the method and duration of any pile driving operations (including expected starting date and completion date);
III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
IV. the arrangements for prior notification to the occupiers of potentially affected properties;
V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
VI. a scheme to minimise dust emissions arising from construction activities on the site.

VII. a scheme for recycling/disposal of waste resulting from the construction works;
VIII. the parking of vehicles of site operatives and visitors;
IX. the loading and unloading of plant and materials;
X. the storage of plant and materials used in constructing the development;
XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
XII. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works,
XIII. any waste material associated with the demolition or construction shall not be burnt onsite but shall be kept securely for removal to prevent escape into the environment,
XIV. the details of any generator/s to be used on site. They shall be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,
All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it.

Reason: To protect the amenities of the area and amenity of local residents and that of the surrounding area from noise disturbance.

The applicant wishes to amend the trigger point of the condition to read as follows;

Within 3 months of any works commencing on site a Construction and Environmental Management Plan for that phase of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following details… (Officer note that the details of points 1-14 shall remain the same).

Condition 10 currently states that:

No development shall commence until details of a scheme for the disposal of surface water from the development based on Sustainable Urban Drainage (SUDS) principles has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the surface water disposal has been implemented in accordance with the approved details.
Reason: To ensure satisfactory disposal of foul/surface water from the development.

The applicant wishes to amend the trigger point of the condition to read as follows;

Within 3 months of any works commencing on site, a scheme for the disposal of surface water from the development based on Sustainable Urban Drainage (SUDS) principles shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the surface water disposal has been implemented in accordance with the approved details.

Condition 14 currently states that:

Prior to the commencement of development method statements for bird, bat, reptile and mammal protection during the course of development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved method statement.
Reason: In the interests of nature conservation and biodiversity net gain.

The applicant wishes to amend the trigger point of the condition to read as follows;

Within 3 months of any works commencing on site, method statements for bird, bat, reptile and mammal protection during the course of development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved method statement.

Essentially the application proposes to remove all of the prior to commencement restrictions in favour of submissions within 3 months of the start of the development.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS7 Cheadle Area Strategy
- SS10 Other Rural Areas Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Water Quality
- SD5 Flood Risk
- E1 New Employment Development
- 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

National Planning Policy Framework

Including sections:-

Section 2: Achieving sustainable development
Section 4: Decision making
Section 6: Building a strong, competitive economy
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 15: Conserving and Enhancing the Natural Environment

National Planning Policy Guidance

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2022/0175	Proposed extension to existing yard area to provide additional vehicle parking and associated landscaping works. Approved.
SMD/2014/0265	Erection of extension to existing warehouse/haulage building. Approved.
06/00287/FUL_MJ	Replacement workshop, office, covered lorry parking and warehouse. Approved.
86/00799/OLD	Established use certificate for use as a haulage yard. Approved.

CONSULTATIONS

Public Comments: None received.

Staffordshire Wildlife Trust: None received.

Environmental Health: No objection.

OFFICER COMMENTS

The application is essentially to change the wording of three conditions in respect of their 'trigger points.' The Council must decide if the alterations can be treated as a "Non-Material Amendment" to the approved scheme, in this case whether the alterations would result in additional impact with regards to environmental matters (condition 3), drainage (condition 10) and ecology (condition 14). If it is considered that the amendments would lead to a significant impact then the application should be refused and the applicant has the option of submitting a Full planning application to deal with variation of the conditions.

The application form declares that no pre-application advice has been sought and does not provide any information to explain why the changes are requested.

After having reviewed the planning history of the site there are concerns about changing the wording of any of the identified conditions. Removal of the current prior to commencement restraints and their replacement with the ability to commence works and not have to deal with the details for three months would allow for a lengthy period of time in which the impacts of the development could not be controlled.

With regards to condition 3, there would be a three month period in which the requirements of points 1 to 14 (see above condition) could not be controlled and would have significant impact upon surrounding residents. This would allow for example, no control over the times of day and/or night which noisy development could be carried out. No site manager contact details, no notification process for neighbouring residents, no known methods for recycling/disposing of waste, no securing hoarding provision. The condition covers more matters, these are just a selected few. All of these matters (uncontrolled) could have serious consequences in respect of neighbour amenity and waste disposal. The reason the condition was imposed was to protect the amenities of the area and amenity of local residents and that of the surrounding area from noise disturbance. it is noted that a number of objections from residents relating to the original application, did include concerns relating to noise.

In respect of condition 10 and similar to condition 3 (above), the allowance of up to a three month period for works to continue without providing drainage details is unacceptable. The approved scheme was to enable large areas of hardstanding to be provided for vehicular use. By its nature, hardstanding requires a method to drain it and a proposal agreed upon which can be implemented during the course of the works. Variation of this condition could allow hardstanding to be laid with inadequate drainage which would be difficult to rectify retrospectively.

With regards to condition 14 (and similar to conditions 3 and 10) it is unacceptable to allow development to be carried out for up to a three month period without any details in place to protect birds, bats, reptiles and mammals. Irrevocable damage could be done to species within the proposed time period. Consideration of species protection has to take place before works commence.

CONCLUSION / PLANNING BALANCE

For the reasons outlined within the report, that the application is refused. The Council does not consider the proposed amendments to the imposed conditions can be treated as a Non Material Amendment and therefore the NMA application should be refused.

OFFICER RECOMMENDATION : Refuse.

Case Officer: Lisa Jackson
Recommendation Date: 27/11/2023.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council