

DELEGATED DECISION REPORT

SMD/2024/0430
Valid 20/09/2024

LEEK CRICKET CLUB
MACCLESFIELD ROAD
LEEK

DESIGN OF NEW TERRACE
AND DISABLED RAMP

(FULL - MINOR)

MAIN ISSUES

- Character and appearance
- Neighbour amenity

DESCRIPTION OF SITE

Existing patio terrace at differing levels and stepped to accommodate shallow tiered seating to front of club pavilion overlooking sports ground. Separate storage pavilion adjacent to the south. The site is 100m south of four dwellings (Court House, Coach House, Cedar House and Ashes View) from which the development may just be visible. The overall cricket ground site and the pavilion are strongly enclosed by periphery trees and woodland most of which is covered by TPO. There is little or no scope for wider public visibility of the site.

PROPOSAL

Re-construction of the terrace to a generally uniform level of 1.0m approximately and incorporating a ramped access alongside the south elevation of the pavilion in a space flanked by the adjacent storage pavilion.

BNG

The application was not initially submitted with any accompanying bio-metric calculation of the existing site biodiversity value. No claim is made that the development would affect less than 25m² of habitat.

However, the application claimed exemption as follows: "Development subject to the de minimis exemption (development below the threshold). Reason for selecting exemption: The scope of works is focused on previously developed land with sealed surfaces which offers no value to biodiversity. The turf present on-site will have no net change post-development with the extent of existing turf being levelled and re-laid with the same species".

By comparison of the existing and proposed plans there appear to be two locations where currently grassed areas would become hard or sealed surface. At the left (northerly) end an area of paving would be extended into the area of mown amenity

grass of the sports ground by c.9.5m² [file photo 0517 refers]. At the right (south) end a ramped access would occupy an area of c.27m² which is generally grassed and is evidently periodically mown and which at the time of the LPA visit had various stored outdoor furniture, bins and miscellaneous items (see file photo 0513). There is also an area of some 14m² marked on the drawing as 'existing flags removed and set aside for re-use' but which appears chiefly under mown grass (see eg file photo 0510). In total therefore something in the order of c.50m² of ground currently kept as mown amenity grass would become developed.

The PPG has a section headed: 'What development does the de minimis exemption apply to? And how should it be assessed?' The text is reproduced below.

The de minimis exemption only applies to development if the following two conditions are met:

- the development must not impact on any onsite priority habitat; and*
- if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)*

Onsite habitat is impacted by the development if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat (as determined by the statutory biodiversity metric). A decrease in biodiversity value occurs where there is a change in habitat type, extent, or condition which results in a negative unit score. A priority habitat is a habitat listed by the Secretary of State for Environment, Food and Rural Affairs under [section 41 of the Natural Environment and Rural Communities Act 2006](#).

The exemption is designed to cover planning permissions for:

- Development which only impacts on onsite habitat with a biodiversity value of zero so no gain would be required if there was no exemption;*
- Developments where there is only a de minimis impact on other onsite habitat to ensure biodiversity net gain is applied proportionally;*
- Minor development in established areas of habitat where the development would have less than 25 square metres (or less than 5 metres for linear habitat) impact on this habitat (unless priority habitat); and*
- Change of uses to development where there is no or only a de minimis impact on onsite habitat.*

An applicant, if they consider their development proposal would be within the scope of the de minimis exemption, must state in their planning application form that they consider the proposal to be subject to the de minimis exemption and provide reasons for this. This will enable the local planning authority to consider whether the proposal is genuinely exempt at the validation stage. They will want to consider particularly carefully those statements stating that a development proposal will be subject to a de minimis exemption where the proposal is for substantive building works and there

are **significant areas** of onsite habitat (where the distinctiveness is higher than very low) within the red line boundary.

If it is clear the development proposal is not exempt, the pre-development biodiversity value will need to be provided for the application, and, if planning permission is granted, a Biodiversity Gain Plan must be submitted and approved before commencement of the development.

When providing reasons for the de minimis exemption, an applicant should provide sufficient evidence to support their justification. In cases where the development would be smaller than 25 square metres, the description of development, existing and proposed site plans, and the development's area size (in square metres) may be sufficient evidence.

In other cases where it cannot be clearly demonstrated through site plans and descriptions whether an onsite habitat would be lost or degraded by the development, applicants are strongly encouraged to provide a completed metric for the pre-development and post-development value for the onsite habitat and clear plans identifying the nature and size of this pre-development onsite habitat and how much of it will be impacted by the development. This will be particularly important where the development involves multiple small-scale impacts on onsite habitat, especially if the onsite habitat covers a large area, to avoid the cumulative effect on onsite habitat being more than the de minimis threshold.

From the legislation:

References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric; calculated on the relevant date — (a) in a case in which planning permission is granted on application, the date of the application.

The biodiversity gain planning condition does not apply in relation to planning permission for development where less than 25 square metres of onsite habitat that has biodiversity value greater than zero is impacted.

Biodiversity value is the value as calculated in accordance with the biodiversity metric.

LPA Conclusion (BNG)

As mown amenity grassland the habitat will have greater than zero biodiversity value. Whilst this would most probably be determined as having 'low distinctiveness' (Appendix 4 Natural England small sites metric), this is not zero (obviously) and a step up from 'very low'. With this in mind and with the LPA finding that a habitat area of 50m² would be lost which is double the threshold minimum for 'de minimis' to apply, the applicant agreed to submit a BNG metric calculation. Before and after biodiversity site maps have been submitted along with the metric which sets out a 34.5% gain in habitat (grassland) units and a 167.4% gain in hedgerow units. The decision (if approved) will be subject to the statutory net gain implementation condition.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1995/1053 - outline application for replacement pavilion and club house – approved

99/01111REM [SMD/1999/0216] replacement pavilion and club house – approved

CONSULTATIONS**Publicity**

Site Notice expiry date: 08.11.2024

Neighbour consultation period ends: N/A

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Leek Town Council: no objection and not considered un-neighbourly

Staffordshire County Council Highways

Consulted – no response received

SMDC Environmental Health

The development appears a relatively low level risk to amenity subject to noise being controlled by good on-site management but we would also advise the following conditions are imposed to ensure local neighbourhood amenity is protected during unsociable hours.

- Construction timing of works
- Amplified music
- Hours of use
- Lighting

OFFICER COMMENTS

Principle of Development

The location is within the rural areas covered by policy SS10. As the replacement and marginal extension of an existing structure approved under 99/1111/REM it is obviously only here at this location that the development is relevant. It can in that sense be considered essentially located in accordance with SS10. The principle of the development can therefore be accepted.

Design

The main front (west) facing elevation is to be of block work capped with pavours but which will be banked with an earth batter and grassed. The height increase will typically be between 0.6m and 1.2m at most (at the southern end) and only c.0.3m at the north end relative to existing pitch level.

Walls to the access ramp are to be finished in red brick 'to match' the existing pavilion. A stainless steel 50mm banister would be mounted along the top of the ramp retaining walls.

It is to be noted that the design includes details of base points "foundation pads" for a "future canopy". No details of any future canopy have been provided and therefore cannot be assessed or determined as part of this application. This point needs to be referenced in the decision notice.

The design integrates satisfactorily with the existing development and there are therefore no issues in appearance terms.

Amenity

The ability for residents to see the development in any significantly greater amount than the existing will be limited and at their 100m distance should not be found to affect them.

Although the area capacity is similar to the existing, consideration should be given to the mode of use as the more uniform level of the terrace could be likely to facilitate more general outdoor usage. This could have implications for noise and possible anti-social hours noise to affect the nearby dwellings. Consultation has been made with SMDC Env Health who recommend:

- No means for the amplification of voice or music whatsoever shall be installed on the terrace hereby permitted – to safeguard the amenity of local residents and that of the surrounding area from noise disturbance.
- The terrace shall only be open for customers and spectators between the hours of 09.00 and 22.00 – to safeguard the amenity of local residents and that of the surrounding area from noise disturbance during unsociable hours.
- Condition to limit exterior lighting and hours/timings of construction.

These can all be considered reasonable and necessary and should be attached (wording adjusted as necessary).

Informal consultation has also been made with the Council's Licensing section. A copy of the premises licence has been provided ref PLA 0227. Other than the serving of alcohol this shows the premises to which the licence is attached restricts all licensed activities to the hours 7.00pm to 12.30am indoors only Monday to Sunday. The supply of alcohol is licensed for consumption on or off the premises 10.30am to 1.00am Monday to Sunday. The plans attached as part of the licence show the main club house pavilion – to which this proposed terrace would now be attached – and a small detached timber cabin building off the north end of the club house, understood to have been erected specifically to serve as a bar if and when the club house as a whole was not required to be open.

In relation to the terrace the conditions of this permission (if granted) will mean that notwithstanding the premises licence it shall not be in use by customers or spectators after 10.00pm on any day.

Highway Safety

There is unlikely to be a significant consequential change to potential traffic impacts as a result of this development as the venue capacity should not be appreciably changed.

Other matters

The initial failure to submit the application with an appropriate biometric assessment for the purposes of ensuring Biodiversity Net Gain has been rectified by the applicant. This is a relatively straight forward case in habitat and biodiversity terms

and the planning case officer (with an ecology background) has concluded that the BNG metric calculation can be accepted. Its implementation will be secured by the statutory deemed BNG condition

CONCLUSION / PLANNING BALANCE

In consideration of all of the above the application is recommended for approval.

OFFICER RECOMMENDATION : **Approve subject to conditions**

Case Officer: Arne Swithenbank

Recommendation Date: 04.12.2024

X

J Curley

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council