

DELEGATED DECISION REPORT

NMA/2025/0016
Valid 28/07/2025

THE OLD BOWLING GREEN
LEEK ROAD
CELLARHEAD

NON MATERIAL AMENDMENT
RELATING TO SMD/2023/0496

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

The impact on the character and appearance of the area.

DESCRIPTION OF SITE

The site is a short distance to the east of Cellarhead and is on the north side of A52 Kingsley Road but with an access off A520 Leek Road a short distance to the west. The site is deemed to be within the countryside and is also in the Green Belt. It was a former pub garden (the pub, facing the Kingsley Road/Leek Road traffic light junction, was converted into a commercial office space) but works have commenced on a retirement and care home complex with nine bungalows.

PROPOSAL

This is a Non Material Amendment application to vary Condition 19 of the planning permission for the residential development (SMD/2023/0496), which requires tree protection measures in accordance with a submitted Tree Report & Arboricultural Impact Assessment (AIA). Works have commenced on site. However, the applicant states in a letter submitted with the NMA application, that although tree protection has been erected in accordance with the condition, it has however become apparent that there is a need to install an electric cable within a root protection area of one of the trees (Tree "T8"). Therefore the tree protection methods will need to be changed in order to accommodate the required works without harming tree roots and therefore a new Arboricultural Method Statement has been produced, setting out the new protection measures. The applicant therefore would need to vary the condition to require the tree protection measures to be undertaken in the accordance with the new Statement. A Non Material Amendment application can be used for non-material amendments to the wording of planning conditions and hence this is the purpose of the application i.e. to change the condition to refer to the new Arboricultural Method Statement, in addition to the previously approved Tree Report & AIA.

The submitted letter also states *"The area of RPA (Root Protection Area) affected by the utility cable installation will 300mm wide strip, extending 1.5m from the pole to the edge of the RPA of T8 as indicated on the BS5838 Tree Protection Plan: Old Bowling Green Rev 3. The extent of RPA affected measures 0.51m² of the total 136.79m² RPA, equating to an encroachment of less than 0.5%. As long as works are carried out to*

the specifications set out in this AMS, the impact to the long-term health of T8 will be negligible”.

The Council must decide if the amendment can be treated as a “Non Material Amendment” to the approved scheme in terms of whether or not the alteration has any significant additional impact on the character, appearance and amenities of the area and the surrounding environment in general. If it is considered the change would have a significant impact, the application would be refused and a new full planning application or full Variation of Condition application would be required to be submitted for the alteration to the scheme.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

DC1 – Design Considerations
NE2 – Trees, Woodland and Hedgerows

NPPF (Revised December 2024)

Sections 12 (Design) and 15 (Natural Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2023/0496: Construction of 9 extra care units (C2), communal lounge/office and associated works. Approved 9.8.24.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

Council Tree Officer Comments

This non-material amendment application proposes an amendment to Condition 19 of planning permission SMD/2023/0496, with the aim of accommodating the installation of a new underground electric cable which would affect a very small proportion of the Root Protection Area of tree T8. An Arboricultural Method Statement (AMS) by Hamps Valley Ltd dated July 2025 is now submitted with the current NMA application.

The AMS includes appropriate, sequenced measures to minimise any already minor impact on the roots within the RPA of T8 – including hand-digging of the cable trench

within the RPA, and retention of woody roots greater than 25mm diameter within the trench.

I consider that there would be no significant harmful impact on the tree T8 given compliance with the AMS, and therefore I have no objection to the application.

OFFICER COMMENTS

All the pre-commencement conditions requiring further details, have been discharged i.e. all the details required before the commencement of works, have been approved and therefore the commencement of works is authorised and the planning permission being lawfully implemented.

As works progressed, there become a need to install an electric cable within the root zones in one of the trees. These are works not in accordance with the Tree Protection Condition requiring the development to be carried out in accordance with Arboricultural Impact Assessment (AIA).

The applicant has submitted an Arboricultural Method Statement (AMS) which details the required works to install the cable and assesses this would not result in harm to the tree roots. The Council's Tree Officer concurs with this (see comments above) and that as no further harm would result to the tree, no further harm would result to the character and appearance of the area as a result of the development. Policies DC1 (Design Considerations) and NE2 (which aims to protect trees, woodland and hedgerows) would therefore be complied with.

I therefore consider that the tree protection condition can be amended accordingly to require the works in accordance with both the AIA and new AMS and that this can be treated as a Non Material Amendment to the planning permission for the housing development.

CONCLUSION

The proposed amendment will not cause any additional harm to the visual and residential amenities of the area or lead to any other environmental harms in relation to what has already been approved and therefore can be treated as a Non Material Amendment to the previous permission and therefore the Non Material Amendment application can be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston

Recommendation Date: 17.9.25

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council