

DELEGATED DECISION REPORT

NMA/2023/0015
Valid 17/07/2023

LAND OFF LESSER LANE
FAIRFIELD
BUXTON

NON MATERIAL AMENDMENT
RELATING TO HPK/2021/0405 -
TO ALLOW FOR THE
REMOVAL OF T6

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- Whether or not the proposed amendments are non-material

DESCRIPTION OF SITE

The site relates to a parcel of land accessed off Lesser Lane in the Fairfield area of Buxton. The site was the subject of Outline Planning Permission for 5no. dwellings under HPK/2020/0008, and subsequently Reserved Matters approval under HPK/2021/0405. Pre-commencement conditions have been subsequently discharged and work is understood to have commenced on site.

Trees that border the site are subject to 2no. separate Tree Preservation Orders (TPO's).

PROPOSAL

The application seeks a non-material amendment to the approved Reserved Matters scheme that would see the removal of a single Sycamore Tree T6 – re-catergorised within the accompanying Arboricultural Impact Assessment in August 2022 as 'U' – the poorest quality tree, due to the rate of advance of fungal disease.

Photographs of this diseased tree that sits towards the rear boundary of one of the properties have been provided within the supporting document.

OFFICER COMMENTS

There is no statutory definition of 'non material' as the context of each site, and by the nature of the proposed amendment needs to be considered on an individual case by case basis. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant permission, under Section 96A of the Town and Country Planning Act 1990. This procedure, which is not an application for planning permission in its own right, does not include the provisions under the Town and Country Planning (Development Management Procedure) (England) Order 2015 relating to statutory consultation and publicity.

A non-material amendment application, if successful, would not create a new planning application and the original permission would still stand, but would be modified as detailed by the non-material amendment.

In this case, the amendment relates to the removal of a single tree close to the southern boundary of the site in the rear garden of House No.3, as shown on the Plan under Appendix 5 of the Arboricultural Impact Assessment (AIA) which accompanies this application.

Whilst this tree is part of a wider TPO, it is the case, as evidenced within the AIA, that this tree has been subject to disease, is categorised as being poor quality ('U' within the Tree Schedule). As such, the removal of this tree would not in itself result in any material change to the character and appearance of the site or any wider impacts on the rural character, when considered in the context of the wider housing development.

As such, it is considered that this amendment does amount to a non-material amendment.

OFFICER RECOMMENDATION : Approve

Case Officer: James Stannard

Recommendation Date: 28th September 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council