

DELEGATED DECISION REPORT

NMA/2022/0013
Valid 03/08/2022

LAND AT DINTING ROAD
GLOSSOP

**NON-MATERIAL AMENDMENT
FOR THE RESITING OF TREES
CONCERNING THE
APPROVED LANDSCAPING
SCHEME IN RELATION TO
PLANNING PERMISSION REF.
HPK/2016/0224**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

- Character and Appearance
- Nature Conservation

DESCRIPTION OF SITE

The 0.83ha application site is a broadly oblong-shaped area of land, which slopes down from the northern to the southern boundary (Dinting Road to the railway line). It now accommodates 20 newly constructed split-level dwellings in a broadly linear arrangement including associated infrastructure and new landscaping.

There is a large Ash tree, protected by a High Peak TPO (Tree Preservation Order), within the site, close to the northern boundary. There is a well-established hedge along the northern roadside boundary of the site.

There is a track adjacent to the site's eastern site boundary which provides access to a small number of residential properties beyond the south-eastern corner of the site. Footpath FP124 runs along the eastern boundary of the site. The Manchester to Hadfield railway line passes by the southern boundary of the site whereby footpath FP140 is located south of the railway line. Dinting Lane borders the western boundary of the site and Dinting Road runs along the northern boundary. There are residential properties opposite the northern boundary of the site on Dinting Road.

The site is included within the built up boundary area of Glossop and lies within Flood Zone 1.

PROPOSAL

A non-material amendment is sought for the variation of Condition 07 regarding soft landscaping in relation to approved details submitted for condition discharge application ref. DOC/2017/0087 in relation to planning permission ref. HPK/2016/0224. The approved details for Condition 07 are as follows:

- Dinting Lane Landscape Works PR/17/FC01/GA/01 Rev A
- Tree Protection drawing 7646-P-TP-1 by Cheshire Woodlands
- Boundary Treatment Site Plan ref. 1174.PL35 Rev B



Dinting Lane Landscape Works PR/17/FC01/GA/01 Rev B accompanies the non-material amendment.



RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

Adopted High Peak Local Plan 2016

Policy S1	Sustainable Development Principles
Policy S1a	Presumption in Favour of Sustainable Development
Policy S5	Glossopdale Sub-area Strategy

Policy EQ5 Biodiversity
Policy EQ6 Design and Place Making
Policy EQ9 Trees, Woodlands and hedgerows

Supplementary Planning Guidance

- Residential Design
- High Peak Design Guide

National Planning Policy Framework

National Planning Policy Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2016/0224 - Proposed construction of 20 houses including associated infrastructure and landscaping. APPROVED 16th June 2017 with s106 legal agreement.

HPK/2015/0424 - Full application for construction of 14 new, four-bedroom houses, associated infrastructure and landscaping. REFUSED.

CONSULTATIONS

Publicity

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

Public Comments

None.

Town / Parish Comments

None.

HPBC Aboricultural Officer

09.12.21

It is really disappointing that we cannot get these trees in as per the approved plan. I have attached a plan showing the locations that trees could be planted along the frontage as standard trees in the hedge line.



OFFICER COMMENTS

Principle of Development

The application is seeking a non-material amendment to planning permission ref. HPK/2016/0224 'Proposed construction of 20 houses including associated infrastructure and landscaping'.

Planning Policy Guidance states: "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" ... "The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply".

Dinting Lane Landscape Works PR/17/FC01/GA/01 Rev B accompanies the non-material amendment and follows discussions with the Council's Arboricultural Officer as well as Planning Enforcement Team regarding non-compliance with the approved landscaping scheme for planning permission ref. HPK/2016/0224 (condition 07) approving drawing ref. Dinting Lane Landscape Works PR/17/FC01/GA/01 Rev A.

In particular, the revised plan ref. Dinting Lane Landscape Works PR/17/FC01/GA/01 Rev B proposes the omission of trees within the following plots: 6, 7, 8, 9 and 10 and repositioning of trees within plots: 3, 4 and 5. Together with the rearrangement and reduction of trees along the northern landscaping strip.

The approved scheme proposed a total of 43 new heavy standard trees, whereas the amended scheme proposes 38 new heavy standard trees but an increase in tree planting within site-wide incidental open space abutting Dinting Road. Accordingly, a reduction in site-wide planting of 5 trees overall would be considered as a non-material amendment on balance when considering matters of character and appearance and nature conservation.

Officers are aware that the implemented landscaping scheme does not comply with the proposed non-material amendment, particularly concerning the omission of the rear boundary hedge to plots, some positioning of trees etc.

Notwithstanding this, the applicant would be required to ensure that the approved "amended" scheme is implemented within the current planning season and prior to March 2024 by means of a proposed planning condition. In addition, any replacement planting required by the approved landscaping scheme should also take place within the relevant planting period.

In these regards, the proposed non-material amendment would accord with Policies SS1 and EQ6 of the Adopted High Peak Local Plan 2016, Residential Design Guide SPD 2005, High Peak Design Guide SPD 2018 and the National Planning Policy Framework.

CONCLUSION / PLANNING BALANCE

Accordingly, the development accords with the provisions of the development plan as a whole as well as the NPPF and should be approved.

OFFICER RECOMMENDATION :

Case Officer: Rachael Simpkin

Recommendation Date: 16th October 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council