

DELEGATED DECISION REPORT

NMA/2025/0033
Valid 11/11/2025

**LAND TO THE REAR OF
THE OLD VICARAGE
MARSH LANE
NEW MILLS**

**NON MATERIAL AMENDMENT
IN RELATION TO
HPK/2016/0476 - TO REPLACE
THE PREVIOUSLY
CONSTRUCTED GABION
WALL, ON THE SOUTHERN
BOUNDARY OF THE SITE
(CROSSING THE QUARRY),
WITH A GRAVITAS FLEX MSE
RETAINING STRUCTURE
WHICH HAS A PLANTED
(GREEN) FINISH TO IT**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

The main issue relates to whether the proposed amendments to the approved scheme are non-material in nature.

DESCRIPTION OF SITE

The site comprises 0.94 ha of brownfield land. It was originally a stone quarry and some of the features of this former use remain. Planning permission HPK/2016/0476 for the erection of 37 dwellings has been implemented with all houses constructed. However due to a number of developers entering into administration, works ceased at the site for many months. Recently a new developer has taken over the site, carrying out works to rectify a number of failures within the houses and groundworks across the site.

Immediately to the west of the site are a number of large houses fronting Marsh Lane. Access is taken from Marsh Lane at the North West corner of the site. The northern boundary is formed by a terrace of smaller two-storey cottages (Arden Estate) which are accessed off Low Leighton Road, and three houses which face onto Low Leighton Road.

To the south of the site is the existing Marsh Lane Trading estate that is located in the remaining part of the former quarry.

PROPOSAL

This application seeks to amend the approved boundary treatment agreed under condition 13 of HPK/2016/0476 to the southern boundary of the site. Plots 11-17 form the southern part of the site with their rear garden boundaries adjoining the Marsh Lane Trading Estate. Approved plan ref 103 Rev E illustrated a 2.1m high close boarded fence above a 4m high gabion wall. Approved Plan ref 061 provided a cross section of the gabion wall, with the close boarded fence above.

It is proposed to replace the gabion wall with a Gravitas Flex MSE retaining structure in lieu of the gabion wall. Although the approved gabion wall has been constructed, the applicant advises that the gabion wall has failed and the gravitas system, comprising a landscaped structure is needed to replace it.

All other means of boundary treatment would remain as per the approved plan 103 Rev E.

SITE HISTORY

NMA/2021/0027 - Application for a non-material amendment following a grant of HPK/2016/0476 – Approved 08/10/2021

NMA/202/0009 - Application for Non-material amendment re HPK/2016/0476 - removal of entrance canopies – Approved 09/10/2020.

HPK/2016/0476 - Proposed demolition of existing workshop and development comprising 16 homes for affordable rent; 7 for low cost home ownership and 14 homes for open market sale (37 residential homes in total) (use class C3) with associated access, parking and landscaping – Approved 23/12/2016

Discharge of condition applications:

DOC/2021/0006 - Condition 28 of HPK/2016/0476 – Approved 17/02/2021

DOC/2019/0085 - Discharge of condition 18 relating to HPK/2016/0476 – Approved 10/12/2019

DOC/2018/0083 - Discharge of Condition 23 in relation to HPK/2016/0476 – Approved 26/02/2019

DOC/2017/0096 - Discharge of Condition 10 – Piling – Approved 12/10/2018

DOC/2017/0044 - Discharge of conditions 3, 14, 15, 16 & 21 of planning permission HPK/2016/0476 – Approved 14/05/2018

DOC/2017/0012 - Discharge of conditions 5, 7, 11, 20 & 22 relating to HPK/2016/0476 – Approved 23/05/2017

OFFICER COMMENTS

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.

As an application to make a non-material amendment is not an application for planning permission, the existing [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the [Environmental Impact Assessment Regulations 2011](#).

The proposed work involve the installation of a new Flex MSE system wall in the same location as the approved gabion wall. A Flex MSE is a vegetated retaining wall and slope stabilisation system, comprises a series of GTX bags filled with a mixture of sand and compost and interlocking plates between the layers of filled bags. The face of the Flex MSE system is designed to become vegetated within one growing season. When first built, a growing medium is applied to the face protecting the geotextile bags from the elements. Once the vegetation becomes established, vegetation foliage protects the face while the vegetation root structure increases the system's structural strength.

The new wall will extend across the site, east to west, with a slight variation in height when compared to the approved gabion wall. The new wall will have a stepped appearance with Plots 12-13, c.284mm below the previously approved gabion wall height, Plots 14-15, c.276mm above the previously approved gabion wall height and Plots 16-17 c.976mm above the previously approved gabion wall height. The change in height when compared to that previously approved, would have no great impact on visual or residential amenity. The wall forms the boundary with the trading estate to the south, which comprises a number of typical warehouse/industrial type buildings with areas through the site use for the storage of materials and the parking of vehicles.

Whilst the external face of the wall would be a visual change, when compared to the approved gabion wall, having a basket and stone appearance, it would not be visible from the wider public domain. Existing residential properties to the west, which are shielded in part by a bank of trees, may have glimpsed views of the wall, but it would be seen in the context of the Trading estate and its industrial appearance. More widely, the wall would not be visible from Marsh Lane to the west, due to its location at the boundary between the trading estate and the residential estate.

Moreover, once established the external face of the wall would have the appearance of a steep, but soft landscaped slope, which would reflect the trees and soft landscaping found to the west of the application site and the west boundary of the trading estate. Overall, the visual change to the wall would have a softer appearance than the approved gabion wall and in itself is considered to be non material, having no impact on the wider street scene or character of the area.

CONCLUSION / PLANNING BALANCE

The proposed new wall, to replace an existing gabion wall, which has failed, would amount to a non material amendment to the approved plans, for the above reasons, and should therefore be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Jane Colley

Recommendation Date: 17/12/2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council