DELEGATED DECISION REPORT

NMA/2019/0031 **Valid 30/12/2019**	**WESTFIELD COTTAGE** **CLAY LAKE** **ENDON**	**NON MATERIAL AMENDMENT RELATING TO SMD/2019/0073, SLIGHT RESITING OF PROPOSED VEHICULAR ACCESS** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

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.

DESCRIPTION OF SITE

The plot is provided by a large part of the applicant's garden to the side of their dwelling at Westfield Cottage, Clay Lake. Westfield Cottage is located toward the eastern end of Clay Lake inside the 'larger village' of Endon and presents a large gabled elevation to the road. Running to the side of the dwelling, the very 'leafy' Stoney Lane provides an unmade private drive that serves a number of dwellings. The garden area that provides the application site is currently well enclosed and screened by mature laurel hedges.

Westfield Cottage has a driveway access with Clay Lake that coincides with that of Stoney Lane, but it also has an apparent access on the other side of the property with a gate off a private drive that serves a development of three detached dwellings. Westfield Cottage has two garage buildings, the garage to the south east or rear of the plot/application site has a planning permission to be converted and extended to form a single independent dwellinghouse.

PROPOSAL

The Non-Material Amendment ('NMA') proposes a change to the position of the access and a consequential rearrangement of the parking and turning hard surface. The access would be moved to the north east into a more central position and right angled orientation, with even radii and visibility both sides. Moving the access along the frontage in this way would mean that an electricity pylon would not have to be moved (a cost prohibitive restraint)

The width of the access drive would remain with a maximum 3m width and visibility aperture with Stoney Lane would be the same as approved at 6m.

PUBLICITY AND CONSULTATION
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.

There was one response to the publicity carried out in respect of the original application. The response came from a property owner on the other side of the plot who appeared to mistakenly believe the proposal would affect access to her own property, they did not respond to the officer's follow up enquiry. Importantly there were no comments made regarding the safety of the original access proposal and its impact on users of the un adopted access Stoney Lane.

Town / Parish Comments
Endon Parish Council did not object to the original proposal/application. They did not raise any concerns regarding the access and safety of those using Stoney Lane.

Staffordshire County Council Highways
The highway authority made no comment on the original application because the access would be made onto the un adopted lane and not affect 'highway' safety.

OFFICER COMMENTS
I have given consideration to the effect of the change having regard to the context of the overall scheme.

Visually the effect of the change would be inconsequential, the straight frontage run along Stoney Lane is consistently that of a stone dwarf wall with mature 'garden' hedge behind (mainly laurel). The access gap would be the same width of opening and repositioning it just 3m along to the north east would not introduce any differing effect.

I have reviewed the original application to revisit any comment from residents or consultees that might have raised concerns over access arrangements and/or effects on the safety of Stoney Lane – there were none in these regards.

I have consulted informally with the Council's Arboricultural Officer who raises no concerns and states that the same conditions would apply

With the same or very similar aperture, visibility splays and orientation the revised access would not effect Stoney Lane in these regards.

CONCLUSION / PLANNING BALANCE
The revised proposal would make a non material change to the planning permission.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 18/02/2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council