DELEGATED DECISION REPORT

NMA/2020/0011 **Valid 10/03/2020**	**34 36 LATE SHOP PICTON STREET LEEK**	**NON-MATERIAL AMENDMENT TO SMD/2017/0648 TO RE POSITION FRENCH DOOR OPENING (D9) AND WINDOW OPENING (W.9) AT GROUND FLOOR LEVEL TO SIDE (NORTH WEST) ELEVATION TO FLAT 1.** **(NON MATERIAL AMENDMENTS)**

MAIN ISSUES

- The main issue relates to whether the proposed amendment to the approved scheme is non-material.

PROPOSAL

The application seeks a non-material amendment to planning approval SMD/2017/0648, which was for the change of use of the former co-op shop into 9 apartments and various internal and external alterations to the building.

The proposed amendment to the scheme is to re-position french door opening (D9) and window opening (W.9) at ground floor level to side (north west) elevation to Flat 1. The reason for the amendment, as explained in the application form, is because the french door would better suit the use of the living area and a window opening would better suit the bedroom.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0648 - Proposed alterations and change of use of former co-op shop into 9 no. apartment units – Approved 16/03/2018.

DOC/2019/0028 - Discharge of conditions 4, 5 , 6, 7, 9, and 11 relating to SMD/2017/0648 – Approved 20/03/2020.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends: 02/04/2020
Press Advert: N/A

Public Comments

None received.

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 noted above, the proposed amendment is to switch the position of the french door opening (D9) and window opening (W.9) at ground floor level to side (north west) elevation to Flat 1. This elevation of the building is not prominent when viewed from public vantage points and therefore the amendment to the positions of the doors and window would have little impact on the character and appearance of the building or the Leek Conservation area. The proposed alterations to this elevation would not result in additional openings and, given existing and proposed new boundary treatments, which will provide for good levels of privacy, the proposed amendment would not cause additional overlooking of the neighbouring properties.

It is noted that the occupiers of the neighbouring properties have been notified of this proposed Non- Material Amendment, but no comments have been received in response.

In these circumstances it is considered reasonable to agree the changes as a non-material amendment.

The amended plans submitted with this application are acceptable. Other than the changes referred to here any other conditions attached to approval SMD/2017/0648 will continue to apply.

CONCLUSION

In summary, it is considered that within the context of the original application the proposed changes are of a non material nature. Therefore it is recommended that approval be granted.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Mark Ollerenshaw
Recommendation Date: 07/04/2020

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council