

Ms R. Simpkin  
Staffordshire Moorlands District Council  
Moorlands House  
Stockwell Street  
Leek  
ST13 6HQ

25<sup>th</sup> June 2021

Submitted via Planning Portal  
Planning Portal Ref: PP-09971349

Dear Ms Simpkin

**Application seeking a non-material amendment to Planning Permission SMD/2018/01180  
Land to the East of Froghall Road and north of Ayr Road and Cheltenham Avenue, Cheadle**

I am pleased to submit this application seeking a non-material amendment (NMA) to vary plans approved under condition 2 of planning permission SMD/2018/0180 [the Planning Permission] on land to the east of Froghall Road and north of Ayr Road and Cheltenham Avenue, Cheadle [the Site].

This application has been submitted in parallel to a separate minor material amendment [MMA] application seeking the same proposed variation to condition 2 of the approved scheme. It is considered by the Company that the amendments proposed are non-material in nature and can be dealt with via this NMA application. In the event that the Council considers the changes to be minor in materiality then we would request the Council proceed in determining the application on the basis of the MMA application and this application will be withdrawn.

**Background and Proposed Amendment**

Planning permission SMD/2018/0180 was granted on 1st December 2020 for 1) full permission for 125 dwellings and access to proposed primary school and 2) outline permission for up to 135 dwellings and a primary school with all matters reserved.

This application is made under subsection 3(b) of Section 96a of the Town and Country Planning Act 1990; and comprises this letter and the following documents:-

- Application form
- Site Location Plan (Ref: ARC/LP/01)
- Copy of Decision Notice SMD/2018/0180
- Proposed Planning Layout (Ref: ARCH/PL/PH1 Z8)
- Acoustic Fence Detail (Ref: PHNW-AF-02)
- External Works Sheet 1 of 2 (Ref: 40-05-01 Rev P2)
- External Works Sheet 2 of 2 (Ref: 40-06-02 Rev P3)

This non-material amendment application seeks to vary condition 2 to replace the Phase 1 Planning Layout Rev Z3 (Ref: ARCH/PL/PH1 Rev Z3) and to reflect minor non-material amendments to the consented scheme. These amendments are set out in further detail below:-

1. The Gables, Donkey Lane – It is proposed that a 1.8m acoustic fence be erected around an existing property known as The Gables which is located to the north of the site and bound by Plots 5 and 6-8 respectively on its east and west boundary

This propose amendment is sought following discussions on-site between the Company's Engineering Manager Peter Holker, Staffordshire Moorlands officer Julie Howard and the property owner following concerns raised about the accuracy/clarity of the site boundary surrounding the property; such amendments being agreed between the parties. It was confirmed by Julie that such amendments could be dealt with via a non-material amendment application.

2. Layout Amendment (Plot 66/67 Double Garage) – It is proposed that the approved planning layout be amended to remove the double garage serving plots 66 and 67 and replace with 2 no. car parking spaces.

This amendment is sought following review of information submitted to discharge condition 24 of the Planning Permission which requires approval of site levels.

Details from submitted External Works drawings (Ref: 40-05-01 Rev P2 and 40-06-02 Rev P3) identify the requirement for retaining walls along the sites southern boundary to the rear of properties on Ness Grove, which may impact residential amenity.

Removal of the double garage and introducing split level gardens will allow for retaining walls to be reduced in height and residential amenity for existing residents significantly improved.

Section 96a of the Town and Country Planning Act 1990 gives the local planning authority the power to make non-material changes to planning permissions, subsection 3b confirming that s96 of the Act includes power *'to remove or alter existing conditions.'*

Subsection 2 states that *'in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.'* Planning Practice Guidance further states that *'there is no statutory definition of 'non-material' and 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 one, and the local authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96a (Ref: 17a-003-20140306).*

It is considered that the proposed amendments set out above to the Phase 1 Planning Layout Rev Z3 (Ref: ARCH/PL/PH1 Rev Z3) listed under condition 2 of the Planning Permission will not result in a material change to the consented scheme, having regard to its overall context, and is therefore considered appropriate to be determined under s96a of the Town and Country Planning Act 1990.

A duplicate application has been submitted seeking the above amendments be determined under s73 of the Town and Country Planning Act 1990, which concerns amendments which are considered to be minor in materiality. It is the Company's assertion that the proposed amendments are non-material and therefore should be determined as part of this NMA application. In the event that the Local Planning Authority deems the proposed amendments to be 'minor' in materiality rather than non-material, having regard to PPG, then we would request that the MMA is determined and this NMA withdrawn.

The application fee of £262.00 has been sent under separate cover. I look forward to confirmation of receipt and validation of the application in due course.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

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