

DELEGATED DECISION REPORT

NMA/2021/0025
Valid 11/08/2021

LAND AT CECILLY MILL
OAKAMoor ROAD
CHEADLE

NON MATERIAL AMENDMENT
RELATING TO SMD/2019/0723

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- Whether or not the proposed amendments are “material”
- Design

DESCRIPTION OF SITE

Outline planning permission was granted in 2019 year for the re-development of this brownfield site and the triangular field to the rear, for residential purposes for up-to a maximum of 121 dwellings. The application was all matters reserved except for means of access.

The site has now been sold to a housebuilder who last year gained Reserved Matters approval (SMD/2019/0723 refers). Construction work has now commenced.

PROPOSAL

This NMA application seeks Substitution of housetype from Thespian to Lymner on plots 45, 52, 77, 83, 99 & 100

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has a wide and varied planning history linked to its previous uses, none of this is however relevant to the wider redevelopment of the site.

SMD/2017/0660 -Outline permission with some matters reserved (except access) for residential development of up to 121 dwellings – Approved Nov 2019

SMD/2019/0723 – Approval of reserved matters relating to SMD/2017/0660

CONSULTATIONS

N/A

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](#).

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.

The Lynmer Housetype is a gable roof design with principal windows in the front and rear elevations and secondary windows to the gables. The property is finished in render to the front elevation and brickwork to the side and rear elevations.



In contrast the Thespain which it would replace is a brick finish with a bay window to the side elevation. It also has a gable to the front elevation whereas the Lynmer has only a canopy porch.



It is thus considered to be a materially different design. Furthermore, it is considered that the lack of detailing and use of render rather than brick leads to a poor quality of design. The NPPF states “ Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

Furthermore, regard must be given to the plots on which the proposed substitution is to take place. These are corner plots and the bay windows of the approved house type ensure that an “active frontage” and principal architectural features are displayed to both street fronts. The proposed Lynmer type, which displays only secondary windows in the side elevations is not considered to be such a suitable “corner-turner” unit and is therefore again considered to be materially different and represents a diminution in the quality of the scheme.

In conclusion, therefore, the proposals are considered to be a material change from the approved scheme and would require a full planning application. Whilst it is open to the developer to make such an application for the reasons set out above it is considered to be unlikely that the proposed changes would be found favourable. The developer has been made aware of this and has declined to amend the scheme. An informative to this effect should be added to the decision notice.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Haywood

Recommendation Date: 15/11/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council