

DELEGATED DECISION REPORT

NMA/2022/0009 Valid 08/04/2022	LAND ADJACENT TO DAISY BANK FARM UTTOXETER ROAD UPPER TEAN	NON MATERIAL AMENDMENT RELATING TO SMD/2018/0509 (NON MATERIAL AMENDMENTS)
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MAIN ISSUES

Whether the amendment is non material

DESCRIPTION OF SITE

This is a proposed amendment to Condition 5 of SMD/2018/0509, an outline permission for housing development of 55 dwellings

Condition 5 reads:-

Development hereby approved shall be restricted to two storey development only, maximum 7.5m in height.

Reason:-In the interests of the character and appearance of the area'

PROPOSAL

The proposal was initially to change the wording to state,

Development hereby approved shall be restricted to two and half storey development only, maximum 9m in height'

This was considered to be material and unacceptable. The applicant was advised of this and invited to re consider.

An amended proposal was received on the 16th June. This seeks approval for a change to Condition 5 to read:-

'Development hereby approved shall be restricted to two storey development only, maximum 8.4m in height'

Reason:-In the interests of the character and appearance of the area'

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0509 Outline application for 55 dwellings. Approved

OFFICER COMMENTS

There is no statutory definition as to what constitutes 'non material'. The PPG confirms that it will depend 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. Section 96A can be used to remove or alter existing conditions, provided of course the change is judged to be 'non material'.

In this case an increase in the maximum height of units from 7.5m to 8.4m is proposed. This equates to an increase of 0.9m or 12%. It is not considered to be a material increase and because of this the Section 96A application can be approved.

OFFICER RECOMMENDATION :

Grant Section 96 approval

Case Officer: Jane Curley

Recommendation Date: 21/07/2022

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council