

DELEGATED DECISION REPORT

NMA/2024/0007
Valid 22/03/2024

FOLE DAIRY UTTOXETER
ROAD
FOLE
UTTOXETER

NON MATERIAL AMENDMENT
RELATING TO SMD/2018/0234

(NON MATERIAL AMENDMENTS)

MAIN ISSUES

There is no statutory definition of 'non-material'. The PPG confirms that 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 LPA 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.

DESCRIPTION OF SITE

A cleared site, former a commercial dairy and with permission for 48 houses

PROPOSAL

To amend the trigger on Condition 18 relating to provision of a site specific scheme of sound insulation for the proposed dwellings from '*Development shall not commence...*' to '*No development above slab level....*'

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted Sept 2020)

SS1 Development Principles
SD 4 Pollution

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0234 Outline permission for residential development. Approved

SMD/2021/0550 Reserved matters for 48 dwellings. Approved

CONSULTATIONS

Publicity None

Public Comments

None

Town / Parish Comments

None

Environmental Health

None

OFFICER COMMENTS

There is no objection to this proposed amendment to alter the trigger from '*No development until...*' to '*No development above slab level....*'

Condition 18 has two elements to it. Firstly agreeing '*the scheme*' of proposed sound insulation in the dwellings and secondly undertaking pre completion tests to demonstrate that the sound levels inside and outside are achieving the levels set out in the condition and providing these to the LPA for approval before first occupation.

The proposed amendment affects only the first element of the condition. Having regard to advice in the PPG it is not fundamental to the permission that the timing for compliance of this is done before development commences. Clearly it needs to be undertaken before work starts on the construction of the dwellings themselves so that any agreed measures can be built in. For these reasons the proposed change to '*No development above slab level..*' is appropriate and can be agreed.

CONCLUSION / PLANNING BALANCE

For the reasons above this is a subtle change to the trigger on Condition 18. It is non material and the application under section 96A of the Town and Country Planning Act 1990 can be granted

OFFICER RECOMMENDATION :Grant the Section 96A

Case Officer: Jane Curley

Recommendation Date: 29th April 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council