

Mr Christopher Johnston
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

27 June 2024
EP ref: 24-288

Dear Mr Johnston

Re: Planning Portal reference: PP-13175188
Land off Tenford Lane, Upper Tean, Stoke-on-Trent

Please find enclosed an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to planning decision SMD/2024/0031 relating to the above site, granted on 26th April 2024.

The application documents comprise this letter together with the following:

- Application form.
- PL (0) 14 Rev C Layout of facing bricks used.
- PL(0)01 Rev H Site Plan
- PL (0) 11 Rev L Site Plan
- 01204-PL(0)09 Rev C Proposed site sections
- PL(0)04 Rev C House Type C)
- PL(0)05 Rev E House Type D
- PL(0)06 Rev E House Type E
- PL (0) 16 House Type K1

- 01204 Materials Schedule Rev D
- Landscape Layout 1 of 2 LDS517-01 Rev J
- Landscape Layout 2 of 2 LdS517-02 Rev J
- Planting Plan LDS517-06 Rev J
- Landscape specification LDS517 Rev J
- K22-001-003 Rev Q Levels
- K22-001-301 Rev D Impermeable Areas
- K22-001-302 Rev K Drainage Strategy
- K22-001-303 Rev J Flood Exceedance Plan

The application fee has been paid via the Planning Portal.

Background

Application SMD/2024/0031 was approved on 26th April 2024 for the variation of conditions 1 and 10 of reserved matters approval SMD/2021/0491 which related to the construction of 40 homes on the site.

This application seeks the following non-material amendments:

- The house type on plot 31 has changed to a K type. This continues to be a detached bungalow.
- Plot 39 has been handed so the position of the drive has changed resulting in a change to the site layout.
- House type C has been amended to include a porch canopy.
- House type D and E have been amended to change the position of the chimneys.
- The removal of the footpath around the basin following highways comments.
- Change wording for conditions 5, 8 and 9 as we understand the detail has already been submitted and approved.

The drawing set has been updated to reflect these changes.

This change results in the following amendments to the approved drawings:

Approved document	Amended document
PL(0)01 Rev E Site Plan	PL/(0)01 Rev H Site Plan
PL(0)02 Rev D House Type A	
PL(0)03 Rev A House Type B	
PL(0)04 Rev B House Type C	PL(0)04 Rev C House Type C
PL(0)05 Rev D House Type D	PL(0)05 Rev E House Type D

Approved document	Amended document
PL(0)06 Rev D House Type E	PL(0)06 Rev E House Type E
PL(0)07 Rev B House Type F	
PL(0)08 Rev A House Type G	
PL (0) 09 Rev B Proposed Site Sections	PL(0)09 Rev C Proposed site sections
PL(0)10 Rev E Affordable Housing Layout	
PL(0)11 Rev H Site Plan	PL (0) 11 Rev L Site Plan
PL(0)12 House Type C1	
PL(0)13 House Type K	
PL(0)14 Layout of facing bricks used	PL (0) 14 Rev C Layout of facing bricks used
K22-001-003 Rev O Levels	K22-001-003 Rev Q Levels
LDS517(H)-LS Landscape Specification	LDS517(J)-LS Landscape Specification
	LDS517-06 J Planting Plan
LDS517-01 Rev H Landscape 1 of 2	LDS517-01 Rev J Landscape 1 of 2
LDS517-02 Rev H Landscape 2 of 2	LDS517-01 Rev J Landscape 2 of 2
K22-001-019 Swale cross sections	
K22-001-001 Rev B Impermeable Areas	K22-001-001 Rev D Impermeable Areas
K22-001-302 Rev J Drainage Strategy	K22-001-302 Rev K Drainage Strategy
K22-001-303 Rev I Flood Exceedance Plan	K22-001-303 Rev J Flood Exceedance Plan
K22-001-304 Infiltration basin 1 and 2 – sections	
K22-001-305 Rev C SUDS Maintenance plan	
Basin 1 received 27.3.24	
Basin 2 received 26.1.24	
01204 Rev C Materials Schedule	01204 Rev D Materials Schedule
Southern Boundary Grips 5.1.23	

Condition 5

Condition 5 states:

5. The development hereby permitted shall not proceed above the damp proof course until details of types and colours of all hardsurfacing materials including those of the proposed paths for the shared open spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Discharge of condition application DOC/2023/0018 related to the discharge of conditions 2, 5 and 8 on the original reserved matters application reference SMD/2021/0491 and was approved in June 2023. Condition 5 and 8 on SMD/2021/0491 are identical to conditions 5 and 8 on SMD/2024/0031. These details have therefore already been approved. The materials schedule has been updated to include the hardsurfacing approved under discharge of condition application. For completeness, it is therefore requested that condition 5 is amended to read:

5. The development shall be carried out in accordance with the approved hardsurfacing materials including those of the proposed paths for the shared open spaces as shown on materials schedule ref: 01204-PL(0)01G.

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

Condition 8

Condition 8 states:

8. No brickwork on any plot shall proceed above the damp proof course until details of which of the facing bricks approved in Condition 1 will be used for that plot have been submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:-

In the interests of the character and appearance of the area.

Approved plan PL (0) 14 Layout – Facing Bricks shows the details of which of the facing bricks will be used for each plot. It is therefore requested that the wording of condition 8 is amended to read:

8. The brickwork on any plot shall proceed in accordance with the approved details as shown on 01204 Materials Schedule Rev D and PL (0) 14 Rev C Layout Facing Bricks.

Reason:-

In the interests of the character and appearance of the area.

Condition 9

9. Notwithstanding the details in the drawings listed in Condition 1, all new boundary hedgerows and trees adjacent to the access road shall be provided in accordance with revised details of species and species mix to be submitted to and approved by the local planning authority.

Reason:-

In the interests of the character and appearance of the area.

This condition has been carried over from the original reserved matters permission SMD/2021/0491. The revised specifications for the hedgerows and trees were included with application reference SMD/2024/0031 as shown on Landscape Specification LDS517(H)LS (this detail was also included in discharge of condition application DOC/2023/0018). The Landscape Specification has been updated to Revision J to reflect the latest amendments. It is therefore requested that condition 9 is amended to read:

9. All new boundary hedgerows and trees adjacent to the access road shall be provided in accordance with the landscape plans listed in condition 1 and Landscape Specification LDS517(J)LS.

Reason:-

In the interests of the character and appearance of the area.

Compliance with Section 96A

Section 96A of the Town and Country Planning Act 1990 allows a local authority to make a change to a planning permission relating to land in their area if they are satisfied that the change is not material. 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. The Planning Portal provides examples of change which may be considered non-material:

- Minor changes to what was described in the planning permission.
- Changes which do not breach conditions of the planning permission.
- Changes which do not increase the height of the property.

The changes proposed are minor and non-material. There would be no material change to the appearance of the approved scheme. There would be no change to the description of the development and there would be no breach of condition on the planning permission. The changes proposed do not alter the principle or character of the consented scheme. There would be no change to the layout of the scheme and the height of the proposed dwellings would not be increased. There would be no change to the assessment of the scheme against planning policy as set out in the committee report for the approved application.

In accordance with the above, the application complies with S.96a of the Town and Country Planning Act 1990 for the following reasons:

- The application is made on behalf of a person with an interest in the land to which the planning permission relates (owner / application of previous application);
- The application is made in the form and manner prescribed by the development order; and
- The proposed changes are not material.

We kindly request receipt and confirmation of validation. Should you have any queries, please do not hesitate to contact me on the enclosed details.

Yours sincerely
Emery Planning

Caroline Payne BA (Hons), DIP TP, MRTPI, PIEMA
Director