

From: [Chris Johnston](#)
To: [Planning Comments \(SMDC\)](#)
Subject: FW: Application NMA/2024/0017 - Non-Material Amendment relating to SMD/2024/0031 - Land Off Tenford Lane, Tenford Lane, Tean
Date: 05 August 2024 12:18:02

Please see below Checkley Parish Councils response to the above planning application.

-----Original Message-----

From: Cllr Steven Buckley
Sent: Sunday, July 21, 2024 4:15 PM
To: clerk@checkley.staffslc.gov.uk
Subject: Application NMA/2024/0017 - Non-Material Amendment relating to SMD/2024/0031 - Land Off Tenford Lane, Tenford Lane, Tean

Checkley Parish Council (CPC) acknowledge that subsequent to our last observations the Planning Officer has arranged for the missing "covering letter", which is the supporting letter defining details of their non-material amendment Application, to be put on the Planning portal. Unfortunately this should have gone on along with all the other information when submitted.

CPC have accordingly re-examined the Application in light of the additional details and would further comment as follows.

This application seeks the following 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 the detail has already been submitted and approved.

CPC are concerned that the Amendment to Conditions 5, 8 and 9, which have already been discharged, relates to a material change to the wording to remove reference to timing of application to LPA for approval and to also include reference to amended drawings/plans

CPC are also concerned that within the covering letter provided the Applicant has clearly indicated that there are considerable amendments to the approved drawings/plans. 15 amended of a total of 28 originally submitted drawings/plans and 1 apparently new submission.

SMD/2024/0031 is actually a Submission of details of Reserved Matters Referring to SMD/2016/0811 as being the approved Outline Planning Permission. Furthermore the SMD/2021/0491 submission of details of Reserved Matters was approved with the condition that the Development is carried out in strict accordance with the approved plans as per Outline Planning permission SMD/2016/0811 and any Variation to the approved plans will require the submission of a new planning application. Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.

CPC are therefore of the opinion that this Application to alter conditions to reference 'changed' plans and amend the list of approved plans and documents attached to the original planning permission decision should be a Section 73 application for securing 'Minor Material' amendments to an approved scheme and not a Section 96(a) 'Non-Material' Amendment application.

CPC therefore consider that this Application should be refused entirely as it goes beyond what constitutes a 'Non-Material Amendment' and the Applicant requested to submit a Section 73 application for 'Minor Amendments' to conditions and 'Minor Amendments' to the list of approved plans and documents.

Cllr Steve Buckley
Planning Coordinator

Changes unlikely to be accepted as 'non-material' are extension to the site boundary ('red edge') or application site; Any material increase in height, scale, width, or depth of a building. Change to external materials which would adversely affect the character or appearance of the development or erode the quality of that which was originally approved. Change in house type. Change which alters the development significantly from what was described on the planning permission. An alteration which would conflict with conditions of the original planning permission. Any relevant objections to the original proposal would be compromised by the proposed amendment. The change would contravene adopted planning policy or The approved footprint / siting of the building would be moved in any direction by more than one metre.

Whatever the outcome of an application for non-material amendment no new planning permission will be created. The original Planning Permission will still be valid but may be modified as detailed by the Non-material amendment decision.

Checkley Parish Council are therefore of the opinion that this Application for non-material amendments is

invalid and should be refused as a result of the aforementioned lack of detail of the actual amendments and consideration of whether the amendments are material or non-material.

Cllr Steve Buckley
Planning Coordinator

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