

DELEGATED DECISION REPORT

NMA/2025/0003
Valid 11/02/2025

BROUGH PARK LEISURE
CENTRE BALL HAYE ROAD
LEEK

NON MATERIAL AMENDMENT IN
RELATION TO SMD/2024/017
CONDITIONS 7 & 15

(NON MATERIAL AMENDMENTS)

MAIN ISSUES

The issue to consider in this application is whether the proposed changes sought are non-material. If it is found that they are, then an application under Section 96A of the 19190 Act must be granted

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. The NPG says that in assessing such applications LPA's must have regard to the effect of the change together with any previous changes made under S 96A.

DESCRIPTION OF SITE

The application relates to Brough Park Leisure centre. Planning permission was recently granted for refurbishment and extension to the leisure centre under reference SMD/2024/0176. It is now under construction

PROPOSAL

To make minor changes to the wording of Conditions 7 (Noise levels) and amend the trigger for Condition 15 (Landscaping)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2024/0176 Extension and refurbishment to leisure centre. Approved

NMA/2024/0030 NMA relating to an extension to the entrance lobby to accommodate three additional toilets. Approved

NMA/2025/003 NMA seeking changes to the wording of Conditions 7 (Noise) and 15 (Landscaping). Pending consideration

Publicity/consultation

Whether publicity is required is addressed at PPG 005 Reference ID: 17a-005- 20140306. The paragraph reads:

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment

Regulations 2011. Taking the above into account the only consultation has been with the Councils Environmental Health Officer

Environmental Health

No objection

OFFICER COMMENTS

Condition 7

A minor change to the wording of the condition is required, the Agent says to ensure that the proposed noise levels are achievable following feedback from the Background Noise Survey

The EHO has been consulted and raises no objection as amenity at the nearest sound sensitive premises are protected. The change is non material

Condition 15

The request is for the trigger for this condition is to be amended from "*No development hereby permitted shall commence above slab level until...*" to "*The development hereby permitted shall not be occupied until..*."

The Agent explains that this change is required to satisfy a funding requirement of Sport England under their "Active Environments" initiative. She goes on to explain that the landscaping scheme has been developed over several months, with formal approval only recently received. The landscaping is currently being redesigned to provide external opportunities to inspire the local community to move more; it is hoped that this will engage locals who might be intimidated by formal activity in the Leisure Centre. Over time, it is hoped that the external area will build confidence in these individuals and they will feel more comfortable to try the gym, swimming, fitness classes or other activities. The landscaping designs will be presented to the public in the coming months, for consultation and comment - this is required to meet Sport England expectations for community engagement. As a result of the landscaping proposals cannot be provided until this process has been completed. Significant delay to the other building works would be caused if the condition were not altered.

The change to the trigger is considered to be minor in the context of the overall scheme. The landscaping will still be delivered, but due to funding arrangements as explained above, the timing means that details cannot be provided earlier in the development programme. The change is non material.

OFFICER RECOMMENDATION : That the Section 96 A application can be granted

Case Officer: Jane Curley

Recommendation Date: 14th July 2025

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

