

DELEGATED DECISION REPORT

NMA/2025/0001
Valid 31/01/2025

COMPTON MILL COMPTON
LEEK

**NON-MATERIAL AMENDMENT IN
RELATION TO SMD/2021/0441 -
AMENDMENTS TO THE ROOF
DESIGN, AGE RESTRICTION FOR
RESIDENTS AND INSERTION OF
SMOKE SHAFT AND VENTS
(CONDITIONS 2, 3, 11)**

(NON MATERIAL AMENDMENTS)

MAIN ISSUES

Whether the changes are non-material

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. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

DESCRIPTION OF SITE

This is the former Compton Mill site for which planning permission has been granted under ref SMD/2021/0441 for its redevelopment for 57 over 65 retirement living apartments together with external amenity space, parking and associated facilities. Construction is now well underway albeit not completed

PROPOSAL

The application seeks the following amendments:-

1. Minor roof amendments
2. Flexibility in the age of occupiers to allow the scheme to accommodate people aged 55 years old as opposed to the current age restriction of 65 years old
3. Introduction of a smoke shaft and AV smoke vents and associated internal layout changes
4. Amendment to 4 parking spaces – reorientated by 90 degrees

Amendments are therefore sought to the Description of development and Conditions 2, 3 and 11 to incorporate these changes

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1	Development Principles
SS2	Settlement Hierarchy
SS5	Leek Area Strategy
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
E1	New Employment Development
H1	New Housing Development
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodland and Hedgerows
T1	Development and Sustainable Transport

National Planning Policy Framework

CONSULTATIONS

None undertaken

Publicity

None undertaken

OFFICER COMMENTS

The issue to address is whether the changes proposed are non-material amendments to the approved scheme. They are discussed under the subheadings below.

1. Minor change to the roof design

This minor change is shown on the Roof Plan 59301 - BBA - 03 - RF - DR - A – 0306 Rev C08 and the Elevations plans ending 320 Rec C10 and 321 Rev C10. It was discussed and negotiated with Officers some time prior to the submission of the application. Mel Morris, Conservation Consultant advised the Council and commented that she was very happy with the change in roof pitch and flat roof resolution (e-mail dated 10th June 2023). The roof will pitch from the Compton elevation (as before but mono not dual) to meet a flat roof before joining the main pitch roof to the building. The change will barely be perceptible, if at all and is considered to be a preferable design/practical solution. The change is minor and non-material

2. Change to age restriction to allow 55 years and older

The planning application was described as over 65 years living apartments. Condition 3 was additionally imposed as follows: -

The apartments hereby permitted shall only be occupied by persons aged 65 years and older, other than a spouse or partner of such persons being over the age of 55

The reason given is to define the permission, to meet an identified need for elderly persons accommodation and in the interests of highway safety

The terms of the condition mean that 55-year-olds are permitted to reside at the development but need to be living with an older person i.e. someone 65 years and older. This was the applicants wish at the time of the application.

The change sought would therefore be minor in that it would simply allow both occupiers of a unit to be 55 years or older, not just one of the occupiers. All apartments still remain for older persons with shared facilities, 33% to be affordable and the development partner is still Housing 21. An age limit of 55 years is industry standard for elderly persons accommodation. Condition 3 was simply in line with the description of development sought at the time.

In these circumstances the change to the Description and Condition 3 is non material. No issue is raised

3. Insertion of smoke shaft and AV smoke vents and resultant internal changes

To comply with fire regulations smoke shafts which emerge as AV vents, in one case a smoke shaft, mushroom vents and tile vents are to be added to the roof, some have already been inserted so it is possible to see the finish result. The AV vents are a centre pivot grey framed velux roof light which fit flush to the roof and approx. 1.4m by 1.4m.

AV 01 is on the main pitch roof (car park side) and unlikely to be visible at ground level (photo available in file)

AV 02 is on the main pitch roof (Compton side) and unlikely to be visible at ground level (photo available in file)

AV 03 is the smoke shaft – see photo in file. It is the main protruding fire feature. It sits just at parapet level and unlikely to be visible; if it is it will not be prominent. The detail is shown on drawing 59301 - BBA - ZZ - ZZ - DR - A – 0212 Rec C01. It is 1 m in height and finished in a recessive dark grey to blend with the roof tiles with top opening vent

AV 04 on the main pitch (Compton side) and unlikely to be visible – visible in the AV 03 photo

AV05 sits in the flat roof area between the rear double pitch roof and is referred to as an access hatch only

The introduction of these smoke shafts results in some subtle internal changes throughout the development from ground floor upwards as follows: -

- The main staircase at the main entrance into the building now has a service riser in the residential hallway and a reorientation of the staircase as a result.
- Next to the lift a service riser has been changed to a service riser and a smoke shaft.
- Behind the office there has been a reorientation of the services and plant and the office has been made slightly bigger; and
- The staircase located between flats 6 and 7 now have a smoke shaft included and a reorientation of the staircase as a result.

These changes are shown on the amended floor plans. They are minor and inconsequential

The internal changes and introduction of a smoke shaft and vents to the roof are, for the reasons set out above, non-material

4. Change to parking arrangement

4 spaces next to the bin store are to be reorientated as shown below. No issue is raised by this

As approved



Proposed amendment



5. Other issues

There is a Section 106 agreement relating to the planning application. However, no conflict arises because the obligation simply secures the affordable housing. Condition 3 of the permission controls the age restriction

CONCLUSION / PLANNING BALANCE

The changes are non-material and a Section 96A can be granted

OFFICER RECOMMENDATION : **Approve as an NMA**

Case Officer: Jane Curley

Recommendation Date: 12th September 2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council