

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

15 July 2026
EP ref: 22-413

Dear Mr Johnston

Re: Non-material amendment to planning permission SMD/2023/0496 for the construction of nine extra care units (C2, communal lounge/office and associated works at The Old Bowling Green, Leek Road, Cellarhead, Staffordshire Moorlands, ST9 0JQ, Cellarhead (pp ref: 15062794)

Please find enclosed an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to the above permission.

The application documents comprise this letter alongside the completed application form and the following supporting documents:

- 23 124 02 Revision F Site Plan
- 26 102 09 Revision B Public Right of Way path
- J000454-GA001C Proposed access junction

The application fee of £309.00 has been paid via the Planning Portal (plus the portal fee of £91).

Background

The original planning permission SMD/2023/0496 was granted on 9th August 2024. Pre-commencement conditions have all been discharged and the development is near completion.

In seeking to enter into a Section 278 Minor Works Agreement, Staffordshire County Council Highways expressed concern with the detail of the approved access to the site and the position of the internal footway.

Notwithstanding this the applicant wishes to work with the Highways Authority in order to ensure that the access arrangements are acceptable to all parties. This NMA proposes to amend the details of the access arrangements and internal footway to satisfy Staffordshire County Council Highways (SCC). The amended details were discussed on a Teams call with Tracey Lunn and Simon Hawe from SCC on Friday 3rd July 2026. The revised plan

J000454-GA001C was issued to SCC for informal comment and SCC confirmed in an email dated 13th July that the amendments are acceptable.

The proposed non-material amendment

This application seeks a non-material amendment to provide an internal footpath on the southern edge of the access road. The path to the north is retained. There is no change to the layout of the scheme or to the details of the buildings.

The amendment to the footway will require an amendment to condition 2, 6 and 18 as summarized below.

Condition 2

It is proposed that condition 2 is amended to include the revisions to the layout as set out below. The changes to the list are shown in bold:

The development hereby permitted, including building materials specified, shall be carried out and completed in accordance with the following amended approved plans:

- 23 124 01 Revision B Location Plan
- **23 124 02 Revision F Site Plan**
- 23 124 03 Revision A House Type 1
- 23 124 04 Revision A House Type 2
- 23 124 05 Revision A Lounge/Offices Floor and Roof
- 23 124 06 Revision A Lounge/Offices Elevations
- 23 124 07 Bin Store
- 7063 02 Revision C Landscaping and Biodiversity Net Gain

Condition 6:

Condition 6 requires the development to be carried out in accordance with the approved access arrangements and it is proposed that the condition is amended to reflect the revised layout as indicated in bold below:

The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plan **23 124 02 Revision F**. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

Condition 18:

Condition 18 states:

Before the development is brought into use, an access suitable for pedestrians, onto the Public Right of Way to the north of the site shall be provided in accordance with details of works to be submitted to and approved in writing by the local planning authority.

This condition has been discharged by application ref: DOC/2026/0048 and drawing 26 102 109A. There is no change to the proposed access to the PROW. However, for consistency an amended plan has been submitted and it is requested that the condition is amended to read:

Before the development is brought into use, an access suitable for pedestrians, onto the Public Right of Way to the north of the site shall be provided in accordance with drawing ref **26 102 109B**. ~~details of works to be submitted to and approved in writing by the local planning authority.~~

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 scheme would be constructed as approved, with the only exception being an amendment to the the internal footway. The changes proposed to the scheme are minor and non-material. There would be no change to the appearance of the approved scheme and there would be no change to the description of the development. Whilst the amendment affects the wording of four conditions, this is requested for the avoidance of doubt only and does not impact the ability of the amendment to be non-material.

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 / applicant 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

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

01625 442 798
carolinepayne@emeryplanning.com