

Development Services  
High Peak Borough Council  
Municipal Buildings  
Glossop  
Derbyshire  
SK13 8AF

8<sup>th</sup> February 2024

Dear Sir/ Madam,

**NON-MATERIAL AMENDMENT APPLICATION FOR THE APPROVED SAILING CLUB PART OF PLANNING PERMISSION HPK/2021/0607 AT TODDBROOK RESERVOIR, WHALEY BRIDGE**

**Introduction**

The Canal & River Trust ('the Trust') has submitted a non-material amendment application to High Peak Borough Council (HPBC) via the Planning Portal reference number PP-12794886 for changes to the approved planning application HPK/2021/0607 at Toddbrook Reservoir.

In addition to this letter, the application also includes the following supporting information document:

- **Toddbrook Sailing Club: NMA Application.** Produced by Group Ginger - December 2023.

The application is also accompanied by the following plans. The reason why all the plans below are included is because they show an outline of the sailing club. The drawings show the detail of the amendments are those prepared by Group Ginger, which are listed at the beginning of the table.

| <b>Document Description</b>                   | <b>Document Name</b>           | <b>Originator</b> | <b>Issued Revision</b> | <b>Issue revision to be replaced</b> |
|-----------------------------------------------|--------------------------------|-------------------|------------------------|--------------------------------------|
| Sailing Club Proposed Location Plan           | P11742-GG-YL-001-001-DR-A-5100 | Group Ginger      | P06                    | P04                                  |
| Sailing Club Proposed Site Plan               | P11742-GG-YL-001-001-DR-A-5101 | Group Ginger      | P04                    | P03                                  |
| Sailing Club Proposed Ground Floor Plan       | P11742-GG-YL-001-001-DR-A-5102 | Group Ginger      | P04                    | P03                                  |
| Sailing Club Proposed Roof Plan               | P11742-GG-YL-001-001-DR-A-5103 | Group Ginger      | P04                    | P03                                  |
| Sailing Club Proposed North & East Elevations | P11742-GG-YL-001-001-DR-A-5104 | Group Ginger      | P05                    | P03                                  |
| Sailing Club Proposed West Elevation          | P11742-GG-YL-001-001-DR-A-5105 | Group Ginger      | P05                    | P03                                  |
| Sailing Club Proposed South Elevation         | P11742-GG-YL-001-001-DR-A-5106 | Group Ginger      | P05                    | P03                                  |

Canal & River Trust National Waterways Museum, South Pier Road, Ellesmere Port, Cheshire, CH65 4FW

**T** 0303 040 4040 **E** [customer.services@canalrivertrust.org.uk](mailto:customer.services@canalrivertrust.org.uk) **W** [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

|                                                          |                                  |                |     |     |
|----------------------------------------------------------|----------------------------------|----------------|-----|-----|
| Sailing Club Proposed Boat Store Plans                   | P11742-GG-YL-001-001-DR-A-5108   | Group Ginger   | P04 | P03 |
| Sailing Club Proposed Boat Store Elevations              | P11742-GG-YL-001-001-DR-A-5109   | Group Ginger   | P05 | P03 |
| Sailing Club Proposed Sections                           | P11742-GG-YL-001-001-DR-A-5110   | Group Ginger   | P05 | P03 |
| Proposed Spillway General Arrangement Plan               | P11742-ARP-YL-001-001-DR-C-5200  | Arup Civils    | P05 | P03 |
| Proposed Weir & Tumble Bay General Arrangement           | P11742-ARP-YL-001-001-DR-C-5202  | Arup Civils    | P05 | P03 |
| Proposed Spillway Channel Through Dam GA & Sections      | P11742-ARP-YL-001-001-DR-C-5220  | Arup Civils    | P04 | P03 |
| Site Access General Arrangement                          | P11742-ARP-YL-001-001-DR-C-5300  | Arup Civils    | P03 | P02 |
| Swept Path Analysis Sheet 1                              | P11742-ARP-YL-001-001-DR-C-5301  | Arup Civils    | P03 | P02 |
| Proposed Drainage Strategy                               | P11742-ARP-YL-001-001-DR-C-5310  | Arup Civils    | P04 | P03 |
| Proposed Level Strategy                                  | P11742-ARP-YL-001-001-DR-C-5320  | Arup Civils    | P03 | P02 |
| Reservoir Boom General Arrangement and Anchorage Details | P11742-ARP-YL-001-001-DR-C-5580  | Arup Civils    | P04 | P03 |
| Proposed Block Layout Plan 1 of 3                        | P11742-ARP-YL-001-001-DR-Z-5020  | Arup Civils    | P04 | P03 |
| Sailing Club Landscape GA Plan                           | P11742-ARP-YL-001-001-DR-AL-5900 | Arup Landscape | P06 | P04 |

## The Proposed Development

This application relates only to the sailing club element of the above planning permission.

The proposed non-material amendment involves an overall reduction in the size of the sailing club building, which will involve a reduction to the footprint of the changing room block, a narrower gable end to Reservoir Road and small changes to the connecting lobby between the two parts of the building. It is also proposed to remove a window from the Reservoir Road elevation, which will be replaced by a door opening overlooking the boat parking area. There is also a proposal to alter the guttering and the provision of a small bin store within the boundary of the site. There are no proposals to change any of the approved materials.

Whilst there is a slight reduction in scale of the building, there is no change to the scope of facilities being provided by the sailing club.

The supporting information document referenced in the introduction describes, explains and illustrates the amendments including visual comparisons.

## S96a context and guidance

Government guidance on non-material amendments is set out in "Greater Flexibility for Planning Permissions" (2nd Edition October 2010). It does not define what changes may be treated as being non-material as this will depend on the context of the overall scheme.

S96a of the Town and County Planning Act 1990 says the following:

*'In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted.'*

It is noted that there is no statutory definition of what constitutes a 'non-material' amendment and whilst HPBC does not have any specific guidance on non-material amendment applications either, there are examples of other local planning authorities publishing guidance to assist in interpreting what might be 'non-material'. There are consistent factors that have been identified in such guidance in deciding whether a change is non-material.

A number of consistent factors are listed in the table below and the proposed amendments are assessed against them.

| Factor                                                                                                                                                                                                                                                                                                                                            | Scheme amendments                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description of development</b><br>The proposed changes to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision Notice e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension.                               | The proposed amendments would not result in the need to change to the description of development                                                                                                                                                                                                                                                         |
| <b>Red line boundary</b><br>The proposed changes must not result in an extension to the site boundary (red line boundary as shown on the Location Plan)                                                                                                                                                                                           | The proposed amendments would not result in any increase or alteration to the red line boundary as shown on the approved Location Plan.                                                                                                                                                                                                                  |
| <b>Size, height and orientation</b><br>The proposed changes must be inconsequential in terms of its size, height, and orientation in relation to the original approval or involve a reduction in size and/or height.                                                                                                                              | The proposed amendments would not result in any material increase in height, scale, width, depth, or the orientation of the of the sailing club building. In fact, the proposed amendment will result in a reduction in the size and height of the building.                                                                                             |
| <b>Openings</b><br>The proposed changes can include amendments to windows, doors or openings that would not have any impact on neighbouring properties.                                                                                                                                                                                           | The proposed amendments will result in a window opening from the Reservoir Road elevation being removed and replaced by a door opening overlooking the boat parking area. This alteration will not impact on neighbouring properties.                                                                                                                    |
| <b>Amenity</b><br>The proposed changes must not result in a detrimental impact either visually or in terms of living conditions.                                                                                                                                                                                                                  | <p>The proposed amendments are very subtle alterations to the external appearance of the building, which does not have a harmful impact in terms of visual amenity.</p> <p>Furthermore, the removal of a window to the Reservoir Road elevation reduces the scope of outlook from the site out towards the residential properties on Reservoir Road.</p> |
| <b>Interested parties</b><br>The proposed changes must not disadvantage the interests of a third party or body who participated in or were informed of the original decision.                                                                                                                                                                     | The subtle proposed amendments will not affect any of the matters raised by interested third parties or other representatives who were consulted as part of the planning application process                                                                                                                                                             |
| <b>Conditions</b><br>The proposed change must not contravene any condition attached to the original permission.                                                                                                                                                                                                                                   | The proposed amendments will not contravene any of the conditions attached to the original permission.                                                                                                                                                                                                                                                   |
| <b>Further restrictions</b><br>The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.) The proposed change would not result in any material increase in height, scale, width, or depth of a building. | <p>The proposed amendments do not require any further controls to make them acceptable in planning terms.</p> <p>The proposed inclusion of a door opening to the boat park elevation (to replace a window opening facing Reservoir Road) does not require any restrictive treatment as it does not overlook any nearby properties.</p>                   |

Having regard to the above analysis, it is considered that the proposed amendments are non-material.

## Assessment of the proposal

The proposed amendments represent a simpler approach to the construction of the building and will reduce its scale and massing when viewed from Reservoir Road. It will also provide a more practical entrance through small changes to the lobby. There are no changes to the proposed scope of the approved materials.

It is considered that the proposal is beneficial when compared to the approved scheme through the slight reduction in the scale and massing of the building. In addition, whilst the window on the Reservoir Road elevation was deemed acceptable, it did raise some concern from the residents on Reservoir Road. Therefore, the removal of this window and its replacement with a door opening facing the boat parking area will alleviate any such concern.

In the HPBC, Development Control Committee Report, dated the 7<sup>th</sup> of March 2022, the following conclusions are set out regarding the replacement sailing club:

*'The sailing club buildings are noted to be modest in overall scale and are considered to have a moderate impact on views outward over the landscape from Reservoir Road. The buildings are (following design feedback and amendments) considered to achieve an appearance appropriate to their purpose in association with outdoors activities. Hedge and tree planting around the replacement sailing club facilities are also proposed.'*

*'Following amendments to the design of the proposed sailing club buildings it is considered that they would achieve an appropriate design 63 character, relative to their purpose, setting and the established character of the area. The change to clay tiles would be appropriate in the semi-rural context, and given their purpose as building for outdoor recreation, it is considered that the overall simple form and generally utilitarian character of the buildings is appropriate.'*

It is considered that the proposed subtle amendments to the approved scheme, which result in an overall reduction in the scale of the building and do not involve a change to the approved materials, would not alter the conclusions reach by HPBC officers as set out above.

Furthermore, the Trust has discussed the proposed changes with the Sailing Club and obtained agreement to pursue the necessary consent to proceed.

The Trust respectfully requests that the Council issue approval of this non-material amendment application. If you require any further information or have any queries regarding any of the information submitted, then please do not hesitate to contact me.

Yours faithfully

**Nick Wild MA MRTPI**  
Senior Delivery Planner

