

	<p style="text-align: center;">PLANNING SERVICES DELEGATION</p> <p style="text-align: center;">RECOMMENDATION DATE:10 FEBRUARY 2021</p>
	<p style="text-align: center;">Application Type: Non Material Amendment 01</p> <p style="text-align: center;">Application Number: 18/02037/NMC01</p>

REPORT OF: DEVELOPMENT CONTROL MANAGER

WARD AFFECTED: ACKWORTH, NORTH ELMSALL AND UPTON

SUBJECT: NON MATERIAL AMENDMENT TO APPROVED PLANNING APPLICATION 18/02037/FUL DATED 17 MAY 2019 (FOR THE ERECTION OF 30 BED CARE HOME AND 4NO EXTRA CARE UNITS (C2) WITH ANCILLARY PARKING) TO INCREASE THE HEAD HEIGHTS OF ALL WINDOWS AND MOVING THE ART STONE BAND IN LINE WITH THIS AND AMEND THE WINDOW TRANSOM HEIGHT. AT Ash Grove House Ash Grove South Elmsall Pontefract WF9 2TFBY C MATEI C/O SSA ARCHITECTS

THE SITE

The site previously contained the Ash Grove Care Home which has been demolished. The application site is approximately 0.5 hectares in area and occupies a corner plot at the junction of Ash Grove with Minsthorpe Lane. The site has been cleared ready for development. The site is raised up from Minsthorpe Lane. On the opposite side of Ash Grove on higher land is a residential area containing a mixture of bungalows and two storey houses. Immediately to the south is a group of buildings used as the Fairfield Court Independent Living Scheme beyond which are a swimming pool and a junior school. On the opposite side of Minsthorpe Lane to the north are a mixture of community uses including a training centre and a community college. To the west is an open field.

The development site has been cleared and the development has commenced.

THE PROPOSAL

This non-material amendment application seeks permission to increase the height of the windows, move the position of the window transoms to improve outlook and amend the stone coursing from what was approved under application 18/02037/FUL. The 2018 application was for the erection of a 30 bed care home and 4no extra care units (C2) with ancillary parking

The submitted plans are revisions to the previously approved elevation drawing SK103 Rev A to take the place of the previously approved elevation drawing referenced [18.060 . 25A](#)

This would see the windows increase in height by 10cm in order to allow more light into the rooms to improve health. The transom is proposed to be moved upwards to avoid it

impacting on the view/outlook. In addition the stone course running through the building would be moved as a result of the change to the windows.

PLANNING HISTORY

18/02037/FUL: Erection of 30 bed care home and 4no extra care units (C2) with ancillary parking. Granted

ALLOCATION AND PLANNING POLICY / GUIDANCE

A full description of the site allocation, constraints and relevant planning policy can be found in the case officer's reports for previously approved planning applications 18/02037/FUL however, it is not considered necessary to repeat it here for the purposes of this application.

PUBLICITY AND REPRESENTATIONS

There is no requirement to publicise applications for non-material amendments; accordingly no publicity of the application has been undertaken.

Notwithstanding, no third party representations have been received.

CONSULTATIONS

No consultations were considered to be necessary.

ASSESSMENT

Introduction

Section 190 of the Planning Act 2008 introduced an amendment to the Town and Country Planning Act 1990 by inserting Section 96A introducing the 'power to make non-material changes to planning permission'.

Section 96A part (1) of the Town and Country Planning Act 1990 states that '*a local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material*'. Within part (2) of the same section it is stated: '*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, on the planning permission as originally granted*'. Part (3) confirms that the power conferred by subsection (1) includes the power to: (a) impose new conditions, and/or (b) remove or alter conditions.

Within the section entitled 'flexibility options for planning permissions' of the Government's online Planning Practice Guidance (PPG), it is stated that non-material amendment applications are not applications for planning permission and therefore consultation or publicity is unlikely to be necessary.

No publicity or consultation has been undertaken.

Impacts

The proposed amendments would result in slightly larger windows but this would be only noticeable if measured off the plans as the difference is 10 cm.

The elevations would look similar with all openings on the proposed building being in the same location as the original approval and the general design would not change other than as detailed above.

Taking into account the wider development it is considered that the changes proposed are very limited.

The amendments would have no material impacts upon any technical consideration against which the overall development was assessed.

The proposed changes are therefore considered to be non-material.

CONCLUSION

In conclusion, it is considered that the proposed amendment being sought for variations to make slight amendments to the fenestration of the building originally approved under application 18/02037/FUL would constitute a non-material change to the approved permission. The wording of the approved plans condition to include the revised elevations will be detailed in the particulars of the decision notice and an informative will be attached to advise the applicant that the decision notice for this non-material amendment should be read in conjunction with the decision notice for approved planning application 18/02037/FUL and that it does not constitute a re-issue of the original planning permission.

RECOMMENDATION

Approve subject to the following condition(s) and reason(s):-

1. Condition 2 of approved application 18/02037/FUL (dated 17.05.2019) is hereby amended to read as follows:

The development hereby approved shall be carried out strictly in accordance with the following approved plans as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions:

Application form 06/09/2018
Location plan received 06/09/2018
Existing site plan DRG 1 06/09/2018
Proposed Site Layout DRG DR10C received 15/02/2019
Proposed Site Layout DRG DR10C received 15/02/2019 (survey added)
Proposed floor plans and elevations Plan DRG 3 06/09/2018
Proposed Ground Floor Plans DRG 20B 13/12/2018
Proposed First Floor Plans DRG 21B 13/12/2018
Proposed second floor plans DRG 22B 13/12/2018
Proposed elevations SK103 Rev A
Proposed elevations DRG 3 06/09/2018
Proposed section B-B DRG 27A 13/12/2018
Proposed section DRG 5 23/01/2019
Drainage plan 43297/102 Rev C received 19/02/2019
Drainage statement 19/02/2019
Phase 2 site investigation 43297-005
Landscape Documentation AGS L1 received 22/01/2019
Energy Statement 14/11/2018
Design and Access Statement

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason: For the avoidance of doubt as to what is authorised by this permission and in accordance with the National Planning Practice Guidance (Use of Planning Conditions, paragraph 022).

This recommendation is based on the following plans(s):-

Plan Type	Reference	Version	Date Received
Application Form			28.01.2021
Drawing	elevations	18.060 . 25	28.01.2021
Drawing	proposed elevations	S+SA_6498 _SK103 A	28.01.2021
Drawing	location plan		28.01.2021

Note(s)

1. The applicant is advised that the decision notice for this non-material amendment hereby approved should be read in conjunction with the decision notice for approved planning application reference 18/02037/FUL (dated 17.05.2019) and does not constitute a re-issue of the original planning permission.

Case Officer: Matthew Aveyard 01924 306609