

DELEGATED DECISION REPORT

NMA/2024/0001
Valid 26/01/2024

JUBILEE CHAPEL
RAMSHORN ROAD
OAKAMoor

NON MATERIAL AMENDMENT
RELATING TO SMD/2014/0612

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- Design and appearance

DESCRIPTION OF SITE

Converted chapel approved under SMD/2014/0612. Conditions were discharged under DOC/2015/0118.

The applicant's submitted DOC proposed the windows as "grey colour powder coated alloy section suitable to accept double glazed units" – drawing 2015 G 01 A. These details were discharged by e-mail dd 25.02.2016.

PROPOSAL

To comply with building regulations regarding fire escape it is necessary to fit larger roof windows to the far side of the chapel changing from 550 x 980 to 780 x 980. The windows on the visible side (from the road) remain the same size (550 x 980). To maintain some degree of uniformity it was decided to change all three windows on the far side.

The windows will all be 'conservation' design style windows. As part of the planning conditions it was necessary to either use powder coated metal or wooden frames for the main windows. Originally it was decided that the applicant would use powder coated metal, however having studied the thermal properties and aesthetics they would like to use wooden framed windows.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

DC1 Design Considerations

National Planning Policy Framework

Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2014/0612
DOC/2015/0118

CONSULTATIONS

Publicity

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 no publicity or consultation has been undertaken in this case.

OFFICER COMMENTS

Principle of Development

The principle of the development is confirmed to be acceptable by the grant of the 2021 consent SMD/2021/0658.

The Government's Planning Practice Guidance (PPG) states:

There is no statutory definition of 'non-material'. 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 local planning authority 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.

Wording in the above referenced legislation (96A) says:

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 [or permission in principle] as originally granted.

The legislation at s.96A sub-section 3 includes the power:

- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

The PPG says:

This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

Design

Essentially this is about a design change. As regards the window frames, in the granting of the original 2014 consent, the Conservation Officer wrote to “suggest powder coated metal or painted timber – not upvc” (e-mail dd 18.11.2014).

On this basis it would be equally appropriate to accept the proposed timber of the NMA rather than powder coated metal as first approved via the DOC.

The applicant’s supplier has provided drawn details. The LPA queried one aspect of these drawings but the applicant has clarified by e-mail that, “The actual windows will be supplied with gothic arches to match the brick openings.”

The application also seeks approval of a revised width to the rooflight dimensions making them somewhat wider on the less visible easterly side. Again this is judged non-material. Correspondence from the applicant’s Building Inspector states this change to be necessary in order to achieve minimum required fire escape window space.

Amenity

This is a lone property in a remote location – no issues of amenity arise.

CONCLUSION / PLANNING BALANCE

Confirm acceptance of the proposed NMA.

OFFICER RECOMMENDATION : Approve

Case Officer: Arne Swithenbank

Recommendation Date: 16.08.2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council