

**APPLICATION NO:** 23/02015/NMA      **CASE OFFICER:** Kim Vo

**WARD:** 23/02015/FUL      **PARISH:**

**LOCATION:** Mundoxpress Farmers Arms, Moorfield, Tower Hill, Kirkby, Knowsley, L33 1XD

**PROPOSAL:** NON-MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 23/02015/FUL (DEMOLITION OF EXISTING PUBLIC HOUSE AND THE ERECTION OF 2NO. TWO STOREY APARTMENT BLOCKS CONSISTING OF 20NO. APARTMENTS INCLUDING ASSOCIATED PARKING, LANDSCAPING AND BOUNDARY TREATMENT) AMENDMENT SOUGHT FOR REVISIONS TO WINDOWS AND ADDITION OF GLAZED DOORS

---

### **Site Description**

The application site relates to the former public house of 'Farmers Arms' and its associated car park and hardstanding, located on a corner plot where Moorfield meets Mossborough Drive. The application site is located within a Primarily Residential Area as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006).

### **Proposal**

The application seeks a non-material amendment to application ref: 23/02015/FUL to the approved plans. The proposed amendments include:

#### **Block A**

- Minor alterations to all window dimensions, opening styles and framing
- Removal of 2no. first floor windows and replacement of 2no. ground floor windows with a door and small side window to the south elevation
- Replacement of a ground floor window to a door and small side window and replacement of a first floor window to a Juliet Balcony to the east elevation

#### **Block B**

- Minor alterations to all window dimensions, opening styles and framing
- Removal of a ground floor window to the north elevation
- Replacement of a ground floor window to a door and small side window and replacement of a first floor window to a Juliet Balcony to the east elevation

#### **Plans Superseded**

- 451-1-PLN-03 - Rev B - Proposed Ground Floor Plan (received 21.12.2023)
- 451-1-PLN-04 - Rev A - Proposed First Floor Plan (received 01.08.2023)
- 451-1-PLN-06 - Rev A - Block A Elevations (received 01.08.2023)
- 451-1-PLN-07 - Rev A - Block B Elevations (received 01.08.2023)

#### **New Drawing Numbers**

- 451-1-PLN-03 - Rev D - Proposed Ground Floor Plan (received 05.09.2024)
- 451-1-PLN-04 - Rev B - Proposed First Floor Plan (received 08.08.2024)
- 451-1-PLN-06 - Rev B - Block A Elevations (received 08.08.2024)
- 451-1-PLN-07 - Rev B - Block B Elevations (received 08.08.2024)

### **Consultations**

None required.

### **Representations**

None received.

### **Planning History**

23/02015/FUL - Demolition of existing public house and the erection of 2no. two storey apartment blocks consisting of 20no. apartments including associated parking, landscaping and boundary treatment. Granted 13<sup>th</sup> February 2024.

21/00247/CLU – Certificate of lawfulness for the use of the building as a mixed use public house and hot food takeaway/delivery business (sui generis). Granted 18th June 2021.

15/00495/FUL – Erection of single storey extension to rear of existing premises. Granted 25th September 2015.

21/00759/FUL – Change of use from sui generis use class (public house & hot food takeaway) to use class e (retail convenience shop) together with the erection of 2.0m fencing and access gates and associated car parking. Refused 23rd December 2021 and subsequent appeal was dismissed 7th October 2022.

20/00655/FUL – Change of use of public house (use class sui generis) to form part of convenience store and part hot food takeaway (use class e/sui generis) together with the erection of a single storey rear extension and the erection of a 2.1m high wall to the north and east boundary, installation of 2no. vehicular access gates and the construction of a new vehicular access to Mossborough Drive. Refused 4th February 2021.

13/00614/COU – Continuation of use of part of existing public house as a hot food takeaway resulting in a mixed use development of public house (use class A4) and hot food takeaway & delivery business (use class A5). Granted 26th February 2014.

### **Assessment**

#### **Guidance**

Section 96(a) of the Town and Country Planning Act allows local planning authorities to approve or refuse 'non-material' amendments to planning applications.

Paragraph: 002 (Reference ID: 17a-002-20140306) of the National Planning Practice Guidance (NPPG) states that: *'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'*.

Paragraph: 011 (Reference ID: 17a-011-20140306) of the NPPG states that the issuing of an approval for a non-material amendment application: *'only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together'*.

#### **Analysis**

It is considered that the proposed amendments to alter and replace the windows to Block A and B would represent minor alterations to the development approved under

application ref: 23/02015/FUL. The proposed alterations to the windows would result in some openings having slightly larger dimensions, with some windows proposed to reduce in size. These changes are not to a significant degree and are considered to create variation to the fenestration of both proposed apartment buildings. No new additional windows are also proposed, and the positioning of the windows would remain the same as the original scheme. Whilst Juliet balconies and door entrances with a side window are proposed within the amendments, these would be replacements of already proposed openings and would face towards the internal car park and courtyard areas only. The proposed amendments are therefore, considered to be non-material and would not extend beyond the scope of the original permission. On this basis, the amendments proposed are acceptable.

### **Conclusion**

The proposed amendments are considered to be non-material and complies with all relevant local and national planning policies and guidance.

### **Recommendation**

That the non-material amendment is granted subject to the following Condition(s):-

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

### **SCHEDULE 1**

| <b>Date Received</b> | <b>Ref. No</b> | <b>Version</b> | <b>Drawing/Document Title</b> |
|----------------------|----------------|----------------|-------------------------------|
| 05.09.2024           | 451-1-PLN-03   | REV D          | PROPOSED GROUND FLOOR PLAN    |
| 08.08.2024           | 451-1-PLN-04   | REV B          | PROPOSED FIRST FLOOR PLAN     |
| 08.08.2024           | 451-1-PLN-06   | REV B          | BLOCK A ELEVATIONS            |
| 08.08.2024           | 451-1-PLN-07   | REV B          | BLOCK B ELEVATIONS            |

**Signed Case Officer<sup>1</sup>:**      **Kim Vo**

**Signed Authorising Officer<sup>2</sup>:**      **K Foster**

**Date:**      **11 September 2024**

---

<sup>1</sup> I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

<sup>2</sup> I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed