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Dear Sue

Application under Section 96A of the Town and Country Planning Act 1990 seeking a non-material amendment to application DM/24/0318 at Gatehouse Hub, Neaves Park, Goddards Green.

Further to the approval and implementation of application DM/24/0318 I am instructed by my client, Bedford Park Developments, to submit an application under Section 96A of the Town and Country Planning Act 1990. The application seeks a non-material amendment to the approved scheme, specifically relating to the site layout, refuse storage arrangements and cycle parking provision.

Application DM/24/0318 was approved on 18th April 2024 and varied condition 2 of Planning Reference DM/23/1051, which itself was approved on 14th August 2023 and granted consent for:

"Proposed mixed use commercial park, including a Wellness Centre Class E(d) and 19 units for Class E(g), B2 or B8 uses."

The approved scheme has since been implemented. During the course of construction a series of very minor alterations to the site layout were required in response to practical servicing needs and operational requirements. These changes are minimal, do not alter the nature or scale of the approved development, and have arisen solely to ensure efficient use and servicing of the site.

Section 96A of the Town and Country Planning Act 1990 provides the power to local planning authorities to make a change to any planning permission if they are satisfied that the change is non-material. The National Planning Practice Guidance notes 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.¹

Section 96A(2) of the Town and Country Planning Act 1990 states that:

"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 National Planning Practice Guidance recognises that new issues can arise after planning permission has been granted, which require modification of the approved proposals. The

¹ Paragraph: 002 Reference ID: 17a-002-20140306

intention of the introduction of Section 96A was to gift local planning authorities the power to make non-material changes to planning permissions in order to resolve such issues as simply as possible.

It is submitted that the amendments sought are non-material in nature. They are de minimis, do not reduce approved facilities and in several responses result in operational or visual improvements. In particular:

Refuse storage: Individual bin stores have been rationalised into communal screened areas at the end of access roads. This arrangement improves servicing efficiency and reduces visual clutter by avoiding multiple individual bin stores positioned in front of units, as originally approved.

Cycle parking: Cycle storage has also been rationalised into shared facilities. In response to your recent correspondence, the submitted plan now shows cycle parking provided separately from refuse areas in accordance with your preference.

Water Treatment Plant: The previously indicated area for the water treatment plant has been refined to reflect the actual size of the installed and approved system. At the time of the original application, the precise dimensions were not known, and a general location was shown. The plant has been installed in the approved location and is smaller than initially assumed, the amended plan simply updates the approved layout to reflect this.

Parking between Units 31-32 and Unit 34: A minor reconfiguration of parking spaces has occurred, but there is no reduction in the overall level of parking provision across the site.

Taken collectively, these changes are inconsequential to the development as approved, have no adverse planning impacts, and are fully within the scope of Section 96A. We therefore respectfully request that the non-material amendment be approved at your earliest convenience, and we look forward to receiving your decision shortly.

Yours sincerely,

