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Dear Kevin

Re: Non-Material Amendment – Planning Permission Reference: 20/00063/FUL

Bellway Homes Limited (North West Division) [Bellway] is pleased to submit an application under Section 96a of the Town and Country Planning Act 1990 [the Act] for non-material amendments to planning permission ref. 20/00063/FUL. The non-material amendments proposed under this application relate specifically to Plot 4 within the East of Halewood Sustainable urban Extension. From hereon in, Plot 4 is referred to as its marketing name: 'Halewood Oaks'.

Planning permission for our development at East Halewood was granted on 23rd August 2021. The description of development was as follows:

“Residential development for the erection of 413 no. dwellings comprising; plot 2 - erection of 98 no. dwellings and the creation of vehicular access from Greensbridge Lane; plot 4 - erection of 315 no. dwellings and the creation of vehicular access from baileys lane; together with associated works (landscaping, access, roads, sewers, substations, drainage, engineering works to form surface water storage areas and other infrastructure).”

The proposed non-material amendments relate largely to the proposed apartment block and parking court and include the introduction of a turning head to allow fire access and the relocation of the bin stores. These amendments are required by building regulations and have already been discussed and agreed in principle with the Council. There are some additional minor amendments proposed across the layout as detailed within the schedule of revisions included on the planning layout (ref. PL01S rev W).

Approval has been granted previously for three non-material amendment applications (ref. 20/00063/NMA, 20/00063/NMA1 and 20/00063/NMA2). A number of the plans amended previously under these permissions are proposed to be further superseded under this application.

Along with this covering letter, this is accompanied by the following:

- Completed Application Form;
- Planning Layout ref. BHNW070 – Halewood Oaks – PL01S rev W;
- Boundary Treatment Plan ref. BHNW070 – Halewood Oaks – BT01S rev J;
- Materials Layout ref. BHNW070 – Halewood Oaks – ML01S rev L;
- Hard Surfacing Layout ref. BHNW070 – Halewood Oaks – HS01S rev J;
- Waste Management Plan ref. BHNW070 – Halewood Oaks – BH/NW/WMP/01S rev A;
- Bin Store Plans, Elevations & Sections ref. BHNW070 – Halewood Oaks – BS01;
- Public Planting Schedule (Southern Parcel) ref. MAN.1154.019.ENZ.01.00.SH.L.45.510 rev C01;
- Public Planting Plan Sheet 1/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.401.A rev C01;
- Public Planting Plan Sheet 2/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.402.A rev C01;
- Public Planting Plan Sheet 3/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.403.A rev C01;

- Public Planting Plan Sheet 4/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.404.A rev C01;
- Public Planting Plan Sheet 5/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.405.A rev C01;
- Public Planting Plan Sheet 6/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.406.A rev C01;
- Public Planting Plan Sheet 7/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.407.A rev C01;
- Public Planting Plan Sheet 8/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.408.A rev C01;
- Public Planting Plan Sheet 9/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.409.A rev C01;
- Private Planting Schedule (Southern Parcel) ref. MAN.1154.019.ENZ.01.00.SH.L.45.510 rev C02;
- Private Planting Plan Sheet 1/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.501 rev C02;
- Private Planting Plan Sheet 2/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.502 rev C01;
- Private Planting Plan Sheet 3/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.503 rev C01;
- Private Planting Plan Sheet 4/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.504 rev C01;
- Private Planting Plan Sheet 5/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.505 rev C01;
- Private Planting Plan Sheet 6/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.506 rev C01;
- Private Planting Plan Sheet 7/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.507 rev C01;
- Private Planting Plan Sheet 8/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.508 rev C01; and,
- Private Planting Plan Sheet 9/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.509 rev C01.

Legal Framework

Section 96A of the Act specifically permits local planning authorities to approve non-material amendments to permissions. It states that:

“(1) 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.

(2) 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.

The power conferred by subsection (1) includes power.

A to impose new conditions;

B to remove or alter existing conditions”

There is no definition of ‘non-material’ within the Act. It is a basic principle within the meaning of the Act and relevant case law that this will depend on the nature of the change, the context of the overall scheme, and the effect that such a change has in that instance. In that regard an amendment that is non-material in one context may be material in another. It is considered that the amendments proposed under this application are non-material in nature and can therefore be secured through an application under Section 96a of the Act.

Proposed Amendments

As set out above, the changes proposed under this application relate largely to the proposed apartment block and associated parking court, along with other minor tweaks as detailed within the schedule of revisions included on the revised Planning Layout (ref. PL01S rev W).

In order to facilitate the updates, amendments are required to Schedule 1 of the decision notice which lists the approved drawings, as well as conditions 14, 15, 16, 25, 27 and 30 which make references to approved drawings.

The updated wording of the relevant conditions is set out below, with the changes shown in emboldened text. In terms of Schedule 1, this is not repeated in full. However, the relevant updated drawings are listed below and should formally supersede those approved previously.

Schedule 1

Date Received	Reference	Version	Drawing/Document Title
06.01.2023	PL01S	W	Planning Layout
06.01.2023	BT01S	J	Boundary Treatment Plan
06.01.2023	ML01S	L	Materials Layout
06.01.2023	HS01S	J	Hard Surfacing Layout
06.01.2023	BH/NW/WMP/01S	A	Waste Management Plan
06.01.2023	BS01	-	Bin Store Plans, Elevations & Sections
06.01.2023	MAN.1154.019.ENZ.01.00.SH.L.45.510	C01	Public Planting Schedule (Southern Parcel)

06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.401.A	C01	Public Planting Plan Sheet 1/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.402.A	C01	Public Planting Plan Sheet 2/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.403.A	C01	Public Planting Plan Sheet 3/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.404.A	C01	Public Planting Plan Sheet 4/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.405.A	C01	Public Planting Plan Sheet 5/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.406.A	C01	Public Planting Plan Sheet 6/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.407.A	C01	Public Planting Plan Sheet 7/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.408.A	C01	Public Planting Plan Sheet 8/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.02.00.DR.L.45.409.A	C01	Public Planting Plan Sheet 9/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.01.00.SH.L.45.510	C02	Private Planting Schedule (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.501	C02	Private Planting Plan Sheet 1/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.502	C01	Private Planting Plan Sheet 2/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.503	C01	Private Planting Plan Sheet 3/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.504	C01	Private Planting Plan Sheet 4/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.505	C01	Private Planting Plan Sheet 5/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.506	C01	Private Planting Plan Sheet 6/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.507	C01	Private Planting Plan Sheet 7/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.508	C01	Private Planting Plan Sheet 8/9 (Southern Parcel)
06.01.2023	MAN.1154.019.ENZ.03.00.DR.L.45.509	C01	Private Planting Plan Sheet 9/9 (Southern Parcel)

Condition 14

*The vehicular, pedestrian and cycle route between Baileys Lane and the northern boundary of Plot 4 as detailed on plan reference PL01S **Rev. W** shall be constructed to a standard previously agreed in writing by the Local Planning Authority before the 120th property granted full planning permission pursuant to this application within Plot 4 is first occupied. Once implemented the route shall be retained in full thereafter.*

Condition 15

*The vehicular, pedestrian and cycle route between Baileys Lane and the northern boundary of Plot 5 as detailed on plan reference PL01S **Rev. W** shall be constructed before the 250th property granted full planning permission pursuant to this application within Plot 4 is first occupied. Once implemented the route shall be retained in full thereafter.*

Condition 16

*The pedestrian and cycle linkages between Plot 4 and Finch Woods as detailed on plan reference PL01S **Rev. W** shall be constructed before the 120th property granted full planning permission pursuant to this application on Plot 4 is first occupied. Once implemented the route shall be retained in full thereafter.*

Condition 25

*The boundary structures for each dwelling, as approved on plans reference BT01N Rev. B and BT01S **Rev. J** shall be completed in full prior to occupation of that dwelling.*

Condition 27

*The development shall be carried out in full accordance with the approved materials stated on the approved Materials Plans reference ML01N Rev. F and ML01S **Rev. L.***

Condition 30

All hard and soft landscape works shall be carried out in accordance with the approved details shown on the following approved plans;

Public Planting Schedule (Southern Parcel) ref. MAN.1154.019.ENZ.01.00.SH.L.45.510 rev C01
Public Planting Plan Sheet 1/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.401.A rev C01
Public Planting Plan Sheet 2/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.402.A rev C01
Public Planting Plan Sheet 3/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.403.A rev C01
Public Planting Plan Sheet 4/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.404.A rev C01
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Public Planting Plan Sheet 6/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.406.A rev C01
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Public Planting Plan Sheet 8/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.408.A rev C01
Public Planting Plan Sheet 9/9 (Southern Parcel) ref. MAN.1154.019.ENZ.02.00.DR.L.45.409.A rev C01
Private Planting Schedule (Southern Parcel) ref. MAN.1154.019.ENZ.01.00.SH.L.45.510 rev C02
Private Planting Plan Sheet 1/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.501 rev C02
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Private Planting Plan Sheet 8/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.508 rev C01
Private Planting Plan Sheet 9/9 (Southern Parcel) ref. MAN.1154.019.ENZ.03.00.DR.L.45.509 rev C01

The works shall be carried out before that part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Summary

It is considered that the proposed changes referenced above are non-material in nature and can be considered through an application under Section 96A of the Act.

The application has been submitted via the Planning Portal [PP-11823758] and the requisite application fee of £234 has been paid online.

Should you require any further information, please do not hesitate to contact me on 0151 486 2900 or alternatively via email at grace.walsh@bellway.co.uk.

Yours Sincerely,

Grace Walsh
Planning Apprentice